

MINUTE ITEM

1/28/71  
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13. PROCEDURE FOR PROCESSING LEASES PENDING THE INVENTORY AND IDENTIFICATION OF LANDS HAVING UNIQUE ENVIRONMENTAL VALUE - W 9287.

The attached Calendar Item 14 was presented to the Commission for information only, no action thereon being necessary.

Attachment:

Calendar Item 14 (4 pages)

INFORMATIVE CALENDAR ITEM

1/71  
GWG  
CRK

14.

PROCEDURE FOR PROCESSING LEASES PENDING THE INVENTORY AND IDENTIFICATION OF LANDS HAVING UNIQUE ENVIRONMENTAL VALUE - W 9287.

Section 6370 of the Public Resources Code (added by Chapter 1555, Statutes of 1970) requires the State Lands Commission, acting jointly with the Resources Agency and in cooperation with other appropriate State, Federal, and local agencies to perform the following:

- (1) Inventory unconveyed State school and tide and submerged lands.
- (2) Identify such lands possessing unique environmental values, including the following values of statewide interest:
  - a. Scenic.
  - b. Historic.
  - c. Natural.
  - d. Aesthetic.
- (3) Adopt regulations necessary to assure permanent protection to the lands identified in (2).
- (4) Submit a report to the Legislature by January 1, 1973, indicating:
  - a. Lands identified in (2).
  - b. Criteria upon which determinations in (2) were made.
  - c. Regulations adopted by the Commission under (3).
  - d. Recommendations for additional actions necessary to assure permanent protection of unique environmental areas in (2).
- (5) Consider the California Protected Waterways Plan required pursuant to the provisions of Chapter 1278 of the Statutes of 1968 and any and all other reports and plans relating to the protection of scenic, historic, natural, or aesthetic values in identifying unique areas.

In accordance with Section 6371 of the Code, until submission of the aforementioned environmental lands report, the Commission shall not authorize the issuance of any lease, except recreational pier permits, covering any of the lands under Commission jurisdiction unless it shall have made a finding at a public meeting that such lease will not have a significant detrimental environmental effect and shall have made an environmental impact report setting forth:

- a. Environmental impact of the lease.
- b. Unavoidable adverse environmental effects.
- c. Mitigation measures proposed to minimize the impact.

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- d. Alternatives to the lease.
- e. Relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.
- f. Any irreversible environmental changes involved under the proposed lease.

Present Status

There are approximately 1,594 work orders now open in the Division, the majority of which pertain to actual occupancies of State lands under the Commission's jurisdiction, either with or without authorization. In order to comply with the provisions of Section 6371, it will be necessary to do more extensive processing of leasing and boundary-line-agreement activity. The costs and processing time of such leases will be increased due to the necessity to evaluate their impact on the environment. Such processing time and costs may be greatly reduced provided adequate data is supplied by the applicant and others to support a finding that significant detrimental environmental effects will not occur. Some of the \$50,000 appropriated in Chapter 1555, Statutes of 1970, will be used for this function (when it becomes available), since no analysis of the environment is lost, and the experience gained can be of significant help in the statewide evaluation effort.

Proposed Course of Action

The procedures outlined in Exhibit "A" and the criteria shown on Exhibit "B" are designed to implement the environmental legislation, and they will apply to transactions now in process, as well as to new applications.

This item is presented to the Commission so that wider dissemination of the requirements of Chapter 1555, Statutes of 1970, may be achieved. Much additional work on the part of potential lessees will have to be accomplished than was hitherto the requirement. Also, additional staff work will be needed to ready the potential leases for Commission consideration.

Attachments: Exhibits "A" and "B"

EXHIBIT "A"

## APPLICATION REVIEW PROCEDURE FOR TRANSACTIONS IN ACCORDANCE WITH SECTION 6371 OF THE PUBLIC RESOURCES CODE.

Step 1:

Applicant is requested to comply with requirements for lease applications as prescribed by the State Lands Division pursuant to Section 2003 of Title 2, Division 3, Article 2, California Administrative Code.

Step 2:

After all data in Step 1 have been received by the State Lands Division:

- A. Copies of pertinent data concerning the application will be forwarded to local, State, and Federal governmental agencies for review.
- B. Simultaneous with Step 2 A, a public notice with adequate description of the proposed operations will be sent to interested organizations and persons. The notice will give a 30-day deadline for the receipt of comment, and it will state that those commenting will be advised of the date and place of the meeting for consideration of the lease application by the State Lands Commission.
- C. If the applicant has not complied with the application requirements, the State Lands Division shall notify the applicant that it is placing the application in abeyance until such time as the applicant complies with the requirements. If the applicant does not comply within 180 days of this notification, the application will be removed from its "abeyance" status and the work order will be closed.

Step 3:

After compliance with Step 2, the State Lands Division will review the material received and prepare a recommendation to be considered by the State Lands Commission at the next regular meeting.

Step 4:

Should the State Lands Division consider that the project would result in significant detrimental effects on the environment, the application will be recommended for rejection. Should the defect in the project causing the State Lands Division to recommend rejection of the application be a curable one, the State Lands Division should so advise the applicant so that appropriate modifications for reconsideration can be submitted.

EXHIBIT "B"CRITERIA FOR  
PLACEMENT OF A PROPOSAL ON COMMISSION'S AGENDA

Each and every item listed below must be fully considered from the data at hand or by on-site investigation and, if not, the transaction shall not qualify for a finding by the State Lands Commission that a significant detrimental environmental effect would not result by the lease.

- A. The application is complete and it appears that there is full disclosure of all the facts;
- B. If tide and submerged lands are involved, the proposed use is compatible with and in furtherance of the public trust;
- C. Water and air discharge requirements have been established if applicable.
- D. Appropriate Federal, State, and local agencies having expertise in the proposed land use and its effects have had the opportunity to comment.
- E. The scenic, historic, natural, or aesthetic values of statewide interest on the land will not be adversely affected;
- F. If the affected city or county has officially adopted a conservation element of a general plan, the proposed land use is in accord therewith;
- G. Proposed new improvements are adequate and aesthetically suitable for the intended site; existing structures are in a good state of repair and do not present a hazard;
- H. The proposed land use would not have the effect of setting a detrimental local land-use pattern.