

MINUTE ITEM

This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/81
meeting.

CALENDAR ITEM

43

12/17/81
W 21809
Horn

ADDITION TO APPLICATION LISTS AND CRITERIA

At its April 27, 1978 meeting (Minute Item 12) the Commission adopted application lists and criteria for projects requiring Commission approval pursuant to Chapter 1200, Statutes of 1977 - AB 884).

Recent modifications to the Commission's Administrative Regulations (Article 9 - Affirmation of Legislative Grantee Leases and Contracts) has prompted staff to develop a new application form. The new regulation provides that application requirements will be as set forth in a form separate from the regulation.

Staff is recommending adoption of a proposed new form entitled "Legislative Grantee Leases and Contracts" No. 54.6, substantially as set forth in the attached Exhibit "A".

Section 65942 of the Government Code and Section 1082 of the State Administrative Manual provide that application lists and criteria may be adopted/amended as often as necessary provided that adequate notice and opportunity to comment is given. This Calendar Item has provided notice of the proposed adoption of the list and criteria. To date, staff has received no comments on the proposed new form.

AB 884: N/A.

EXHIBIT: A. Proposed Form 54.6.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065 AND 14 CAL. ADM. CODE 15037 AND 15060.
2. DETERMINE THAT THE NOTICE PROVISIONS OF SAM 1082 HAVE BEEN MET.
3. ADOPT NEW FORM 54.6, SUBSTANTIALLY AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF AND TRANSMIT SAME TO THE STATE OFFICE OF PLANNING AND RESEARCH.

LEGISLATIVE GRANTEE LEASES AND CONTRACTS

Persons or entities desiring action by the State Lands Commission on leases or other contracts pursuant to Section 6701, et. seq. of the Public Resources Code shall submit the following information to the Commission's principal office:

- (a) Name, address and telephone number of applicant. If the applicant is not the lessee or contract holder, state the lessee's (contract holder) name and address.
- (b) If the lessee is a corporation, include or attach:
 - (1) name of principal corporate officers
 - (2) a certificate of incorporation issued by the Secretary of State of the state of incorporation.
 - (3) If not a California Corporation, a certificate from the Secretary of State from the State of California showing qualification of the applicant to transact business in California.
 - (4) A notarized copy, bearing the corporate seal, of the Resolution by the Board of Directors of the applicant, indicating the names of the officers authorized to execute documents.
- (c) An expense deposit in accordance with Section 1905 of the Commission's regulations.
- (d) A statement of the present and proposed use of the lands affected by the lease or other contract which includes:
 - (1) A description of existing structures or land improvements and current use.
 - (2) Construction proposed by the lessee, to include new structures, land improvements and dredging, or alterations to existing improvements together with a statement of costs.
 - (3) Beginning and completion dates for proposed construction.
 - (4) Plans or sketch showing location of existing structures, proposed construction, dredging, spoils deposition. Detailed working drawings are not required.
 - (5) Show the location and boundaries of the project on an 8 1/2" x 11" portion of a U.S.G.S. topographic quadrangle map, or other map showing equivalent detail.
- (e) The lease or other contract executed by all appropriate parties which is the subject of the application.
- (f) Certified and complete environmental documentation pursuant to CEQA and its implementing guidelines.
- (g) An affidavit attesting to the authenticity and accuracy of the application materials.

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GRANTEES REPORT

In addition to the materials set forth above, the application must be accompanied by a report from the affected legislative grantee/trustee. This report shall include or be accompanied by the following:

- (a) An original document, or other evidence, authorized and executed by the legislative grantee, embodying a covenant that the proceeds of the lease or other contract shall be deposited in a trust fund or funds and expended only for state-wide trust purposes as authorized by the granting statute.
- (b) A copy of any land appraisals or other reports used as a basis for setting the consideration in the lease or contract. If an appraisal for the site was not prepared, other data or opinions by knowledgeable people concerning valuation must be presented, together with supporting data.
- (c) A copy of any feasibility study, cost/benefit analysis or other report detailing the feasibility, financibility or economic success of the proposal.
- (d) A statement by the legislative grantee as to how the lease or other contract will fit in with overall plans (including plans adopted pursuant to Title 7 of the Government Code; local, regional, coastal or other plans) for the site and general area.
- (e) A statement by the grantee as to why it considers the lease or other contract to be in the best interest of the State, with detailed reasoning.

CRITERIA FOR COMPLETENESS

The application materials provided for in this form shall be deemed complete if:

The data is sufficient so as to allow staff of the Commission to begin an analysis of the material in order to determine if the instrument is:

- (1) consistent with State Lands Commission policies, practices and procedures used in administering lands under its jurisdiction;
- (2) economically viable, necessary and desirable;
- (3) appropriate for developmental mix;
- (4) conducive to public access;
- (5) consistent with environmental protection; and is
- (6) otherwise in the best interests of the State.