

MINUTE ITEM

This Calendar Item No. 49
was approved as Minute Item
No. 49 by the State Lands
Commission by a vote of 3
to 0 at its 08/30/89
meeting.

CALENDAR ITEM

49

A)
S) Statewide

08/30/89
W 21809
W 5125.4
Horn
Pelkofer

APPROVAL OF MODIFICATION TO APPLICATION LISTS
AND CRITERIA (SURFACE LEASING)
(SHIPWRECK SALVAGE PERMITS)
(RECREATIONAL PIER PERMITS)

The Commission has previously adopted (Item 12, April 27, 1978) application lists and criteria for projects and permits requiring Commission approval pursuant to Government Code Sections 65920, et seq. (Permit Streamlining Act).

Staff has revised the existing general application form and the lists and criteria for applications to reflect changes of law and the current policy and practices of the Commission. The forms have been revised to: a) include a description of the general application procedure of the Commission, b) detail the environmental process under CEQA, c) combine existing data gathering forms into one new comprehensive form, and d) provide additional information about the legal basis for the rejection of an application or the determination that it is not complete.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. The existing RPP application also serves as the permit after State Lands Commission approval. In the revised process, the RPP applicant would make application on the General Surface application. Permit will be modified accordingly.

CALENDAR ITEM No. 49 (CONT'D)

MINUTE ITEM
The Calendar Item No. 49
was approved by the State Lands
Commission on 10/10/77
at the following meeting
at 10:00 AM

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines, the staff has determined that the modification of application lists and criteria is an activity which is exempt from the requirements of CEQA because it is not a project.

Authority: P.R.C. 21065 and 14 C.C.R. 15378.

Notice of this action for the purposes of State Administrative Manual Section 1082 is satisfied by the notice process for this Commission hearing.

EXHIBITS:

- A. General Information and Application Materials - Surface Leasing of State Lands.
- B. General Application Guidelines - Marine Salvage Permits.
- C. General Application Requirements - Recreational Pier Permits.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE IT IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. DETERMINE THAT THE NOTICE PROVISION OF THE STATE ADMINISTRATIVE MANUAL SECTION 1082 HAVE BEEN MET.
3. ADOPT THE MODIFICATION OF THE FORMS PREPARED BY STAFF AS SET FORTH IN THIS ITEM AND AUTHORIZE THE STAFF TO TRANSMIT THEM TO THE STATE OFFICE OF PLANNING AND RESEARCH.
4. AUTHORIZE THE STAFF TO TAKE ANY OTHER ACTION NECESSARY OR APPROPRIATE TO GIVE EFFECT TO THE MODIFICATIONS MADE BY THIS ACTION.

EXHIBIT "A"

GENERAL INFORMATION AND APPLICATION MATERIALS REGARDING SURFACE LEASING OF STATE LANDS

The State Lands Commission has jurisdiction and management control over those public lands of the State received by the State at Statehood. Generally these lands include the all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits. In addition the State manages lands received after Statehood including swamp and overflowed lands and school lands. The Commission's Division of Land Management and Conservation in Sacramento administers the surface leasing of these lands. The Commission also manages the development of all mineral resources contained on such lands. Mineral applications are handled through the Commission's Long Beach office.

Land Ownership Determination

Upon receipt of an application or an inquiry about use of State lands the Commission's Title Unit reviews information in its files and that submitted by the applicant to determine the extent of the State's property interest. In some cases, the complex nature of the title to the lands may result in the applicant having to submit a title report or chain of title guarantee as part of the application process.

Leasing Policies

The State Lands Commission manages its lands for the benefit of all people of the State. In this regard the Commission has a multiple use management policy. Should the Commission determine that a particular parcel of land should not be leased but instead maintained in its natural state, the applicant for such a lease will be informed of such determination.

California Environmental Quality Act (CEQA)

The issuance by the State Lands Commission of any lease, permit or other entitlement for use of lands is reviewed under the California Environmental Quality Act (CEQA). No development project will be approved until the requirements of CEQA have been met (Public Resources Code (P.R.C.) Section 21000 and following). Additionally, if the application involves lands found to contain "Significant Environmental Attributes" within the meaning of P.R.C. Section 6370, consistency of the proposed use with the identified values must also be determined through the CEQA review process. Pursuant to its regulations the Commission may not issue a lease for use of "Significant Lands" if such use is detrimental to the identified values.

The initial step in reviewing an application is to determine whether the proposed project is exempt from CEQA. Exemptions from CEQA are either statutory or categorical. A listing of some exemptions may be found in the Commission's administrative

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GENERAL INFORMATION AND PROCEDURES REGARDING
CALIFORNIA STATE CLEARING HOUSE

regulations and others may be found in Title 14 of the California Code of Regulations.

If a project is not exempt, the staff of the Commission conducts an Initial Study to determine whether a project may have a significant effect on the environment. The Initial Study is circulated for review and comment to responsible, trustee and interested public agencies and others who have expressed an interest in such documents of the Commission. The circulation period is normally two (2) weeks. Based upon the responses received, a determination is made by staff as to whether a Negative Declaration (ND) or an Environmental Impact Report (EIR) is required.

A ND is the simpler of the two documents and requires less processing time and expense. Generally, the ND consists of the Initial Study accompanied by a determination by the staff that the project as proposed or amended will not have a significant effect on the environment. The ND is generally circulated for thirty (30) days to appropriate agencies and interested persons. This review is provided through the State Clearing House. If no significant comments are received, the Commission considers the ND together with any comments received, and certifies that the document has been prepared in compliance with the requirements of CEQA and considers the project.

An EIR is required in instances where it is clear that a project could have a significant effect on the environment or where responses to the initial study reflect concern that the proposed project may, or will have a significant effect on the environment. Usually a third party consultant will be hired by the Commission to prepare the EIR.

Experience has shown that EIR costs vary considerably. The applicant must deposit an amount specified by the staff of the Commission within twenty-one (21) days after written notice that an EIR is required. The staff will not solicit requests for proposals from independent environmental consultants until the deposit is received from the applicant. In addition, if the cost for the preparation of the EIR exceeds the amount deposited, the amount of excess costs must be deposited within fifteen (15) days after written notice is given. (Any unexpended portion of the deposit will be refunded to the applicant after the EIR is determined by the Commission to be adequate.) Should the applicant fail to deposit the requested costs, the application may be cancelled without further notice.

In most instances, the preparation of an EIR takes from six (6) to nine (9) months. The Draft EIR is circulated for forty-five (45) days to agencies and individuals concerned about the project. The State Clearing House provides for circulation to State agencies.

During the 45-day review period, a public hearing may be held. Comments and recommendations received and significant environmental points raised in the review and consultation process are responded to in the final EIR. This document is then circulated for an additional fifteen (15) days to those agencies and persons who commented on the Draft EIR. After the review period has ended, the Final EIR, including any mitigation measures, is presented to the Commission for certification. After certification, the Commission may consider the project.

Effective January 1, 1989 CEQA requires all state and local agencies to establish reporting or monitoring programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated project negative declaration" or specified environmental findings related to "environmental impact reports". The so called CEQA monitoring programs are likely to become a major part of the CEQA process. These new programs must be adopted by the approving public agencies and are intended to ensure the implementation of measures that public agencies impose to mitigate or avoid the significant adverse impacts identified in an environmental document. In addition to paying the cost of the ND or EIR the applicant must pay for all costs associated with the monitoring program.

Time Constraints/Completeness of Application

Most leases, permits or other entitlements for use require approvals from other public agencies. On many projects the State Lands Commission is the Lead Agency (the public agency with the principal responsibility for carrying out or approving a project when the project occurs on State Lands). Where an EIR is prepared, such responsibility requires the Commission to approve or disapprove a development project within one (1) year from the date on which the application was received and accepted as complete by the staff of the Commission. Where an ND is prepared or if the project is exempt from CEQA, the development project shall be approved or disapproved within six (6) months from the date the application was received and accepted as complete by the staff. An additional time period of up to ninety (90) days may be allowed if mutually agreed to by the staff and the applicant.

Not later than thirty (30) calendar days after the Commission receives an application for a development project, the staff will notify the applicant in writing whether the application is complete. In the event the application is determined not to be complete, the staff will specify what additional information is required. Upon receipt of the additional material, the staff will respond within 30 days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any

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part of the fees retained by the Commission. There is an appeal process whereby an applicant may appeal the determination of the staff that the application material is incomplete.

The following are some of the circumstances that may cause the Commission to deny a project:

1. Failure of an applicant to furnish requested additional information;
2. Environmental considerations;
3. Failure to meet any statutory requirements;
4. Failure to submit requested fees or deposit for ND or EIR;
5. Failure to conclude negotiations or to execute documents;
6. Inability of applicant to meet financial qualifications as deemed appropriate by the staff.
7. Misrepresentation by the applicant or its agent; or
8. The Commission on its own motion may not desire to grant a lease for use of the lands for the intended use at the time of application.

Application Processing

As soon as the application is accepted as complete the staff will take all steps necessary including title work, land descriptions, and appraisals to prepare the appropriate leasing document. In most cases many of the terms and conditions of the lease or permit are subject to negotiation on a case by case basis. Once the lease terms and conditions have been agreed to and the leasing document has been executed by the applicant, staff will schedule the item for consideration by the Commission. The Commission normally meets one day per month. Items to be considered by the Commission must be finalized at least one month prior to the scheduled meeting in order for the item to meet applicable legal notice requirements.

Miscellaneous Information

The following concerns all applications:

An applicant acquires no property interest in State Lands until the Commission grants a lease, permit or other entitlement for use and until the appropriate document complete in all respects has been executed by the applicant and the State.

APPLICATION FOR LEASE OF STATE LANDS

An application is not transferable; therefore, an agent should not submit an application without disclosing his agency status and the principal's identity, nor should an application be submitted with the later intention of attempting to transfer the application or an interest in an application.

The preceding information is an outline of the general requirements and procedures applicable to all surface leasing developments. Prospective applicants wishing to obtain a lease, permit or other entitlement for use of State Lands should read and complete the attached Application form and any attached parts that may be applicable and return it together with the data requested to the staff of the Commission for review and processing. Questions involving the surface leasing of state lands and the completed application form should be directed to:

State Lands Commission
Land Management Section
1807 13th Street
Sacramento, California 95814
Telephone (916) 445-7738

-Instructions-

APPLICATION FOR LEASE OF STATE LANDS

The attached application form has been developed in accordance with California Government Code Section 65940. The form has been designed to apply to a variety of surface use situations including commercial, industrial, right-of-way, and recreational developments. The form allows an applicant to fully describe its proposed use of State Lands and consists of several parts: Part I - Project and General Data; Part II - Environmental Data; Part III - Special Requirements (to be attached as applicable).

The information sought in the attached Application Form is required from the applicant and the sufficiency of the information provided by the applicant will be the basis by which the staff will determine the completeness of the application as specified in the Government Code (Section 65940).

When completing the attached form, please type or print clearly and submit it to the principal office of the Commission in Sacramento. Please answer all applicable questions and write "N.A." where questions do not apply. Applications for any use of state lands must be submitted on the attached form(s). Applications for amendments, assignments, renewals or replacements of existing leases or permits must also be submitted on the attached form(s). Materials not submitted on the attached forms are unacceptable, will be returned to the applicant, and will not be deemed applications under the law.

In addition, please submit any information believed important in support of the application. All plans or other materials submitted become a part of the official file and cannot be returned; however, certain information deemed proprietary by statute may be withheld from public view if requested by the applicant.

NOTICE:

Failure of an applicant to provide the information outlined on the attached forms(s) within the time limits prescribed by the staff may result in significant delays in determining that an application is complete; or, cancellation of the application.

In those instances where Commission costs and expenses are chargeable to the applicant, the applicant shall deposit with the Commission, the applicable expense deposit. If the deposit, including amounts required under Reimbursement Agreements, are not received within twenty-one (21) days of request, the application may be cancelled. Processing costs and environmental fees are calculated based on actual or estimated costs plus proportional overhead. If processing costs are more than estimated, the applicant will be required to submit these additional costs within the allowable time period.

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PART I

The application information outlined on the following forms is necessary in order to process your application for use of State land. You have the right to review files maintained about your application by the State Lands Commission, except as provided by law. The Commission Records Coordinator, State Lands Commission, 1807 13th Street, Sacramento, California, 95814, telephone (916) 445-9742, is responsible for maintenance of the information which is collected by the Commission.

The conduct of the Commission is governed by Public Resources Code Sections 6000, and following and Title 2, Division 3, Sections 1900, and following of the California Code of Regulations. Those provisions, by reference are included herein.

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-APPLICATION FORM-

PART I

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etst2 to san val... **GENERAL DATA** ...
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SECTION A: IDENTIFICATION OF APPLICANT

1. Applicant: _____
Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

2. Applicant's authorized agent or representative (if any):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

3. Who should receive correspondence relevant to this application? (Check one)

Applicant: _____ Representative: _____ Both: _____

FOR COMMISSION USE ONLY:

Date Received: _____ Other Fees: _____

Work Order No.: _____ Assigned to: _____

Filing Fee: _____ Type of Document: _____

COLEMAN PAGE 385
MONTGOMERY 3003

SECTION B: TYPE OF APPLICANT

Check one and submit the required information.

- _____ 1. **CORPORATION:** Attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of incorporation with the Certificate of Good Standing of Foreign Corporation issued by the Secretary of State of California authorizing the transaction of business in California; a certified statement of the names of the corporate president, secretary and/or officer(s) authorized to execute contracts; and a board resolution or other evidence of authority to enter into the requested transaction.
- _____ 2. **PARTNERSHIP:** Attach a certified copy of the partnership statement. If no partnership statement has been filed in the county in which the partnership does business, so state in the application and give all particulars of the partnership.
- _____ 3. **INDIVIDUAL:**
- _____ 4. **PUBLIC AGENCY:** Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

Leases and permits involving "School Lands" cannot qualify for rent-free status.

Public agencies will also be required to submit evidence of the authority of the official(s) to execute contracts together with a resolution or other document authorizing execution of the appropriate lease or permit.

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SECTION C: TYPE OF TRANSACTION REQUESTED (Check one) 3. MOITOSE

- 1. Commercial
- 2. Industrial
- 3. Right of Way
- 4. Recreational
- 5. Protective Structure
- 6. Grazing
- 7. Public Agency Use
- 8. Recreational Pier Permit (See Part III)
- 9. Other: _____

Will the project require dredging? Yes: _____ No: _____

Existing Structure/Continued Use; or

New Construction/Additional Use

SECTION D: FEE SCHEDULE

All applicants shall pay at the time of filing this application non-refundable filing and processing fees. These are necessary to reimburse the Commission for the cost of processing routine, uncomplicated transactions and making the initial title review for lease and permits.

A. Filing Fee \$ 25

B. Applicants for the following leases or permits which do not provide for monetary consideration, or for any of the following actions which do not result in any increase in monetary consideration, shall submit, in addition to the filing fee required by law, the fees specified below:

TRANSACTION	MINIMUM NON-REFUNDABLE EXPENSE DEPOSIT
(a) Right of Way	\$ 350
(b) Public Agency Lease/Permit	\$ 450
(c) Assignment/Sublease approval	\$ 300
(d) Amendment of Lease to accommodate Lessee and which does not increase rental	\$ 500
(e) Lake Tahoe Public Trust Inspections	\$ 700 **
(f) Most other transactions not listed herein	\$ 300
(g) Recreational Pier Permit	\$ 45

** Fee included in environmental processing cost if ND or EIR required.

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In addition to the above listed fees, the Commission may require funds or deposits for other services. These services include but are not limited to:

1. Processing environmental documents/environmental monitoring.
2. Advertising or public notification.
3. Duplicating or certifying papers.
4. Searching records or ordering title reports.
5. Processing archaeological, biological or other necessary surveys.
6. Boundary Line work, title or boundary support efforts.

SECTION E: LOCATION OF STATE LAND AND PROJECT DESCRIPTION

County: _____ Nearest City: _____

Township, Range, Section and Reference Meridian: _____

OR Waterway: _____

Upland Owner's Name: _____
(If different from applicant)

Upland Owner's Address: _____

Telephone: () _____

Upland Address: _____

Subdivision, Block, and Lot Number: _____

Zoning: _____ Assessor's Parcel No.: _____

Number and type of buildings or improvements on the upland (when constructed): _____

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Describe and provide photographs of existing structures on waterway
(when constructed): _____

Provide photos of the area adjacent to the project.

Does or will the upland or State land produce income? _____

If yes, annual amount received or projected: _____

If projected, please show basis of projection: _____

Project Description:

The applicant shall provide a narrative description of the project with references to maps, plot plans, financial analysis, and other graphics as may be appropriate. The project should be defined in sufficient detail so that the Commission staff can evaluate and analyze the project. Sufficient data should be supplied which will:

1. Show how the proposed project will be carried out, including initial construction equipment, techniques, time schedules and operation requirements.
2. Show the project's future phases or extensions, if any.
3. Detail other proposed projects that will be dependent upon this project or will be directly influenced by this project.
4. Describe the existing development in the vicinity which will directly or indirectly influence or be influenced by this project.

SECTION F: TITLE AND BOUNDARY INFORMATION

1. Submit a copy of the current upland vesting document (deed) and title report. Adjacent uplands refers to that parcel or property over which access will be obtained to the State's land. If the applicant is not the owner of the adjacent

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property, the applicant shall attach a copy of the lease, permit or other evidence of applicant's right to use the upland, in addition to the upland vesting document.

2. Submit a detailed plan or plot of proposed lease areas and existing and proposed structures showing their locations with respect to property lines, high and low water with reference to the datum of water line elevation and their dimensions.
3. Submit a vicinity map (8 1/2" x 11" with scale) showing the general area and the proposed leased lands.
4. Submit a U.S. Army Corps of Engineers Public Notice Permit or Notice Number.
5. If applicable, submit the number assigned to the project from the San Francisco Bay Conservation and Development Commission or the State Coastal Commission.
6. Submit a legal description of the area to be leased from the State, tied to a monument or monuments of record. The area to be leased must include the area occupied by any structures, or otherwise under the exclusive control of the lessee/permittee.

SECTION G:

Identify, (If known), other public agencies having approval authority over your proposed project: (i.e.; U.S. Army Corps of Engineers, local or regional planning bodies (BCDC or Coastal Commission), city and/or county governmental permitting authorities, air or water quality boards, etc.): _____

Submit copies of existing approvals with the application. You will be required to submit a copy of local approvals (City and/or County) for your project prior to consideration of your application by the State Lands Commission. If you cannot obtain local approval of your project prior to consideration by the State Lands Commission you must submit a letter or other document from the local agency setting forth the status of your local application and any concerns the local governmental agency has regarding your project.

SECTION H: AB 884 (Government Code Section 65920 and following)

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LEASE PRICE	310

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Government Code Section 65943 requires that an applicant state whether its proposal constitutes a development project. A "development project" is defined as "... any project undertaken for the purposes of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects to be carried out or approved by public agencies."

Government Code Section 65928

"Development" is defined as "... on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line..."

Government Code Section 65927

Please complete the following statement:

The project which is the subject of this application

_____ is _____ is not a development project as defined by Government Code Section 65928.

Your application will not be complete without this information.

Government Code Section 65941.5 requires the State Lands Commission to notify its applicants of the public notice distribution requirements relative to any proposed Commission action on applications for development projects. The Commission has compiled

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an extensive list of persons who have requested notice of all Commission actions and are notified of all Commission meetings. Additional parties must be provided notice of pending Commission action on a project specific basis. Upon your request, staff will provide a list of persons entitled to notice of proposed Commission action on your application.

SECTION I: CRITERIA FOR COMPLETENESS

The Staff of the Commission shall deem this application complete if:

1. The data submitted is sufficient to allow the staff of the Commission to locate and describe the nature and extent of State-owned land to be utilized in the project.
2. The applicant submits all fees required by the Commission (See section D).
3. The applicant submits environmental data sufficient for the Commission to determine the level and scope of environmental review required under CEQA and the State CEQA Guidelines and a reimbursement agreement for the preparation of an Initial Study/ND or EIR.
4. The applicant submits data sufficient for the State to determine the fair rental to be paid the State for the applicant's use of the State's property.
5. The data submitted by the applicant is sufficient to allow staff of the Commission to begin an analysis to determine if the application is (a) consistent with Commission policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and is (d) otherwise in the best interests of the State.

an extensive list of persons who have requested notice of all Commission actions and are notified of all Commission actions. Additional parties must be provided notice of pending Commission actions on a project specific basis upon your request. Staff will provide a list of persons who have requested notice of all Commission actions on your list.

SECTION J: SIGNATURE AND CERTIFICATION

All statements contained on the application form(s) submitted herewith and related exhibits are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant: _____

Applicant: _____

By: _____ Title: _____
(if agent)

Date: _____

PART II

PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

The data and degree of specificity required in this section shall correspond with the data and the degree of specificity involved in the underlying activity. Typically, larger projects require more data and a greater degree of specificity and smaller projects less data and specificity.

1. Describe the project site as it presently exists. Include information such as a description of: topography; soil stability; plants and animals; and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed. Include photograph(s) of the site, if available.
2. Describe the surrounding properties. Include information such as a description of: topography; soil stability, plants and animals; and any cultural, historic or scenic aspects. Indicate the type of land use (e.g. residential, commercial, agricultural, etc.), intensity of land use (e.g., single-family dwellings, apartments, shops, etc.) and the scale of development. Include photographs, if available.
3. Include a statement of any proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.

SECTION B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

All phases of a project, such as planning, acquisition, development, and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe" on additional sheets.

- | Will the project involve: | Yes | Maybe | No |
|--|--------------------------|--------------------------|--------------------------|
| 1. A change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A change in scenic views from existing residential areas or public lands or roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. A change in pattern, scale or character of the general area of the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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- 4. Significant effect on plants or animals?
- 5. Significant amounts of solid waste or litter?
- 6. A change in dust, ash, smoke, fumes or odors in the vicinity?
- 7. A change in ocean, bay, lake, stream or ground water quality or quantity or an altering of existing drainage patterns?
- 8. A change in existing noise or vibration levels in the vicinity?
- 9. Construction on filled land or on a slope of 10% or more?
- 10. Use or disposal of potentially hazardous materials such as toxic or radioactive substances, flammables, or explosives?
- 11. A change in demand for municipal services (e.g., police, fire, water, sewage electricity, gas)?
- 12. Increase in fossil fuel consumption (e.g. electricity, oil, natural gas)?
- 13. A larger project or a series of project?

SECTION C: STATE LANDS COMMISSION AS A RESPONSIBLE AGENCY

When it is determined that the Commission is a Responsible Agency under CEQA (another governmental agency prepares the appropriate environmental documentation) the applicant may submit the following materials as early as possible in the application process and must submit them prior to the scheduling of the application for consideration by the Commission:

- 1. A copy of the project's environmental documents, i.e. a Negative Declaration or the Draft and Final EIR or the equivalent federal documents.
- 2. A copy of the Notice of Determination filed with the Office of Planning and Research or the County or City Clerk by the Lead Agency.
- 3. A copy of the "findings" made pursuant to Section 15091 of the State CEQA Guidelines at the time of the Lead Agency's decision.

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DATE	3/10/68

SPECIAL REQUIREMENTS

- ___ 1. Pipeline Requirements
- ___ 2. Sacramento River Study Area Requirements
- ___ 3. Salvage Permit Requirements
- ___ 4. Dredging Requirements
- ___ 5. Streets and Highways Code 101.5 Plat Requirements
- ___ 6. Lake Tahoe Trust Needs Assessment
- ___ 7. Grazing Lease (Form 65.5)
- ___ 8. Recreational Pier Permit (Sect. 6503.5 P.R.C.)
- ___ 9. Mitigation Monitoring
- ___ 10. Other _____

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3107

EXHIBIT "B"

ALL TYPED

0179H Draft

GENERAL APPLICATION GUIDELINES

General Application Guidelines
for
Marine Salvage Permits

Background:

The State Lands Commission is the California agency entrusted with the responsibility for the preservation, protection and management of the State's four million acres of submerged lands. Those submerged lands consist of a strip, from the mean high tide line to three miles offshore, which stretches eleven hundred miles along California's coastline and surrounds its offshore islands. They also include the beds of more than thirty navigable rivers, and forty navigable lakes.

Any shipwreck that lies on or is buried in the subsurface of State waters, which has been abandoned by its owner, is the property of the State of California. However, a permit is required for any salvage operation conducted in State waters regardless of the ownership of the vessel. Permits can be obtained by application to the State Lands Commission, in a format as outlined in these guidelines.

The Commission administers the California Shipwreck and Historic Maritime Resources Program. These guidelines describe the Program permitting process for conducting salvage or research activities on both historic and non-historic shipwrecks. The guidelines are in accord with Public Resources Code Sections 6309, 6313, and regulations adopted under authority of those sections and the Commission's general permitting authority. Permits granted under these authorities are subject to the California Environmental Quality Act. (CEQA)

The Commission maintains a list of known shipwrecks in its waters, and upon request will provide known information about a ship, or the list, at cost. Site location of historically significant shipwrecks may be withheld in the interest of protecting the site. Various shipwrecks are of archaeological or historic significance, and special permits are required for activities concerning them. Criminal and civil penalties can be imposed for removal of artifacts or disturbance of such sites.

Any shipwreck, sunk more than 50 years, is presumed to be of archaeological or historic significance. Listings of both archaeologically and historically significant shipwrecks and non-significant shipwrecks are available. Objects can be removed, without the use of mechanical devices such as hand tools, from non-significant shipwrecks without a permit. Recreational permits for the use of hand tools on non-significant sites may be issued by the Commission.

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Types of Permits:

The Commission is authorized by law to issue two types of permits. A commercial/scientific permit, and a recreational permit.

Commercial/Scientific Permits : These permits are exclusive to the permittee and apply to specific site or area. They are issued for a one year period and are renewable. They can either be for a site which is historically significant or non-historically significant.

The permits will normally be issued in phases, as the circumstance require. The phases are:

Search - a non site disturbing permit, to use electronic devices in the water to locate a ship or other material. The permit provides a finders "first option" to obtain a permit to salvage.

Exploratory - to verify or identify a ship or other objects from a known location. Allows the use of electronic devices and certain mechanical devices for limited site disturbance. Requires a plan for the activities contemplated and a description of the equipment to be used and its proposed use. If the ship has archaeological or historic significance, requires a detailed archaeological plan, and concurrence by the State Historic Preservation Officer in the plan.

Excavation- to remove a ship or other objects, with the use of tools and mechanical devices and contemplates major site disturbance. For archaeological or historically significant sites, requires a very detailed archaeological plan, supervision by a qualified marine archaeologist, and appropriate removal and preservation. Approval of the State Historic Preservation Officer is required for the plan.

Recreational Permits:

Recreational permits are non-exclusive and non-territorial. They are issued for one year, and allow the recovery, with small hand tools, but without the use of mechanical devices, of small objects from sites which are not archaeologically or historically significant. (The Commission is not presently issuing recreational permits. The following information applies only to scientific /commercial permits)

Permits from other State, Federal and Local Agencies

Applicant should be aware that other agencies may have approval authority over the activity contemplated. Approval of other agencies with jurisdiction is required prior to commencing activities.

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Application

Applications for salvage permits should contain the following:

1. Cover Sheet: The cover sheet, (1) containing the name, address, telephone number, and affiliation (if any) of the persons requesting the permit. If the applicant is a corporation, partnership or association information concerning it as an entity. (2) Name of the shipwreck (if known or suspected). (3) Location of the wreck or site (as precisely as possible). (4) Evidence of the existence and location of the shipwreck. (5) Proposed dates/duration of the project. (6) Source of funding for the project. (7) Signature of applicant.

2. Project Summary: A short (250 words - maximum) description of the proposed project. For vessels of historical significance, it should include the research objectives and potential significance of the work. General types of equipment to be used should be discussed, as well as any unique problems foreseen with the project. This section should be suitable for release to the press.

3. Technical Information: This section should describe specific tasks to be accomplished and equipment and methods to be used to accomplish those tasks. Additional information should be provided depending upon the type of activity contemplated and type of permit requested. For Search permits, a listing of equipment types and search strategies will usually be sufficient. For Exploratory permits a research design will be required, including how the site will be studied, what measures will be taken to ensure that site integrity is maintained, a description of what artifacts might be taken for identification and how those artifacts will be conserved. More extensive discussion will be required for an Excavation permit, including a full archaeological recovery plan drawn up by a professional marine archaeologist.

4. Environmental Consequence: Discuss the consequence of conducting the activity on the environment, including the subsurface, water, atmosphere, and marine life, and the impact the activity will have on fishing or other marine navigation. The more complex the proposed project, the more extensive this section should be, as it will form the basis for the environmental documents required by the California Environmental Quality Act (CEQA)..

5. Personnel and Associated Organizations: List and describe persons and organizations who will be involved in the contemplated operations, and provide information concerning their qualifications to undertake the activity. Specifically discuss the archaeological backgrounds of staff involved in exploration or excavation activities and provide qualifications of all divers. Provide information on supervision of the project, and in particular, how the archaeological staff will relate to and control the excavation and preservation activities.

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6. Financial Responsibility: Provide sufficient data to substantiate the fiscal capability of the applicant (responsible party) to complete the activity proposed, regardless of any financial gain or loss from the project. Discuss insurance arrangements and bonding for the project.

7. Archaeological or Historic shipwrecks or sites:

For sites of Archaeological or Historic significance, the application should elaborate on the following:

(a) Objectives: A statement of the objective(s) of the project.

(b) Project Significance: Discuss previous scientific work concerning the archaeological site or historic resource and how the proposed project will contribute to the state of knowledge of the site or resource.

(c) Method: Any site disturbance will require a detailed plan which provides for the protection and preservation of the site or objects or materials removed from the site consistent with contemporary professional standards of archaeological data recovery.

If site disturbance is proposed, indicate the type, quantity, and method of recovery, and identify the proposed repository to conserve, curate and interpret the resulting archaeological collection. The applicant must submit sufficient documentation to demonstrate that required technical resources, including existing facilities and funding commitments, will be available to complete the project.

The applicant will be required to submit an archaeological research design that describes, 1) the archaeological theory and methods to be employed; 2) the problems towards which the research will be directed; and 3) the ways in which the researchers are seeking to answer such questions. The applicant will also be required to provide a map showing study location(s) and a description of the archaeological site of particular concern.

8. Treatment of Results: Describe the nature and extent of anticipated results. Indicate how the results will be treated (e.g., published in a reference journal, incorporated into academic curriculum, used in management program, published in the press, etc.)

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Application Review Process

Once an application is submitted, it will be reviewed for completeness in accord with Title 7, Chapter 4.5 of the Government Code. If the staff finds the application incomplete, the applicant will be notified within 30 days and advised of the information or action necessary to make it complete. Failure of the applicant to provide the requested information or take the necessary action within 60 days of request is a basis to recommend denial of the application.

Approval or denial of all applications is done by motion and vote of the State Lands Commission at a public hearing at which the applicant will be given an opportunity to speak.

Once an application is accepted as complete, the Commission staff will begin the CEQA process to produce and circulate the appropriate environmental documents. These can range from a negative declaration for simple projects without significant environmental impact to extensive EIR's for complicated projects which may have significant environmental impact and require extensive mitigation efforts. The applicant will be required to cover all costs of the CEQA process as explained below.

Fees and Costs:

Applicant will be required to submit a basic non-refundable application fee of \$ 250.00. A permit fee will be payable on issuance of the requested permit. Permit fees are payable annually upon request for renewal of the permit. Permit fees will be based on \$500 per acre or fraction thereof with a \$500 minimum. Electronic search (survey) permits for salvage purposes will be issued for a limited area on a minimum basis without regard to acreage.

Applicant will be requested to sign a reimbursement agreement to cover costs of the compliance with CEQA, a shipboard monitor, and any other project costs. Deposit of costs which can reasonably be estimated will be required prior to expenditure of funds or incurrence of the cost.

Terms of Salvage:

Terms of salvage or abandoned ships, cargo or other items of personal property in State waters, is at the discretion of the State Lands Commission. The Commission's practice has been to agree on a division of the net value of items salvaged as follows: 25% of the first \$25,000.00 and 50% of all value exceeding that amount. The State has the first right of selection of objects, and may retain any or all of the items salvaged. If the State retains more than its share, it will reimburse the salvor in accord with the agreed division of value. Details of an agreement will be provided once an application has been accepted as complete and the scope of the project is determined.

Filing of an Application:

An application for a salvage permit may be filed with:

State Lands Commission
1807- 13th Street
Sacramento, CA 95814

Attn: Salvage Permit Coordinator

Further information concerning permit applications and filing may be obtained by calling the Commission at (916) 324-7823 or (916) 323-8487.

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EXHIBIT "C"

**GENERAL APPLICATION REQUIREMENTS
FOR
RECREATIONAL PIER PERMITS
(Section 6503.5, Public Resources Code)**

The State Lands Commission, pursuant to Section 6503.5 of the Public Resources Code, may issue Rent Free Permits for fixed facilities for the docking or mooring of boats which meet the following qualifications:

1. Structure is for the use of the littoral (lands along the waterfront) landowner as defined below.
2. Applicant, littoral landowner, must be a natural person or persons who owns and uses their littoral land solely for a single family dwelling or an association or a non-profit corporation whose members are natural persons and entitled to the use of a private recreational pier on the littoral land owned by the applicant and owners of one or more parcels of land or condominium units each of which is zoned or used solely for/as a single family dwelling and located not more than one mile from the littoral land owned by the applicant (use straight line distance).
3. Fixed facilities as used herein do NOT include swimming floats or platforms, sun decks, swim areas, fishing platforms, residential recreational dressing, storage or eating facilities or areas attached or adjacent to recreational piers, or any other facilities, not constructed for the docking or mooring of boats owned by the littoral landowner [California Administrative Code, Title 2, Division III, Article 2, Section 2002(f)].

If you qualify for the above complete the following and submit as part of your application.

1. Structure is for the use of the littoral (lands along the waterfront) landowner as defined below.
2. Applicant, littoral landowner, must be (complete category A or B as appropriate. If Box A is checked, go to item 3).

A. A natural person or persons who owns and uses their littoral land solely for a single family dwelling

OR

B. An association or a non-profit corporation whose members are (check appropriate boxes)

natural persons

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and

— entitled to the use of a private recreational pier on the littoral land owned by the applicant

and

— owners of one or more parcels of land or condominium units each or which is:

— zoned or used solely for/as a single family dwelling and

— located not more than one mile from the littoral land owned by the applicant (use straight line distance)

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CALENDAR ITEM

NO. 49

WORK ORDER: W 21809
W 5125.4

CALENDAR DATE: AUGUST 30, 1989

NEGOTIATOR: HORN/PELKOFER

STATE LANDS COMMISSION
(Party)

PAGES 405 - 408 OF EXHIBIT "C"
NOT PART OF FINAL CALENDAR ITEM

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