

This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 6-2-03 meeting.

**CALENDAR ITEM
C16**

A 34
S 18

06/02/03
PRC 8462 W 25900
J. Porter

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Brubaker- Mann, Inc.
36011 Soap Mine Road
Barstow, CA 92311

AREA, LAND TYPE, AND LOCATION:

Approximately 1,870 linear feet of unpaved road across a portion of Section 30, T.10N., R.1E., SBM, San Bernardino County.

AUTHORIZED USE:

Non-exclusive right of way use and maintenance of an existing, unpaved access road.

LEASE TERM:

15 years, beginning July 1, 2003.

CONSIDERATION:

\$100 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability Insurance - Combined Single Limit coverage of no less than \$1,000,000.

STATUTORY AND OTHER REFERENCES:

Public Resources Code: Division 6, Parts 1 and 2; Division 13.
California Code of Regulations: Title 2, Division 3; Title 14, Division 6.

OTHER PERTINENT INFORMATION:

1. Applicant possesses a material sales contract with the U.S. Bureau of Land Management (BLM) on the federally owned land adjacent to the

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lease premises. The sales contract permits the mining of decorative rock on the BLM land. Applicant is applying to use an existing, unpaved haul road that crosses State School Lands to access the site of the mining operation.

2. Applicant has an approved Reclamation Plan (Plan) with San Bernardino County. The Plan requires the Applicant, at the conclusion of the contract, to reclaim the BLM and state land as required by the Surface Mining and Reclamation Act. The Plan includes financial assurances that adequately cover the cost of reclaiming the quarry and the access road, including the access road that crosses State School Lands.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the provisions of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant impact on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant impact on the environment.

Authority: Title 14, California Code of Regulations, sections 15061(b)(3).

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon staff's consultation with persons nominating such lands and through the CEQA review process, it is the staff's opinion the project, as proposed, is consistent with the use classification.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:

California State Lands Commission.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A.

CALENDAR ITEM NO. C16 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061(b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO BRUBAKER-MANN, INC. OF A GENERAL LEASE – RIGHT-OF-WAY USE, BEGINNING JULY 1, 2003, FOR A TERM OF 15 YEARS, FOR NON-EXCLUSIVE USE AND MAINTENANCE OF APPROXIMATELY 1,870 LINEAR FEET OF UNPAVED ROAD RIGHT OF WAY; ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE CONSIDERATION IS \$100 PER YEAR, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE.

NO SCALE

SITE

30

2437

FEDERAL LANDS

SCHOOL LANDS

HAUL ROAD
1870 ft.±

**BRUBAKER-MANN, INC. LEASE AREA BEING A PORTION OF
SEC 30. T10N, R1E, SBM (APN 0517-021-06)**

NO SCALE

LOCATION

SITE

MAP SOURCE: USGS QUAD

Exhibit A

W 25900
BRUBAKER-MANN, INC.
SCHOOL LANDS LEASE
SAN BERNARDINO
COUNTY



SITE

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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JAK 03/03