

**CALENDAR ITEM
C74**

A	Statewide	09/01/11 W 9301
S	Statewide	C. Connor, P. Griggs

**CONSIDER AMENDMENT TO THE CURRENT DELEGATION OF AUTHORITY
TO THE CALIFORNIA STATE LANDS COMMISSION STAFF**

PARTY:

California State Lands Commission

BACKGROUND:

The California State Lands Commission, in accordance with law, provides for the delegation of certain responsibilities and authority to the Executive Officer and staff of the Commission. A new Comprehensive Delegation of Authority (Delegation) was approved at the December 10, 2010, Commission meeting (Calendar Item 39).

Under the December 10, 2010, Delegation the Executive Officer was given the authority to make emergency approvals in certain specified situations where action cannot be delayed until the Commission holds a regularly noticed meeting. In addition to the proposed delegation of authority discussed below, staff proposes three small, but substantive, changes to the existing Delegation. First, the existing delegation to approve immediate action to avoid substantial harm to private property would be extended to also include *public* property. Second, recognizing that some actions would be one-time events, an applicant would not necessarily be required to apply for a lease. Third, the paragraph authorizing the Executive Officer to make a finding that the project is "categorically exempt" from the California Environmental Quality Act (CEQA) would be amended to allow consideration of both categorical and statutory exemptions.

Since the earlier Delegation was approved, Commission staff has realized the need for an additional delegation of authority to address instances where there is an immediate, but temporary need for access to or use of state-owned land under the jurisdiction of the Commission. One example of this type of access or use would be for environmental consultants to conduct scientific or cultural resource surveys. These surveys are often a component of the CEQA analysis needed before the Commission or any other agency may consider permits or issuance of a lease of the state-owned land. If the surveys cannot be performed, then the CEQA analysis cannot be completed and a lease cannot be brought before the Commission for consideration.

Commission staff recommends that the Commission authorize the Executive Officer to issue a letter of non-objection for the types of activities listed below, provided that the Executive Officer has determined an exemption from CEQA applies pursuant to previously granted authority (see

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Exhibit A, section IV, Administration of the California Environmental Quality Act, unchanged from the existing Delegation) and the project proponent agrees in writing to terms and conditions imposed by Commission staff.

- Activities necessary for the processing of a lease application or the preparation of a CEQA analysis related to the property that do not result in a serious or major disturbance to an environmental resource, such as:
 - Information collection,
 - Scientific and/or cultural resource surveys,
 - Research, or
 - Resource evaluation activities;
- Activities to abate or prevent a nuisance or threat to public health or safety, or to public navigation, such as:
 - Fuel management activities including creation of fire breaks and vegetation removal,
 - Removal of nonindigenous or invasive species,
 - Removal of abandoned vessels, mooring tackle, and mooring structures,
 - Trash clean-up involving private volunteers and/or government agencies, or
 - U.S. Army Corps of Engineers surveys on Formerly Used Defense Sites (FUDS) for unexploded ordnance;
- Activities to protect property under the jurisdiction of the Commission, such as:
 - Preservation or stabilization of previously unknown cultural or other resources accidentally discovered through human or natural processes;
- Activities that involve minor alterations to land, such as:
 - Well-capping projects involving abandoned water wells,
 - Non-commercial seed or plant collecting as part of a mitigation monitoring program,
 - Collection of small amounts of “live rock” for public aquarium exhibits, or
 - Off-highway vehicle events where the participants stay on existing trails and the events are subject to permitting and monitoring by a government agency;
- Activities involving minor temporary use of land having negligible or no permanent effects on the environment, such as:
 - Regattas or other short-term water-related events involving the temporary placement of marker buoys,
 - Temporary use of existing access roads,
 - Tree surveys to monitor the health and growth rates of timber, or
 - Research projects.

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If the Commission approves the amendment to the Delegation, staff would report back at the end of one year informing the Commission of the letters issued and the surrounding circumstances. Staff would also make a recommendation whether to refine or modify the delegation of authority.

Staff therefore recommends that the Commission amend section I.A. of the Comprehensive Delegation of Authority, as shown on Exhibit A. In addition to the substantive changes specified above, formatting changes in section I.A. have been made to improve clarity. All other sections of the December 10, 2010, Delegation would remain unchanged.

STATUTORY REFERENCES:

Public Resources Code Section 6110

EXHIBIT:

A: Amended Comprehensive Delegation of Authority

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Amend the December 10, 2010, Comprehensive Delegation of Authority as set forth on Exhibit A.