

MINUTE ITEM

This Calendar Item No. 51
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 10/30/81
meeting.

CALENDAR ITEM

51

10/30/81
W 22649.1
W 22649.3
Horn

MODIFICATION OF REGULATIONS IN TITLE 2, DIVISION 3,
CHAPTER 1, ARTICLES 1, 2, 2.1, 2.5, 5,
6, 6.5, 9, 10 and 11

At its meeting on August 20, 1981 (Minute Items No- 36 and 38), the Commission approved certain changes to its regulations so as to update them and bring them into compliance with the provisions of AB 1111 (Government Code Section 11340, et seq.). The regulations were filed with the Office of Administrative Law (OAL) who had 30 days to review, approve and file the regulations with the Secretary of State or reject them.

On the last work day of the review period OAL advised us that portions of the regulations did not meet the statutory requirements of "necessity", "authority", "clarity", "consistency", and "reference", and were therefore returned to staff for clarification as to the needed statutory requirements. A subsequent meeting with OAL clarified their concerns and also demonstrated the necessity of having the regulations as approved by the Commission.

In order to meet some of the concerns of OAL, staff has made minor non-substantive changes to the regulations and is now presenting same to the Commission for approval. Concurrently with this approval, staff is requesting the Commission to delegate authority to the staff to make additional minor modifications to the regulations as such may be requested by the Office of Administrative Law as a result of their subsequent review of the regulations.

AB 884: N/A.

EXHIBITS: A. Group I Regulations.
B. Group III Regulations.

IT IS RECOMMENDED THAT THE COMMISSION:-

1. RESCIND ITEMS NO. 4 AND 5 OF ITS RESOLUTIONS ON AUGUST 20, 1981, MINUTE ITEMS NO. 36 AND 38.
2. RE-AFFIRM THE DETERMINATIONS AND APPROVALS SET FORTH IN RESOLUTION ITEMS NO. 1, 2 and 3 OF MINUTE ITEMS NO. 36 AND 38, OF ITS AUGUST 20, 1981 MEETING.

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CALENDAR ITEM NO. 51 (CONTD)

3. ADOPT AND APPROVE FOR FILING WITH THE OFFICE OF ADMINISTRATIVE LAW THOSE CHANGES TO ITS REGULATIONS AS SET FORTH IN EXHIBITS "A" AND "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.
4. DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE MINOR NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATIONS AS SUCH MAY BE REQUIRED BY THE OFFICE OF ADMINISTRATIVE LAW.
5. AUTHORIZE STAFF TO TAKE ALL OTHER STEPS AS ARE NECESSARY AND APPROPRIATE TO GIVE EFFECT TO THE ABOVE DECISIONS, ADOPTIONS AND DELEGATIONS.

1032647.1

EXHIBIT A

CAL. ADM. CODE, TITLE 2, DIVISION 3

ARTICLE 1 IS REPEALED IN ITS ENTIRETY AND THE FOLLOWING
NEW ARTICLE 1 IS SUBSTITUTED IN ITS PLACE:

Article 1. General Provisions

1900. Definitions. The following definitions shall apply to this Chapter unless otherwise provided.

(a) The term "applicant" includes any person who files an application under these regulations.

(b) The term "person" includes any individual, firm, partnership, business entity, business trust, association, corporation, or governmental entity or agency.

(c) The term "lease" includes a permit, right-of-way, easement, license, compensatory agreement, or other entitlement of use.

(d) The term "structure" means any manmade construction.

(e) The term "submerged lands" means the area lying below the elevation of ordinary low water in the beds of all tidal and nontidal navigable waters.

(f) The term "tidelands" means the area lying between the elevations of ordinary low water and ordinary high water on lands subject to tidal action.

(g) The term "uplands" shall mean lands bordering on navigable waterways.

(h) The term "school lands" refers to all Sections 16 and 36 granted to the State for the benefit of common schools by Chapter 145 of the Federal Statutes of 1853.

(i) The term "lieu or indemnity lands" refers to those lands acquired by the State in place of school lands it previously acquired or school lands to which it did not receive title because they were either mineral in character, had not been sectionalized, or were subject to prior established rights.

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(j) The terms "merchandise", "product" and "commodity" are interchangeable and shall include, goods, wares, chattels, personal property of every description, cargo, freight, mail, vessel's stores and supplies, articles, matter and material.

AUTHORITY: PRC 6105, 6108, 6002, 6301, 6501,
3 Cal. 3d 462, 478 (tide and submerged lands)

REFERENCE: PRC 6301, 6501

1901. Office of Commission. The principal office of the Commission is 1807 13th Street, Sacramento, California 95814, telephone (916) 445-5303. The extractive development office is located at 100 Oceangate, Suite 300, Long Beach, California 90802, telephone (213) 590-5201. Applications for exploration or extraction of minerals, oil and gas, or geothermal resources shall be sent to the extractive development office. All other applications shall be sent to the principal office.

AUTHORITY: PRC 6105, 6108, 6102, 6103.2, 6216

REFERENCE: PRC 6102

1902. Meetings of the Commission. The commission shall meet at Sacramento on the last Thursday of each month unless, upon due notice, the date and place of meeting are otherwise designated by at least two members.

AUTHORITY: PRC 6105, 6108, 6104

REFERENCE: PRC 6104

1904. Application requirements and priority. Application requirements and priority shall be as set forth in Public Resources Code Sections 6801 and 6223 respectively.

AUTHORITY: PRC 6105, 6108, 6801, 6223, 6216,
6301, 6501.2, GC 65940

REFERENCE: PRC 6223, 6501.2

1905. Filing and Processing Fees. Filing and processing fees shall be paid by applicants at the time of filing an application as follows:

(a) Filing fee \$25.00

(b) Processing fee for Commission services computed and charged as follows:

(1) A non-refundable expense deposit for routine or uncomplicated services based on an average cost of such services; or

(2) A refundable expense deposit for non-routine and complicated services based on the estimated costs of such services. Any unexpended portion of such expense deposit shall be refunded to the applicant;

(3) An additional expense deposit for additional or unanticipated services, to be paid within 21 days of written notice being mailed to the applicant. Any unexpended portion of such expense deposit shall be refunded to the applicant.

AUTHORITY: PRC 6105, 6108, 6218, 6214, 6502, 6321, 6309, 6503.5, 6703, 7706

REFERENCE: PRC 6218, 6214, 7706

1906. Guaranty Deposits. The Commission may require deposits of either bond, cash or other acceptable security to insure compliance with terms and conditions of bids, leases, contracts, or any other agreements.

AUTHORITY: PRC 6105, 6108, 6301, 6501.2, 6829(d), 6005, 6405, 6899

REFERENCE: PRC 6501.2, 8629(d)

1907. Insurance. The Commission may require insurance against such risks and in such amounts that it may determine to be within the best interests of the State.

AUTHORITY: PRC 6105, 6108, 6301, 6501.2, 6405, 6829, 6899, 6005

REFERENCE: PRC 6899, 6501.2, 6829

1909. Bidding Procedure.

(a) Except as otherwise provided in this charter, when competitive bidding is required, it shall be conducted generally as follows:

(1) The Commission shall cause a notice of intent to receive bids to be published at least once in a newspaper of general circulation in the county in which the lands, interest or project is located and may have such notice published at least once in a

newspaper of general circulation in the City of Los Angeles, or San Francisco, or Sacramento. Such notice shall specify the lands or interest (oil, gas or mineral lease; easement; timber; land; etc.) for sale or project (public works or consultant contracts, oil, gas or mineral exploration, etc.) for bid, the time and place for the receipt and opening of bids, and the availability of appropriate approved bid packages and forms at the office of the Commission.

(2) The Commission shall at the specified time and place publicly open or have opened the sealed bids and shall award the highest or lowest responsible bidder, as appropriate, unless, in the opinion of the Commission such award is not in the best interest of the State, in which case the Commission may reject all existing bids and call for new ones or terminate bidding.

(3) The Commission shall have broad discretion as to whether a bidder is "responsible" based on what it deems to be in the best interest of the State.

(4) Except as otherwise provided in the bid instructions specifying a shorter period, and/or limiting the firm bid requirement to a specific number of high or low bidders as appropriate, each bid shall be a firm bid, irrevocable for a period not to exceed ninety (90) days from the date of bid opening.

(b) Bidders shall bear all reasonable expenses incurred by the Commission for bid processing and award including costs of approval, advertising and environmental review, in accordance with terms set forth in the approved bid package.

AUTHORITY: PRC 6105, 6108, 6218, 6005, 6811,
6827, 6836, 6852, 7052, 6405, 6406,
6501.2, 6815.2, 6827, 6834, 6835,
6871.3, 6874, 6900, 6992, 6993, 7301,
7361, 7501, 7504

REFERENCE: PRC 6005, 6811, 6827, 6836, 6852,
6834, 6835, 6871.3, 6912, 6992, 7059.

1910. Execution and Delivery of Documents. All documents to be executed by applicant shall be signed by the applicant and certified, witnessed or acknowledged as required, prior to their execution and delivery by the Commission.

AUTHORITY: PRC 6105, 6108, 6504, 6106, 6108

REFERENCE: PRC 6106, 6108

ARTICLE 2 IS REPEALED IN ITS ENTIRETY AND THE FOLLOWING
NEW ARTICLE 2 IS ADOPTED IN ITS PLACE:

Article 2. Leasing or Other Use of Public Lands

2000. General.

(a) This article applies to the leasing of all lands under the Commission's jurisdiction for all surface uses except the exploration for or extraction of natural resources including minerals, oil, gas or other hydrocarbons, or geothermal resources or any other natural resources, excluding timber.

(b) Leases or permits may be issued to qualified applicants and the Commission shall have broad discretion in all aspects of leasing including category of lease or permit and which use, method or amount of rental is most appropriate, whether competitive bidding should be used in awarding a lease, what term should apply, how rental should be adjusted during the term, whether bonding and insurance should be required and in what amounts, whether an applicant is "qualified", etc. based on what it deems to be in the best interest of the State.

(c) Leases or permits for tide or submerged lands shall generally only be issued to riparian or littoral upland owners or use right holders, provided however that such leases or permits may be granted to the best qualified applicant irrespective of riparian or littoral status.

(d) Leases or permits for school, lieu or indemnity lands shall be for value or value enhancement purposes.

AUTHORITY: PRC 6105, 6108, 6501, 6501.1, 6501.2, 6005, 6216, 6301, 6321, 6309

REFERENCE: PRC 6501 1, 6501.2, 6216

2001. Application Forms.

Applications for leases or permits under this article are available from and shall be submitted to the principal office of the Commission.

AUTHORITY: PRC 6105, 6108, 6501, 6501.2, 6502,
6223, 6321

REFERENCE: PRC 6502, 6321

2002. Categories of leases or permits.

(a) General Lease: Uses may include the following:

(1) Commercial: Income producing uses such as marinas, restaurants, clubhouses, recreation piers or facilities, docks, moorings, buoys, helicopter pads, decks or gas service facilities.

(2) Industrial: Uses such as oil terminals, piers, wharves, warehouses, stowage sites, moorings, dolphins and islands; together with necessary appurtenances.

(3) Right of Way: Uses such as roadways, power lines, pipelines or outfall lines.

(b) General Permit: Uses may include the following:

(1) Public agency uses such as public roads, bridges, recreation areas or wildlife refuges having a statewide public benefit;

(2) Public Resources Code Section 6321 protective structures such as groins, jetties, sea walls, breakwaters and bulkheads;

(3) Non income producing uses such as piers, buoys, floats, boathouses, docks, waterski facilities, and campsites not qualifying for a private recreational pier permit under 2002(f). Other uses may include campsites, cabins, dwellings, arks, houseboats, or boathouses provided that when such uses are located on sovereign lands that such uses are not found to be inconsistent with public trust needs.

(c) Grazing Lease: Use includes the feeding of livestock on forage.

(d) Agricultural Lease: Uses may include farming, silviculture and horticulture.

(e) Forest Management Agreement: Uses may include reforestation, improvement of timber growth and soil productivity, vegetation control, reduction of fire and erosion hazards, insect or disease control or any other use that enhances the value of lands subject to the agreement.

(f) Private Recreational Pier Permit: Use is limited to any fixed facility for the docking or mooring of boats constructed for the use of the littoral landowner, as specified in Public Resources Code Section 6503.5, and does 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.

(g) Salvage Permit: Use includes the salvage of all abandoned property over and upon ungranted tide and submerged lands of the State which property belongs to the State and is under the Commission's jurisdiction pursuant to Public Resources Code Section 6309. The Commission may retain or sell any or all salvaged property or may allow the permit applicant to retain it.

AUTHORITY: PRC 6105, 6108, 6501, 6501.1, 6501.2, 6201, 6210.3, 6221, 6309, 6321, 6322

REFERENCE: PRC 6501.1, 6201, 6309, 6321, 6503.5

2003. Rental.

(a) Rental for the various categories of uses shall be generally as follows:

(1) Commercial Use: An annual rental based on any one or combination of the following rental methods, with a minimum rental of \$250:

(A) A percentage of annual gross income (the percentage being based on an analysis of the market for like uses and other relevant factors);

(B) 9% of the appraised value of the leased land;

(C) The volume of commodities passing over the lease premises.

(2) Industrial Use: An annual rental based on any one or combination of the following rental methods with a minimum rental of \$250:

(A) 9% of the appraised value of the leased land together with 2¢ per diameter inch per lineal foot of pipelines and conduits on the leased premises;

(B) The volume of commodities passing over the lease premises.

(3) Right-of-Way Use: An annual rental based on any one or combination of the following rental methods with a minimum rental of \$100:

(A) 9% of the appraised value of the leased lands, together with compensation for any damage caused to such lands;

(B) 2¢ per diameter inch per lineal foot;

(C) The volume of commodities passing over the lease premises.

(4) General Permits: Annual rental shall be based on 9% of the appraised value of the leased lands with a minimum rental of \$50.

(A) No rental shall be charged for public agency use of tide and submerged lands if the Commission at its sole discretion, determines that a statewide public benefit accrues from such use.

(B) Monetary rental for Public Resources Code Section 6321 protective structures may be waived if the Commission determines that a public benefit accrues from the installation of such structures.

(5) Private Recreational Pier Permits: Pursuant to Public Resources Code Section 6503.5 a rent free permit shall be issued to those applicants demonstrating their qualifications under that section as implemented by 2002(f).

(6) Grazing: An annual rental based on appraised value for the intended use.

(7) Agricultural: An annual rental based on any one or a combination of the following rental methods with a minimum rental of \$250:

(A) A percentage of annual gross income (the percentage being based on analysis of the market for like uses and other relevant factors);

(B) 9% of appraised value of the leased lands.

(8) Forest Management Agreements: Rental shall constitute enhancement of the land's value resulting from the use.

(9) Salvage Permit: Rental shall be as follows:

(A) A rental of \$25.00 per annum per acre, computed on a whole or fractional basis, for the total acreage of the permit area; and

(B) 25% of the net salvage value up to \$25,000 and 50% of all such value over that amount for all salvaged property the salvor is permitted to retain; or

(C) The net salvage value of any property the State retains less any rental to which it is entitled; and

(D) Such other consideration as may be deemed by the Commission to be in the best interest of the State.

(b) The following factors shall be considered by the Commission in determining which rental method should apply:

(1) The amount of rental the State would receive under various rental methods;

(2) Whether relevant, reliable and comparable data is available concerning the value of the land proposed to be leased;

(3) Whether a particular method or amount of rental would effectively cause an applicant to use more competitive substitute land or to abandon its project altogether;

(4) Whether the land proposed to be leased has been classified as environmentally significant pursuant to Public Resources Code Section 6371.

(5) The monetary value of actual or potential environmental damage anticipated from an applicant's proposed use to the extent such damage is quantifiable;

(6) Other factors relating to the appropriateness of the proposed rental method.

(c) The following limitations shall apply to rental based on the volume of commodities passing over State lands:

(1) Rental shall not be imposed more than once for the identical commodity passing over the same State land if the ownership of that commodity has not changed.

(2) The rental rate for a right-of-way for passage of a commodity across State lands shall be made proportional to the percentage of the total length of the pipeline or conduit that such right-of-way comprises. For the purposes of this section, the total length of a pipeline or conduit shall be the length of the pipeline or conduit between two facilities, uninterrupted by another facility. "Facility" includes terminal, production, storage, refining, manufacturing, processing, mixing or intermixing facilities.

(d) Rental adjustment during the lease term shall be provided for as appropriate.

AUTHORITY: PRC 6105, 6108, 6503, 6504, 6503.5, 6309, 6321.2

REFERENCE: PRC 6321.2, 6503, 6504, 6503.5

2004. Term.

(a) The term for leases and permits including any optional renewal periods shall be no longer than necessary to accomplish the intended use or purpose.

(b) The term shall be limited according to standard commercial practices with maximum terms as follows:

- (1) General Lease 49 years
General Permit
Forest Management Agreement
- (2) Agricultural Lease 25 years
- (3) Grazing Lease 10 years
Private Recreational Pier
Permit
General Permit Recreational Use
- (4) Salvage Permit 1 year but
extendable for
one additional
year.

AUTHORITY: PRC 6105, 6108, 6501, 6501.2, 6505.5,
6309, 6321, 6008

REFERENCE: PRC 6501.2, 6505.5

ADOPT NEW ARTICLE 2.1 TO READ:

Article 2.1. Sale of Public Lands and Timber

2030. Sale Restrictions.

(a) Sales of tide and submerged lands are prohibited.

(b) Sales of school, lieu or indemnity lands are restricted as follows:

(1) No new purchase applications shall be accepted except those from public agencies, entities or utilities or under the circumstances determined by the Commission to be in the best interest of the State. Such sales may be accomplished with or without competitive bidding.

(2) The Commission on a selective basis may offer individual parcels for sale to the general public pursuant to competitive bidding on terms and conditions set forth in an approved bid package.

(3) An existing lessee on any parcel offered for sale shall have the right to match the highest bid.

AUTHORITY: PRC 6105, 6108, 7301, 7351, 6210.2, 6301, 6216, 7405, 7409, 7410, 7406, 7352, 7357, 7418, 6005, 7991.

REFERENCE: PRC 7301, 6216, 7410, 7352, 7357

2031. Applications. Applications for purchase of lands or interests under this article shall be available from and shall be filed with the principal office of the Commission. Purchase applications shall be processed according to on the date the application is accepted as complete by the State.

AUTHORITY: PRC 6105, 6108, 7356, 7301, 7410, 6223, 6301, 7352, 7353, 7355, 7358

REFERENCE: PRC 7356, 6223

2032. Sales Price.

The sale price of lands sold under this article shall be equal to or greater than the appraised fair market value of such lands.

AUTHORITY: PRC 6105, 6108, 7305, 7352, 7301,
7410, 7413

REFERENCE: PRC 7305

2034. Timber Sales.

(a) Timber sales shall be conducted pursuant to competitive bidding, on terms and conditions set forth in an approved bid package for a price of no less than appraised fair market value except that:

(1) sales of small volumes of timber valued at \$25,000 or less or emergency salvage sales of fire, insect or disease damaged timber may be sold by direct solicitation of bids; and

(2) The removal of pre-commercial or dead or down trees for the purpose of stimulating the growth of residual trees or to reduce fire, insects, disease or other hazards may be conducted without charge.

(b) Payment shall be:

(1) based on an estimated volume of standing timber or when appropriate by log scale of the timber designated for sale by species; and

(2) made in cash in full at the time of bidder award for sales having a price of \$25,000 or less, and

(3) made in two or more installments covering separate cutting blocks for sales having a price greater than \$25,000, the first payment to be made at the time of bidder award and subsequent payments to be made at specified times.

(c) Reforestation or rehabilitation may be required as a condition of sale.

AUTHORITY: PRC 6105, 6108, 7361, 6211, 6216,
6301

REFERENCE: PRC 7361, 6216

ARTICLE 2.5 IS REPEALED IN ITS ENTIRETY.

ARTICLE 5 IS REPEALED IN ITS ENTIRETY.

ARTICLE 6 IS REPEALED IN ITS ENTIRETY.
(ARTICLES 5 AND 6 COMBINED INTO NEW ARTICLE 2.1)

ARTICLE 9 IS REPEALED IN ITS ENTIRETY AND THE FOLLOWING
NEW ARTICLE 9 IS ADOPTED IN ITS PLACE:

Article 9.

Affirmation of Legislative Grantee Leases and Contracts

2800. General. The provisions of this Article shall apply only to those lessees, lenders, or contract holders who wish to secure Commission findings specified in Public Resources Code Section 6702(b) regarding leases, contracts or other instrument involving granted tide and submerged lands.

AUTHORITY: PRC 6105, 6108, 6701, 6702, 6703

REFERENCE: PRC 6702

2801. Procedure.

(a) Applicants desiring Commission findings under Public Resources Code 6702(b) shall:

(1) Complete in full and submit to the Commission, an application approved in form and content by the Commission; and

(2) Cause a grantee report, approved in form and content by the Commission to be completed in full and submitted directly by the legislative grantee; and

(3) Submit additional information as required if the application or grantee report are in any manner inadequate or incomplete.

(b) An inadequate or incomplete application or grantee report for which required additional information is not forthcoming shall be rejected.

(c) The 90-day time limitation specified in Public Resources Code Section 6704 shall commence to run when the application and grantee report, complete in all respects, have been received by the Commission.

(d) Approved application and grantee report forms referred to in this Article are available from and shall be submitted to the principal office of the Commission.

AUTHORITY: PRC 6105, 6108, 6701, 6703, 6704

REFERENCE: PRC 6704

2802. Commission criteria. The Commission in determining pursuant to Public Resources Code Section 6702(b)(3) whether a lease, contract or other instrument is in the best interest of the State will consider whether the use, project or activity permitted by such instrument is:

- (a) Consistent with current Commission policies, practices and procedures used for administering lands within its jurisdiction;
- (b) economically viable, necessary and desirable;
- (c) appropriate for developmental mix;
- (d) conducive to public access;
- (e) consistent with environmental protection;
- (f) otherwise in the best interests of the state.

AUTHORITY: PRC 6108, 6105, 6701, 6702, 6005

REFERENCE: PRC 6701, 6702, 6005

2803. Approval Limitation. Approval by the Commission of any lease, contract or other instrument pursuant to this Article shall not constitute approval of any modification or amendment of such instrument made pursuant to the provisions of such instrument or otherwise. Separate approval shall be required for such modifications or amendments.

AUTHORITY: PRC 6105, 6108, 6701, 6706

REFERENCE: PRC 6706

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11350.1)

W22649-3

EXHIBIT B

REPEAL ARTICLE 6.5.

REPEAL ARTICLE 10

ADOPT NEW ARTICLE 10 TO READ:

ARTICLE 10

REGULATIONS FOR THE IMPLEMENTATION OF THE CALIFORNIA
 ENVIRONMENTAL QUALITY ACT

2901. Authority and Purpose

These regulations are promulgated pursuant to the requirements of Section 21082 of the Public Resources Code and Section 15050 of the California Administrative Code to provide the State Lands Commission with definitions and procedures for orderly and consistent evaluations of projects that are subject to the requirements of the California Environmental Quality Act. (CEQA) (Public Resources Code Section 21000, et seq.)

Note: Authority cited: Public Resources Code Section (hereafter PRC) §21082.

Reference: 14 California Administrative Code Section (hereafter CAC) §15050.

2902. Applicability of the State EIR Guidelines

The State EIR Guidelines (14 California Administrative Code Sections 15000, et seq.) are hereby incorporated by reference as though set forth herein in full.

Note: Authority cited: PRC §21082, §21083.

Reference: CAC §15050(e).

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

2904. Statutory Exemptions

The following Commission activity shall be considered ministerial:

The issuance of a patent upon presentation of a valid Certificate of Purchase.

Note: Authority cited: PRC §21082, CAC §15073(a).

Reference: PRC §7729, CAC §15050(c)(1)(B), §15073(a).

2905. Categorical Exemptions

(a) Class 1: Existing Facilities

(1) Remedial, maintenance and abandonment work on oil and gas and geothermal wells involving the alteration of well casings, such as perforating, cementing, casing repair or replacement, installation or removal of down-hole production equipment, cement plugs, bridge plugs, and permanent packers or packers set to isolate producing intervals.

(2) Commission action involving existing structure or facility that is in an acceptable state of repair. This is intended to cover actions of the Commission which in effect authorize continued operation, repair, maintenance or minor alteration of any existing public or private structure or facility, land fill or equipment which meets the above criteria. The Commission may exclude from this class any structure that has been erected without written authorization in the form of a lease or permit from the State Lands Commission.

(b) Class 2: Replacement or Reconstruction

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CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

Replacement or reconstruction of deteriorated or damaged structures on State Lands.

(c) Class 3: New Construction of Small Structures

(1) A pier, floating dock, or boathouse, that will occupy no more than 3,000 square feet of State land.

(2) A pier, floating dock, or boathouse, for non-commercial use by more than applicant, applying jointly, where all the applicants are littoral (next to the shore) landowners, such as homeowner's associations, and the littoral parcels are next to one another, that will occupy the following areas of State lands:

<u>Number of Adjacent and Littoral Landowners</u>	<u>Area of Use</u>
2	4,000 sq. ft. or less
3	4,750 sq. ft. or less
4	5,250 sq. ft. or less
5 or more	6,000 sq. ft. or less

(3) Small boat mooring buoys.

(4) A floating platform used solely for swimming.

(5) Buoys for delineating a safety area or designated speed zones, provided that public navigational and fishing rights are not affected.

(d) Class 4: Minor Alteration to Land

(1) Grazing of livestock where disturbance of soil does not occur.

(2) Rebuilding or repair of levees or other protective structure. Minor dredging of material for above purposes.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

(3) Removal of derelict or hazardous structures on State waterways or school lands.

(4) Minor periodic maintenance dredging for existing docks and marinas.

(5) Replanting of timber on previously harvested, burned, or barren areas of school lands where extensive site preparation is not permitted.

(e) Class 6: Information Collection

(1) Core hole drilling, operations to obtain foundation design data, to gather data and information for environmental documentation where minimal or no disturbance of the land surface results

(2) Core hole drilling for the purposes of mineral evaluation pursuant to Public Resources Code Section 640L(b) where minimal or no disturbance of the land surface results.

(3) Surface or underwater biological, geological, geophysical, cultural (archeological/historical), and geochemical surveys where minimal or no disturbance of the land surface results.

(4) Temperature survey holes where minimal disturbance of the surface results.

(5) Wind or water current, temperature, or other monitoring devices.

(6) Salvage exploration where no disturbance of the environment is contemplated.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11340.1)

(f) Class 7: Actions by Regulatory Agencies for Protection of Natural Resources

(1) Lease or permits to public agencies or conservation organizations for wildlife preservation activities, or to the State Department of Parks and Recreation for historical or other cultural activities. Construction activities are not included in this exemption.

(2) Timber harvesting of burned or diseased timber on school lands in accordance with the Forest Practices Act (Public Resources Code, Sections 4511, et seq.).

(g) Class 16: Transfer of Ownership of Land in Order to Create Parks

Lease and permits to person and public agencies for the development of public parks including alterations to the land for such purposes.

Note: Authority cited: PRC § 21084; CAC § 15100 et seq.

Reference: CAC § 15100, § 15100.2(c), § 15100.4, § 15101 (Class 1), § 15102 (Class 2), § 15103 (Class 3), § 15104 (Class 4), § 15106 (Class 6), § 15107 (Class 7), § 15116 (Class 16).

2906. Adequate Time for Review and Comment

The review period for the final EIR shall be 15 days.

Note: Authority cited: PRC § 21104, CAC § 15160(a).

Reference: CAC § 15160(a).

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REPEAL ARTICLE 11

ADOPT NEW ARTICLE 11 TO READ:

ARTICLE 11

REGULATIONS PROTECTING ENVIRONMENTALLY SIGNIFICANT LANDS

2951. Authority and Purpose

These regulations are adopted pursuant to Public Resources Code Section 6370 in order to provide for the permanent protection of lands within Commission jurisdiction which possess significant environmental values.

Note: Authority cited: Public Resources Code Section (hereafter PRC), § 6370; § 6370.1

Reference: PRC § 6370; § 6370.1.

2952. Significant Lands Inventory

Pursuant to Public Resources Code Section 6370.2, the Commission prepared a report entitled "Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values," approved December 1, 1975. This report shall be available to the public and shall herein be referred to as the "Significant Lands Inventory."

Note: Authority cited: PRC § 6370; § 6370.2.

Reference: PRC § 6370; § 6370.2.

2953. Definitions

(a) Environmentally significant lands: Lands within the jurisdiction of the Commission within which environmentally significant values have been identified pursuant to Public Resources Code Section 6370.1.

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(b) Significant environmental values: Those features or characteristics which have been identified pursuant to Public Resources Code Section 6370.1, the criteria for which are set forth in the Significant Lands Inventory.

(c) Use Classification: A classification system designed to provide permanent protection to identify significant environmental values, more particularly described in the Significant Lands Inventory.

Note: Authority cited: PRC § 6370; § 6370.1.

Reference: PRC § 6370; § 6370.1.

2954. Permanent Protection of Environmentally Significant Lands Through CEQA

Projects which will affect environmentally significant lands will be subject to review by the use of the CEQA process under the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.); the State EIR Guidelines (14 California Administrative Code Sections 15000, et seq.); and the Commission's Regulations for the Implementation of the California Environmental Quality Act (Article 10 of this Chapter).

In order to provide permanent protection to environmentally significant values, projects must be designed to be consistent with the use classifications assigned under the

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Significant Lands Inventory or pursuant to Public Resources Code Section 6219. If such consistency cannot be accomplished through mitigation or alteration of the project, the project must be denied. The Commission may not apply Section 15089 of the State EIR Guidelines, regarding a Statement of Overriding Considerations, to approve a project which cannot be made consistent with the use classification assigned to the subject parcel.

Note: Authority cited: PRC § 6370, § 6219.

Reference: PRC § 6370, § 6219.

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