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CALENDAR ITEM

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C15

01/23/86
WP 3999 PRC 3999
Marsh

BORROW PERMIT RENEWAL

APPLICANT: Department of Transportation
District 02
P. O. Box 21007
Redding, California 96001

TYPE OF LAND: Lieu lands. Department of Fish and Game is the surface owner. Minerals were retained by the State.

AREA AND LOCATION:

Primary source area will be in the SW 1/4 of NW 1/4 of Section 22, T26N R16E. Supplementary source will be in the N 1/2 of Section 27, T26N R16E, MDB&M, Lassen County (Approximately six miles northwest of the town of Doyle on Highway 395).

BACKGROUND:

On March 28, 1979, the State Lands Commission issued a borrow permit to Caltrans for the extraction of fill, up to 6,000 tons annually, for the repair of State and County roads. This permit became effective April 1, 1979 through March 31, 1984, and carried the right to renew for two five-year terms, subject to the same conditions. The consideration was the public use and benefit. During the first five-year term of this permit, Caltrans removed 6,632 tons, or under 1,300 tons per year.

Caltrans notified the staff on February 22, 1984 that they wished to exercise their right to their first five year renewal.

The California Department of Fish and Game, the surface owners, made no objection to the issuance of this renewal, as long as the provisions in the permit were unchanged.

CALENDAR ITEM NO. C15 (CONT'D)

At this time, it was considered that the right of renewal was at the sole option of the Permittee and was ministerial on behalf of the Commission. However, staff counsel has advised that with respect to school lands the implied trust is for the production of revenue which under current law goes to the Teachers Retirement Fund. Therefore, the renewed permit will provide for a royalty of \$0.25 per cubic yard of material removed effective January 1, 1986.

CONSIDERATION: Royalty, in the amount of \$0.25 per cubic yard.

OTHER PERTINENT INFORMATION:

1. The permit carries the right to two five-year renewals, under the same terms and conditions.
2. The renewal is in the best interests of the State.
3. A negative declaration was prepared by the Commission's staff pursuant to CEQA and implementing regulations and was certified by the Commission on February 22, 1979.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION FOR THE PROJECT WAS ADOPTED BY THE COMMISSION ON FEBRUARY 22, 1979 PURSUANT TO THE PROVISIONS OF THE CEQA, THAT A DETERMINATION WAS MADE THAT THE PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND THAT SAID DOCUMENT AND DETERMINATION REMAIN VALID FOR THE PROPOSED ACTION.
2. AUTHORIZE THE RENEWAL OF A BORROW PERMIT FOR A TERM OF FIVE YEARS TO THE DEPARTMENT OF TRANSPORTATION TO REMOVE APPROXIMATELY 6,000 TONS OF AGGREGATE ANNUALLY FOR ROAD-SHOULDER REPAIR IN THE SUSANVILLE AND QUINCY DISTRICTS, AT A ROYALTY OF \$0.25 PER CUBIC YARD EFFECTIVE JANUARY 1, 1986. PRIMARY SOURCE AREA OF AGGREGATES SHALL BE THE SE 1/4 OF THE NW 1/4 OF SECTION 22, T26N R16E, WITH A SECONDARY SOURCE AREA IN THE N 1/2 SECTION 27, T26N R16E, LASSEN COUNTY. EFFECTIVE DATE OF THE RENEWAL SHALL BE APRIL 1, 1984 TO MARCH 31, 1989, WITH ONE FURTHER FIVE-YEAR RENEWAL TERM AND SUCH RENEWAL SHALL BE SUBJECT TO ANY REQUIREMENT, OR LIMITATIONS AS SET OR AS MAY BE SET BY FEDERAL, STATE OR LOCAL GOVERNMENTS.

EXHIBIT "A"

WP 3999.2

STATE LANDS COMMISSION

RENEWAL OF BORROW PERMIT

DEPARTMENT OF TRANSPORTATION

DISTRICT 2, REDDING

LASSEN COUNTY

12-85

K.T.K.

