MINUTE ITEM

This Calendar Item No. C17 was approved as Minute Item No. 17 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM

C17

A 70

S 37

05/22/86
PRC 5983
Townsend

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: California State Polytechnic University, Pomona
Attn: Captain James McAllister
3801 West Temple Avenue
Pomona, California 91768

AREA, TYPE LAND AND LOCATION:
A 0.08-acre parcel of tide and submerged land, located in the Pacific Ocean, offshore of Crystal Cove, Orange County.

LAND USE: Operation and maintenance of an existing kelp test facility.

TERMS OF PROPOSED PERMIT:
Initial period: Three years beginning May 1, 1986.

CONSIDERATION: The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 09/18/86.

OTHER PERTINENT INFORMATION:

1. The California State Polytechnic University, Pomona has submitted an application for the extension of a General Permit - Public Agency Use PRC 5983, for the operation and maintenance of an existing artificial bed for cultivation of giant kelp which is used for experimental and educational purposes. The permit for this project was initially granted in 1981, for a term of one year. It was subsequently extended for another one-year term, and again for the three additional years. The applicant has informed staff that this three-year term is sufficient to complete the project. All other terms and conditions of the original lease will remain unchanged.

   The Department of Parks and Recreation has an existing General Lease - Public Agency Use, PRC 6204 (Minute Item 15, August 26, 1982) for tide and submerged lands which includes the lease premises, for the purposes of an underwater park. Both the University and the Department of Parks and Recreation have informed staff that the uses are compatible.

2. Because the use will be for temporary research purposes, it is recommended that the processing fee be waived. The applicant has agreed to provide staff with reports of its research.

3. The annual rental value of the site is estimated to be $360.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facility, 2 Cal. Adm. Code 2905(a)(2).

   Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

APPROVALS OBTAINED:
California Department of Parks and Recreation, California Coastal Commission, United States Army Corps of Engineers, and United States Coast Guard.

FURTHER APPROVALS REQUIRED:
California Department of Fish and Game.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITY, 2 CAL. ADM. CODE 2905(a)(2).

2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

3. AUTHORIZE ISSUANCE TO CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA OF A THREE-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING MAY 1, 1986; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE OPERATION AND MAINTENANCE OF AN EXISTING KELP TEST FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

4. AUTHORIZE WAIVER OF THE PROCESSING FEE IN THAT THE PERMIT WILL BE FOR TEMPORARY RESEARCH PURPOSES, AND THE RESULTS OF THE RESEARCH WILL BE MADE AVAILABLE TO THE COMMISSION.

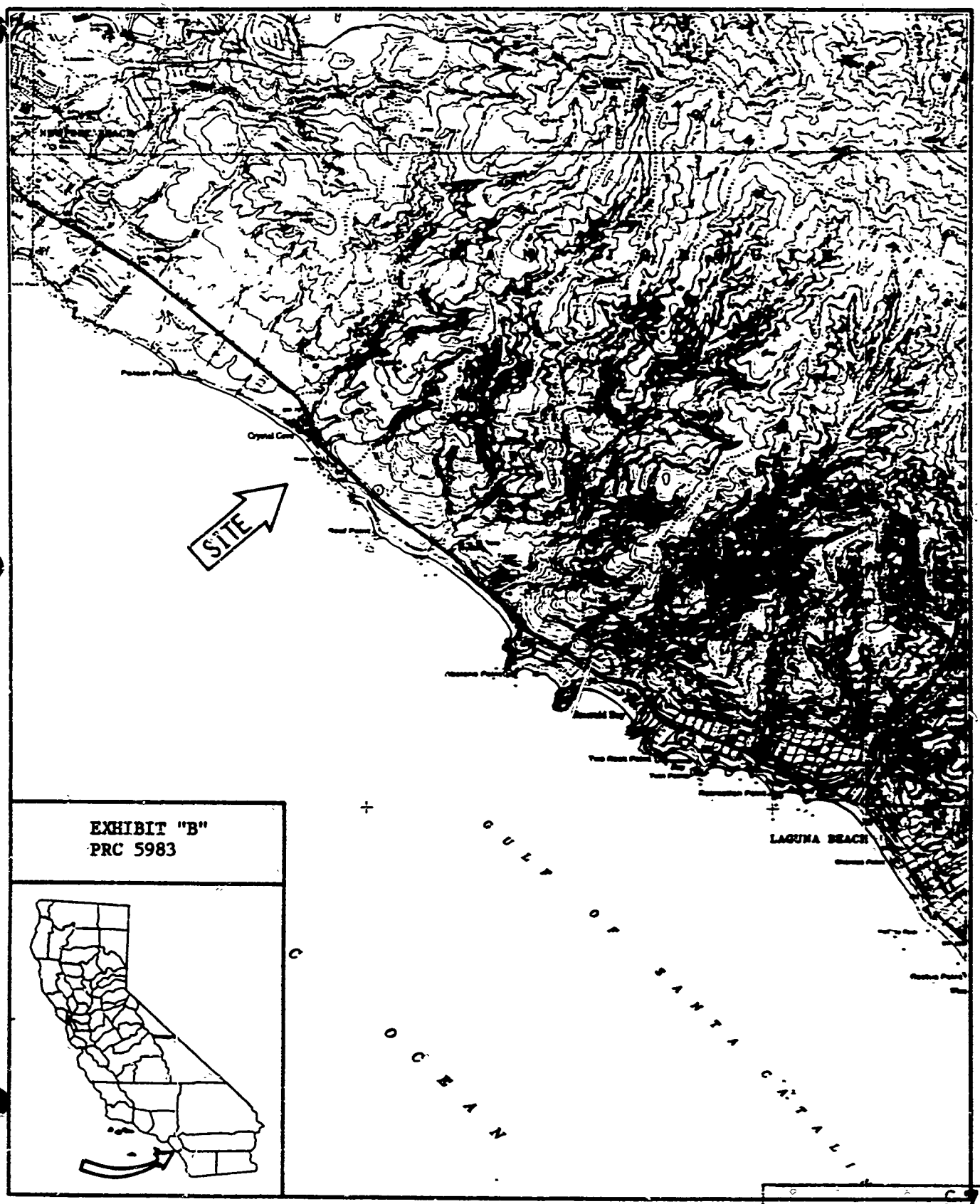
EXHIBIT "A"

LAND DESCRIPTION PRC 5983

A square parcel of submerged land, 60 feet on all sides, in the Pacific Ocean, Orange County, California, said parcel lying immediately beneath an artificial substrate installation, said substrate having the following geographic coordinates; longitude 117° 50' 28" W, and latitude 38° 34' 12" N.

END OF DESCRIPTION

PREPARED APRIL 16, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR


SITE
N
LAGUNA BEACH
GULF OF SANTA CATALINA
OCEAN
EXHIBIT "B"
PRC 5983