

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by 2 votes and 1
abstention at its 10/23/86
meeting.

MINUTE ITEM

24

10/23/86
W 23545
W 23546
Townsend

DENIAL OF TWO APPLICATIONS FOR
GENERAL LEASES - PUBLIC AGENCY USE

During consideration of Calendar Item 24 attached, Mr. Ken Collier, Executive Secretary, Underwater Advisory Board, Department of Parks and Recreation, appeared to ask that the Commission approve the applications for lease to Parks and Recreation for development of Underwater Parks.

Acting Chairman McCarthy stated his concerns that the Commission do everything possible to ease the obstacles faced by Parks and Recreation.

Executive Officer Dadrick clarified that staff has been in negotiations with Parks and Recreation and that Commission staff understood that Parks staff was satisfied with those negotiations. Executive Officer Dadrick suggested that the Commission approve the calendar item as presented with the understanding that staffs from both agencies work closely to prepare a management agreement to be presented to the Commission before the end of the year.

Upon motion duly made by Commission-Alternate Harvey, and seconded by Acting Chairman McCarthy, the resolution in Calendar Item 24 was approved with Commission-Alternate Ordway abstaining.

Attachment: Calendar Item 24.

CALENDAR PAGE	_____
MINUTE PAGE	3582

CALENDAR ITEM

A 7, 75

34 1

10/23/86

W 23545

S 1, 38

W 23546

Townsend

DENIAL OF TWO APPLICATIONS FOR
GENERAL LEASES - PUBLIC AGENCY USE

APPLICANT: State of California
Department of Parks and
Recreation
Attn: Kenneth Collier
Planning Division
1050 - 20th Street
Sacramento, California 95814

On February 17, 1986, staff of the Commission received two applications from the Department of Parks and Recreation (DPR), for two, 49-year General Leases - Public Agency Use, for 1,942+ acres of tide and submerged lands in the Pacific Ocean adjacent to Cardiff and San Elijo State Beaches in San Diego County (W 23545), and 1,101 acres of submerged land in Lake Tahoe adjacent to D. L. Bliss and Emerald Bay State Parks in El Dorado County (W 23546). Pursuant to the criteria established by Sections 65950/65952 of the Government Code, the applications were determined to be complete as of March 21, 1986.

Staff of the Commission has given a great deal of consideration to the proposed underwater parks at the proposed locations, and recommends the Commission deny the applications, without prejudice, for the following reasons:

1. Lack of Justification. The DPR does not propose any physical development, or protection of marine habitat, on the tide and submerged lands at the proposed sites. There is no justification to issue long-term leases to control allowable activities already affirmed to the people under the Public Trust Doctrine, i.e., swimming, boating, fishing, snorkeling, diving, etc.

(ADDED 10/15/86)

-1-

CALENDAR PAGE	90
MINUTE PAGE	3583

CALENDAR ITEM NO. 24 (CONT'D)

2. Management Objectives. It is the opinion of staff that to transfer long-term control of its offshore lands, for an exclusive use which may be incompatible and inconsistent with future management needs, is not sound planning.
3. Lack of Financing. The DPR proposes to develop the uplands with parking facilities, restrooms and showers, and interpretive exhibit panels for the public. It is DPR's feeling that they need the long-term leases in the underwater areas to give them an adequate interest in the lands to amortize the cost of developing facilities ashore. At this time, DPR has not received funding for the facilities.
4. Lack of Progress on Other Underwater Parks Under Lease. To date, the State Lands Commission has issued six long-term master leases to DPR, broken down by County, for 11 underwater park sites. Upland improvements have been completed at three sites, partially completed at a fourth site, and budgeting received for a fifth site.
5. Staff believes that Commission stewardship is a more effective means of protecting and conserving natural assets, while preserving management flexibility.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

AB 884: 12/17/86 (90X).

OTHER PERTINENT INFORMATION:

1. 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 statutory exempt project. The project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Adm. Code 15270.

(ADDED 10/15/86)

-2-

CALENDAR PAGE	90.1
MINUTE PAGE	3584

CALENDAR ITEM NO. **24**¹ (CONT'D)

EXHIBITS: A. Location Map (W 23545).
 B. Location Map (W 23546).

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 BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES PURSUANT TO 14 CAL. ADM. CODE 15270.

2. DENY, WITHOUT PREJUDICE, THE TWO APPLICATIONS SUBMITTED BY THE DEPARTMENT OF PARKS AND RECREATION FOR UNDERWATER PARKS IN SAN DIEGO AND EL DORADO COUNTIES ON THE LANDS DEPICTED ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 10/15/86)

-3-

CALENDAR PAGE	90.2
MINUTE PAGE	3585

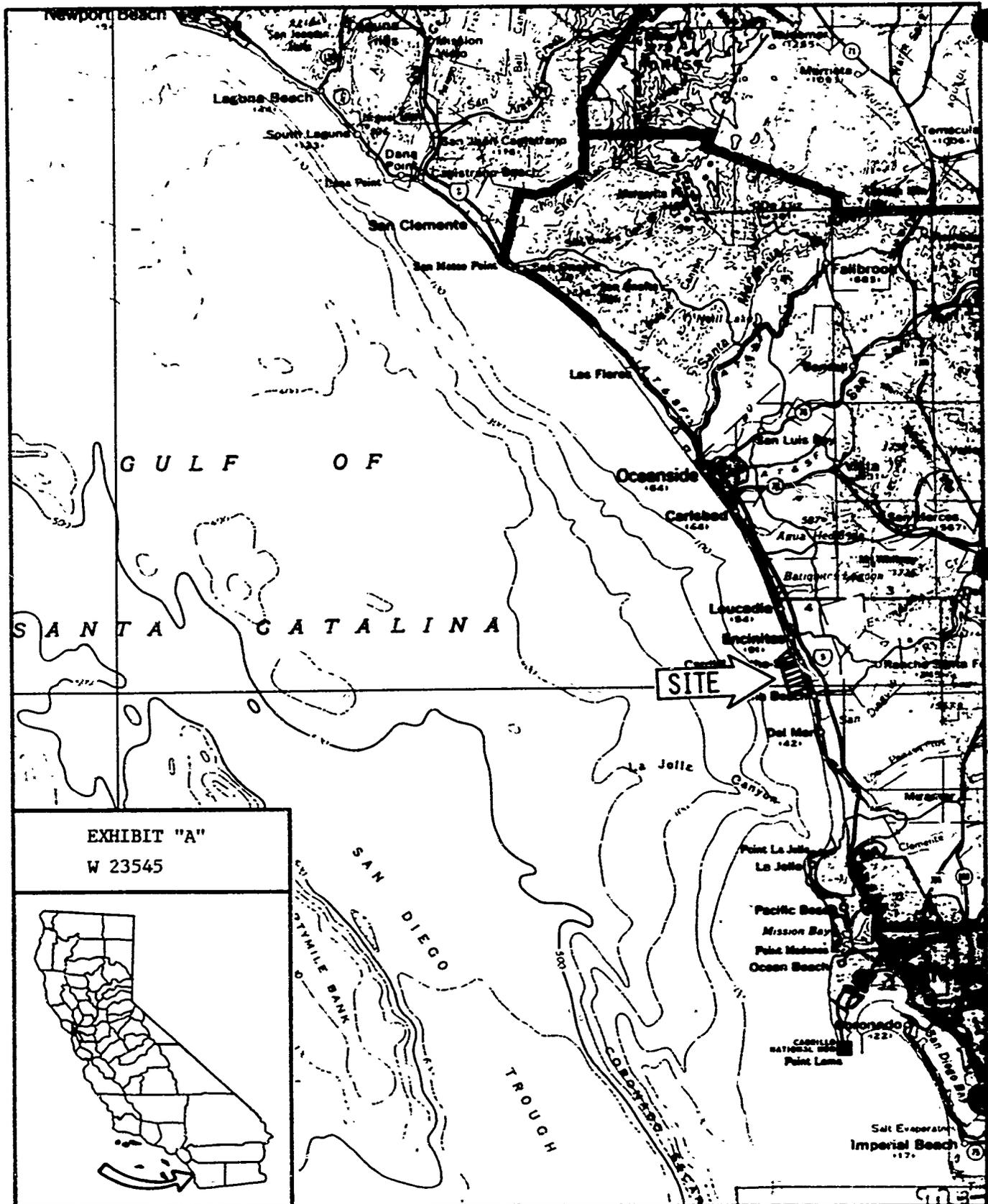
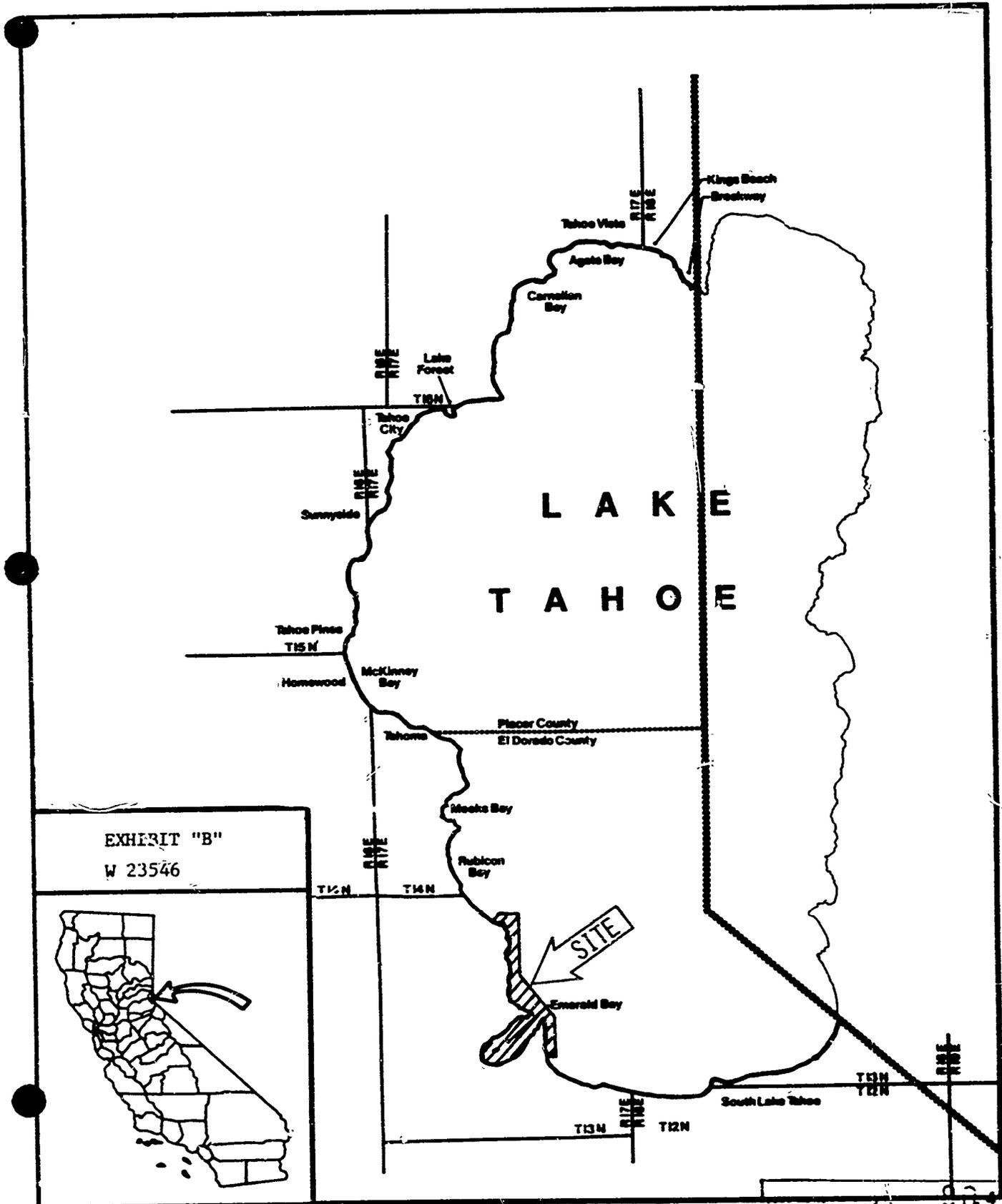


EXHIBIT "A"
W 23545



(ADDED 10/15/86)



EXHERIT "B"
W 23546



(ADDED 10/15/86)

3587