

MINUTE ITEM
This Calendar Item No. C07
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 3
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

A 70
S 37

C07

12/13/88
WP 5983 PRC 5983
Townsend

TERMINATION OF GENERAL PERMIT - PUBLIC AGENCY USE

LESSEE: California State Polytechnic
University, Pomona
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 a kelp test
facility.

TERMS OF ORIGINAL 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. Code Regs. 2003.

APPLICANT STATUS:
Applicant is permittee of upland.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3; Title
14, Div. 5.

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AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The subject Permit was initially entered into between the Commission and the University for a term of one year commencing May 1, 1981, for the operation and maintenance of an artificial bed for cultivation of giant kelp for experimental and educational purposes. By agreement, the Permit was extended by two successive one-year terms through April 30, 1983, and again for two successive three-year terms through April 30, 1989. The University has informed staff of the Commission that when heavy weather associated with El Nino, and subsequent storms set in, there was a gradual detachment of the kelp, and in the course of time, all of it disappeared. The most recent storms resulted in the complete loss of the remaining installation, including the marker buoy. This was confirmed by a detailed search of the area by engineering student divers. With the loss of the plantation, the University's long-term plans for trying artificial "planting" of the kelp are not possible, and the project will not be continued. The University has provided staff with an executed Lease Quitclaim Deed. Staff recommends acceptance of the Deed and termination of the Permit effective April 30, 1989.
2. 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.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

CALENDAR ITEM NO. C 07 (CONT'D)

Authority: P.R.C. 21065 and 14 Cal.
Code Regs. 15378.

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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. TERMINATE THE GENERAL PERMIT - PUBLIC AGENCY USE, PRC 5983, EFFECTIVE APRIL 30, 1989, AND AUTHORIZE ACCEPTANCE AND RECORDATION OF A LEASE QUITCLAIM DEED FROM THE LESSEE FOR THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

PRC 5983

EXHIBIT "A"
LAND DESCRIPTION

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

REVIEWED OCTOBER 21, 1988 BY BIU 1.

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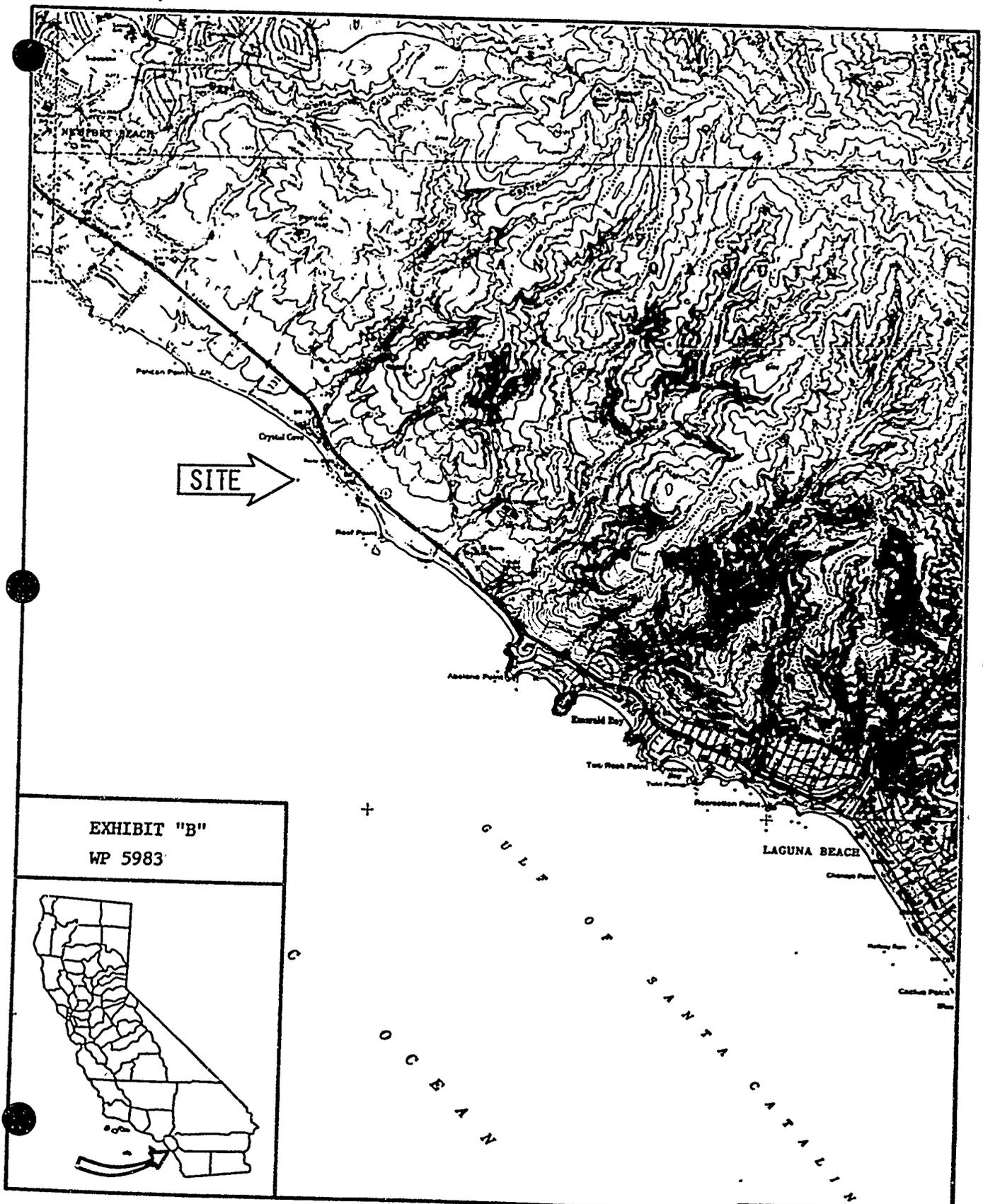


EXHIBIT "B"
WP 5983

