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Government Code Section 65943 requires that an applicant state whether its proposal constitutes a development project. A "development project" is defined as "... any project undertaken for the purposes of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects to be carried out or approved by public agencies."

Government Code Section 65928

"Development" is defined as "... on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line..."

Government Code Section 65927

Please complete the following statement:

The project which is the subject of this application

_____ is _____ is not a development project as defined by Government Code Section 65928.

Your application will not be complete without this information.

Government Code Section 65941.5 requires the State Lands Commission to notify its applicants of the public notice distribution requirements relative to any proposed Commission action on applications for development projects. The Commission has compiled

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an extensive list of persons who have requested notice of all Commission actions and are notified of all Commission meetings. Additional parties must be provided notice of pending Commission action on a project specific basis. Upon your request, staff will provide a list of persons entitled to notice of proposed Commission action on your application.

SECTION I: CRITERIA FOR COMPLETENESS

The Staff of the Commission shall deem this application complete if:

1. The data submitted is sufficient to allow the staff of the Commission to locate and describe the nature and extent of State-owned land to be utilized in the project.
2. The applicant submits all fees required by the Commission (See section D).
3. The applicant submits environmental data sufficient for the Commission to determine the level and scope of environmental review required under CEQA and the State CEQA Guidelines and a reimbursement agreement for the preparation of an Initial Study/ND or EIR.
4. The applicant submits data sufficient for the State to determine the fair rental to be paid the State for the applicant's use of the State's property.
5. The data submitted by the applicant is sufficient to allow staff of the Commission to begin an analysis to determine if the application is (a) consistent with Commission policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and is (d) otherwise in the best interests of the State.

an extensive list of persons who have requested notice of all Commission actions and are notified of all Commission actions. Additional parties must be provided notice of pending Commission actions on a separate basis. Upon your request, staff will provide a list of persons who have requested notice of all Commission actions.

SECTION J: SIGNATURE AND CERTIFICATION

All statements contained on the application form(s) submitted herewith and related exhibits are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant: _____

Applicant: _____

By: _____ Title: _____
(if agent)

Date: _____

PART II

PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

The data and degree of specificity required in this section shall correspond with the data and the degree of specificity involved in the underlying activity. Typically, larger projects require more data and a greater degree of specificity and smaller projects less data and specificity.

1. Describe the project site as it presently exists. Include information such as a description of: topography; soil stability; plants and animals; and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed. Include photograph(s) of the site, if available.
2. Describe the surrounding properties. Include information such as a description of: topography; soil stability, plants and animals; and any cultural, historic or scenic aspects. Indicate the type of land use (e.g. residential, commercial, agricultural, etc.), intensity of land use (e.g., single-family dwellings, apartments, shops, etc.) and the scale of development. Include photographs, if available.
3. Include a statement of any proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.

SECTION B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

All phases of a project, such as planning, acquisition, development, and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe" on additional sheets.

Will the project involve:	Yes	Maybe	No
1. A change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A change in scenic views from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A change in pattern, scale or character of the general area of the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 4. Significant effect on plants or animals?
- 5. Significant amounts of solid waste or litter?
- 6. A change in dust, ash, smoke, fumes or odors in the vicinity?
- 7. A change in ocean, bay, lake, stream or ground water quality or quantity or an altering of existing drainage patterns?
- 8. A change in existing noise or vibration levels in the vicinity?
- 9. Construction on filled land or on a slope of 10% or more?
- 10. Use or disposal of potentially hazardous materials such as toxic or radioactive substances, flammables, or explosives?
- 11. A change in demand for municipal services (e.g., police, fire, water, sewage electricity, gas)?
- 12. Increase in fossil fuel consumption (e.g. electricity, oil, natural gas)?
- 13. A larger project or a series of project?

SECTION C: STATE LANDS COMMISSION AS A RESPONSIBLE AGENCY

When it is determined that the Commission is a Responsible Agency under CEQA (another governmental agency prepares the appropriate environmental documentation) the applicant may submit the following materials as early as possible in the application process and must submit them prior to the scheduling of the application for consideration by the Commission:

- 1. A copy of the project's environmental documents, i.e. a Negative Declaration or the Draft and Final EIR or the equivalent federal documents.
- 2. A copy of the Notice of Determination filed with the Office of Planning and Research or the County or City Clerk by the Lead Agency.
- 3. A copy of the "findings" made pursuant to Section 15091 of the State CEQA Guidelines at the time of the Lead Agency's decision.

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SPECIAL REQUIREMENTS

- 1. Pipeline Requirements
- 2. Sacramento River Study Area Requirements
- 3. Salvage Permit Requirements
- 4. Dredging Requirements
- 5. Streets and Highways Code 101.5 Plat Requirements
- 6. Lake Tahoe Trust Needs Assessment
- 7. Grazing Lease (Form 65.5)
- 8. Recreational Pier Permit (Sect. 6503.5 P.R.C.)
- 9. Mitigation Monitoring
- 10. Other _____

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EXHIBIT "B"

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GENERAL APPLICATION GUIDELINES

General Application Guidelines
for
Marine Salvage Permits

Background:

The State Lands Commission is the California agency entrusted with the responsibility for the preservation, protection and management of the State's four million acres of submerged lands. Those submerged lands consist of a strip, from the mean high tide line to three miles offshore, which stretches eleven hundred miles along California's coastline and surrounds its offshore islands. They also include the beds of more than thirty navigable rivers, and forty navigable lakes.

Any shipwreck that lies on or is buried in the subsurface of State waters, which has been abandoned by its owner, is the property of the State of California. However, a permit is required for any salvage operation conducted in State waters regardless of the ownership of the vessel. Permits can be obtained by application to the State Lands Commission, in a format as outlined in these guidelines.

The Commission administers the California Shipwreck and Historic Maritime Resources Program. These guidelines describe the Program permitting process for conducting salvage or research activities on both historic and non-historic shipwrecks. The guidelines are in accord with Public Resources Code Sections 6309, 6313, and regulations adopted under authority of those sections and the Commission's general permitting authority. Permits granted under these authorities are subject to the California Environmental Quality Act. (CEQA)

The Commission maintains a list of known shipwrecks in its waters, and upon request will provide known information about a ship, or the list, at cost. Site location of historically significant shipwrecks may be withheld in the interest of protecting the site. Various shipwrecks are of archaeological or historic significance, and special permits are required for activities concerning them. Criminal and civil penalties can be imposed for removal of artifacts or disturbance of such sites.

Any shipwreck, sunk more than 50 years, is presumed to be of archaeological or historic significance. Listings of both archaeologically and historically significant shipwrecks and non-significant shipwrecks are available. Objects can be removed, without the use of mechanical devices such as hand tools, from non-significant shipwrecks without a permit. Recreational permits for the use of hand tools on non-significant sites may be issued by the Commission.

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Types of Permits:

The Commission is authorized by law to issue two types of permits. A commercial/scientific permit, and a recreational permit.

Commercial/Scientific Permits : These permits are exclusive to the permittee and apply to specific site or area. They are issued for a one year period and are renewable. They can either be for a site which is historically significant or non-historically significant.

The permits will normally be issued in phases, as the circumstance require. The phases are:

Search - a non site disturbing permit, to use electronic devices in the water to locate a ship or other material. The permit provides a finders "first option" to obtain a permit to salvage.

Exploratory - to verify or identify a ship or other objects from a known location. Allows the use of electronic devices and certain mechanical devices for limited site disturbance. Requires a plan for the activities contemplated and a description of the equipment to be used and its proposed use. If the ship has archaeological or historic significance, requires a detailed archaeological plan, and concurrence by the State Historic Preservation Officer in the plan.

Excavation- to remove a ship or other objects, with the use of tools and mechanical devices and contemplates major site disturbance. For archaeological or historically significant sites, requires a very detailed archaeological plan, supervision by a qualified marine archaeologist, and appropriate removal and preservation. Approval of the State Historic Preservation Officer is required for the plan.

Recreational Permits:

Recreational permits are non-exclusive and non-territorial. They are issued for one year, and allow the recovery, with small hand tools, but without the use of mechanical devices, of small objects from sites which are not archaeologically or historically significant. (The Commission is not presently issuing recreational permits. The following information applies only to scientific /commercial permits)

Permits from other State, Federal and Local Agencies

Applicant should be aware that other agencies may have approval authority over the activity contemplated. Approval of other agencies with jurisdiction is required prior to commencing activities.

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Application

Applications for salvage permits should contain the following:

1. Cover Sheet: The cover sheet, (1) containing the name, address, telephone number, and affiliation (if any) of the persons requesting the permit. If the applicant is a corporation, partnership or association information concerning it as an entity. (2) Name of the shipwreck (if known or suspected). (3) Location of the wreck or site (as precisely as possible). (4) Evidence of the existence and location of the shipwreck. (5) Proposed dates/duration of the project. (6) Source of funding for the project. (7) Signature of applicant.

2. Project Summary: A short (250 words - maximum) description of the proposed project. For vessels of historical significance, it should include the research objectives and potential significance of the work. General types of equipment to be used should be discussed, as well as any unique problems foreseen with the project. This section should be suitable for release to the press.

3. Technical Information: This section should describe specific tasks to be accomplished and equipment and methods to be used to accomplish those tasks. Additional information should be provided depending upon the type of activity contemplated and type of permit requested. For Search permits, a listing of equipment types and search strategies will usually be sufficient. For Exploratory permits a research design will be required, including how the site will be studied, what measures will be taken to ensure that site integrity is maintained, a description of what artifacts might be taken for identification and how those artifacts will be conserved. More extensive discussion will be required for an Excavation permit, including a full archaeological recovery plan drawn up by a professional marine archaeologist.

4. Environmental Consequence: Discuss the consequence of conducting the activity on the environment, including the subsurface, water, atmosphere, and marine life, and the impact the activity will have on fishing or other marine navigation. The more complex the proposed project, the more extensive this section should be, as it will form the basis for the environmental documents required by the California Environmental Quality Act (CEQA)..

5. Personnel and Associated Organizations: List and describe persons and organizations who will be involved in the contemplated operations, and provide information concerning their qualifications to undertake the activity. Specifically discuss the archaeological backgrounds of staff involved in exploration or excavation activities and provide qualifications of all divers. Provide information on supervision of the project, and in particular, how the archaeological staff will relate to and control the excavation and preservation activities.

6. Financial Responsibility: Provide sufficient data to substantiate the fiscal capability of the applicant (responsible party) to complete the activity proposed, regardless of any financial gain or loss from the project. Discuss insurance arrangements and bonding for the project.

7. Archaeological or Historic shipwrecks or sites:

For sites of Archaeological or Historic significance, the application should elaborate on the following:

(a) Objectives: A statement of the objective(s) of the project.

(b) Project Significance: Discuss previous scientific work concerning the archaeological site or historic resource and how the proposed project will contribute to the state of knowledge of the site or resource.

(c) Method: Any site disturbance will require a detailed plan which provides for the protection and preservation of the site or objects or materials removed from the site consistent with contemporary professional standards of archaeological data recovery.

If site disturbance is proposed, indicate the type, quantity, and method of recovery, and identify the proposed repository to conserve, curate and interpret the resulting archaeological collection. The applicant must submit sufficient documentation to demonstrate that required technical resources, including existing facilities and funding commitments, will be available to complete the project.

The applicant will be required to submit an archaeological research design that describes, 1) the archaeological theory and methods to be employed; 2) the problems towards which the research will be directed; and 3) the ways in which the researchers are seeking to answer such questions. The applicant will also be required to provide a map showing study location(s) and a description of the archaeological site of particular concern.

8. Treatment of Results: Describe the nature and extent of anticipated results. Indicate how the results will be treated (e.g., published in a reference journal, incorporated into academic curriculum, used in management program, published in the press, etc.)

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Application Review Process

Once an application is submitted, it will be reviewed for completeness in accord with Title 7, Chapter 4.5 of the Government Code. If the staff finds the application incomplete, the applicant will be notified within 30 days and advised of the information or action necessary to make it complete. Failure of the applicant to provide the requested information or take the necessary action within 60 days of request is a basis to recommend denial of the application.

Approval or denial of all applications is done by motion and vote of the State Lands Commission at a public hearing at which the applicant will be given an opportunity to speak.

Once an application is accepted as complete, the Commission staff will begin the CEQA process to produce and circulate the appropriate environmental documents. These can range from a negative declaration for simple projects without significant environmental impact to extensive EIR's for complicated projects which may have significant environmental impact and require extensive mitigation efforts. The applicant will be required to cover all costs of the CEQA process as explained below.

Fees and Costs:

Applicant will be required to submit a basic non-refundable application fee of \$ 250.00. A permit fee will be payable on issuance of the requested permit. Permit fees are payable annually upon request for renewal of the permit. Permit fees will be based on \$500 per acre or fraction thereof with a \$500 minimum. Electronic search (survey) permits for salvage purposes will be issued for a limited area on a minimum basis without regard to acreage.

Applicant will be requested to sign a reimbursement agreement to cover costs of the compliance with CEQA, a shipboard monitor, and any other project costs. Deposit of costs which can reasonably be estimated will be required prior to expenditure of funds or incurrence of the cost.

Terms of Salvage:

Terms of salvage or abandoned ships, cargo or other items of personal property in State waters, is at the discretion of the State Lands Commission. The Commission's practice has been to agree on a division of the net value of items salvaged as follows: 25% of the first \$25,000.00 and 50% of all value exceeding that amount. The State has the first right of selection of objects, and may retain any or all of the items salvaged. If the State retains more than its share, it will reimburse the salvor in accord with the agreed division of value. Details of an agreement will be provided once an application has been accepted as complete and the scope of the project is determined.

Filing of an Application:

An application for a salvage permit may be filed with:

State Lands Commission
1807- 13th Street
Sacramento, CA 95814

Attn: Salvage Permit Coordinator

Further information concerning permit applications and filing may be obtained by calling the Commission at (916) 324-7823 or (916) 323-8487.

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EXHIBIT "C"

**GENERAL APPLICATION REQUIREMENTS
FOR
RECREATIONAL PIER PERMITS
(Section 6503.5, Public Resources Code)**

The State Lands Commission, pursuant to Section 6503.5 of the Public Resources Code, may issue Rent Free Permits for fixed facilities for the docking or mooring of boats which meet the following qualifications:

1. Structure is for the use of the littoral (lands along the waterfront) landowner as defined below.
2. Applicant, littoral landowner, must be a natural person or persons who owns and uses their littoral land solely for a single family dwelling or an association or a non-profit corporation whose members are natural persons and entitled to the use of a private recreational pier on the littoral land owned by the applicant and owners of one or more parcels of land or condominium units each of which is zoned or used solely for/as a single family dwelling and located not more than one mile from the littoral land owned by the applicant (use straight line distance).
3. Fixed facilities as used herein do 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 reconstructed for the docking or mooring of boats owned by the littoral landowner [California Administrative Code, Title 2, Division III, Article 2, Section 2002(f)].

If you qualify for the above complete the following and submit as part of your application.

1. Structure is for the use of the littoral (lands along the waterfront) landowner as defined below.
2. Applicant, littoral landowner, must be (complete category A or B as appropriate. If Box A is checked, go to item 3).

A. A natural person or persons who owns and uses their littoral land solely for a single family dwelling

OR

B. An association or a non-profit corporation whose members are (check appropriate boxes)

natural persons

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and

— entitled to the use of a private recreational pier on the littoral land owned by the applicant

and

— owners of one or more parcels of land or condominium units each or which is:

— zoned or used solely for/as a single family dwelling and

— located not more than one mile from the littoral land owned by the applicant (use straight line distance)

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CALENDAR ITEM

NO. 49

WORK ORDER: W 21809
W 5125.4

CALENDAR DATE: AUGUST 30, 1989

NEGOTIATOR: HORN/PELKOFER

STATE LANDS COMMISSION
(Party)

PAGES 405 - 408 OF EXHIBIT "C"
NOT PART OF FINAL CALENDAR ITEM

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