

MINUTE ITEM

This Calendar Item No. 71
was approved as Minute Item
No. 71 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

A 68
S 36

71

06/11/90
PRC 7269
Pelka
Frey

**NOTICE OF DEFAULT OF MINERAL EXTRACTION LEASE,
PRC 7269.2, RIVERSIDE COUNTY**

LESSEE: Alfredo A. Figueroa
424 N. Carlton
Blythe, California 92225

AREA, TYPE OF LAND AND LOCATION:
Vacant, State-owned, school land further
described as follows: The N 1/2, N 1/2 of the
SW 1/4, SW 1/4 of the SW 1/4, Lots 1, 2, 3, 4,
5 and 6, Section 36, Township 3 South, Range 20
East, San Bernardino Base and Meridian, eastern
Riverside County.

LAND USE: Surface mining of "driftwood stone", a variety
of decorative rock.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Alfredo Figueroa was issued the mineral
extraction lease for a term of ten years,
effective January 1, 1989.

Since that time, Mr. Figueroa has failed to
comply with the following lease terms:

CALENDAR ITEM NO. 71 (CONT'D)

- a. The annual rent of \$544 for the second lease year due January 1, 1990 has not been paid.
- b. The minimum annual royalty of \$1,740 due January 25, 1990 has not been paid.
- c. Maintenance of a \$3,000 performance bond. On February 16, 1990, Mr. Figueroa's existing bond was cancelled for failure to pay the annual premium.
- d. Quarterly report forms for the second, third and fourth quarters of 1989 have not been filed.

Mr. Figueroa has been contacted on several occasions by staff to resolve these deficiencies and has failed to respond or take corrective actions.

Staff recommends that Mr. Figueroa be found in breach of his lease obligations pursuant to Paragraph 21 of lease PRC 7269 and notified that the lease may be forfeited and cancelled pursuant to Paragraph 23.

2. 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 it is not a "project" as defined by CEQA and the State CEQA Guidelines.

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

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061, BECAUSE IT IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

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CALENDAR ITEM NO. 71 (CONT'D)

2. DETERMINE THAT THE LESSEE, ALFREDO FIGUEROA, IS IN BREACH OF LEASE PRC 7269, FOR FAILURE TO:
 - A. PAY THE ANNUAL RENT FOR THE SECOND LEASE YEAR DUE JANUARY 1, 1990.
 - B. PAY THE MINIMUM ANNUAL ROYALTY OF \$1,740 FOR THE FIRST LEASE YEAR DUE JANUARY 25, 1990.
 - C. MAINTAIN A VALID PERFORMANCE BOND IN THE AMOUNT OF \$3,000.
 - D. FILE QUARTERLY REPORTS FOR THE SECOND, THIRD, AND FOURTH LEASE QUARTERS OF 1989.
3. AUTHORIZE STAFF TO NOTIFY ALFREDO FIGUEROA THAT HE IS IN BREACH OF HIS LEASE ON EACH OF THE ABOVE PROVISIONS, IF HE HAS NOT CURED SAID BREACHES WITHIN A PERIOD OF 90 DAYS FROM SUCH NOTIFICATION, HE SHALL BE CONSIDERED IN DEFAULT OF HIS LEASE OBLIGATIONS UNDER THE TERMS OF PARAGRAPHS 21 AND 23 OF THE LEASE.
4. AUTHORIZE STAFF OF THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL APPROPRIATE ACTION, INCLUDING LITIGATION, TO OBTAIN ALL REMEDIES AVAILABLE TO THE STATE.

EXHIBIT "A"

LAND DESCRIPTION

PRC 7269.2

A parcel of California State school lands in Riverside County, California, described as follows:

The N 1/2, N 1/2 of SW 1/4, SW 1/4 of SW 1/4, and
Lots 1, 2, 3, 4, 5, & 6 of Section 36, T3S, R20E, SBM.

END OF DESCRIPTION

PREPARED JULY 6, 1987 BY BIU 1.

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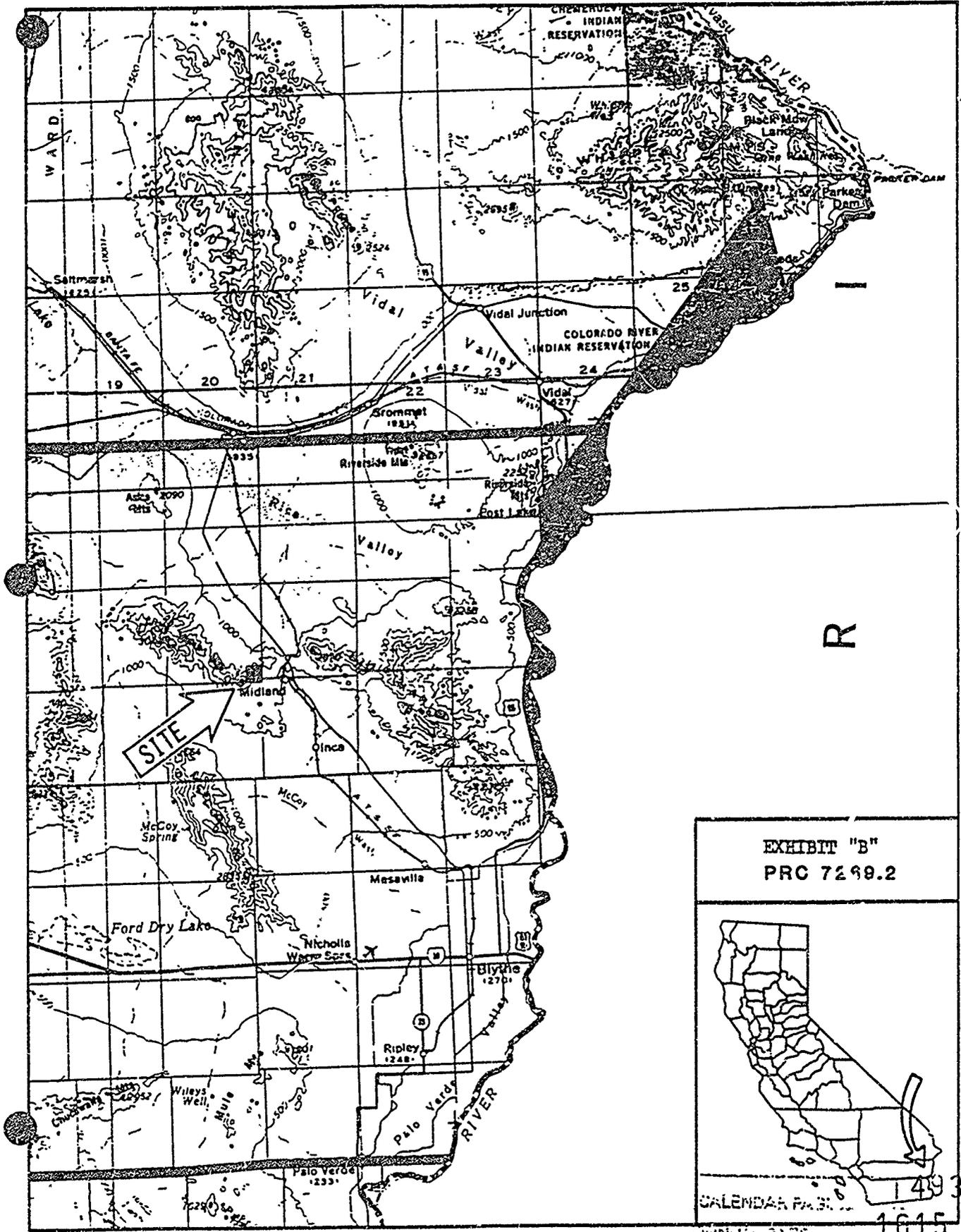


EXHIBIT "B"
 PRC 7299.2

