

MINUTE ITEM

This Calendar Item No. 36
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 3
to 0 at its 11-5-91
meeting.

CALENDAR ITEM

A)
S) Statewide

36

11/05/91
W 5125.4
Pelkofer

REVISE STANDARD LEASE CLAUSE

PARTY:

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

At the request of the Executive Officer, staff of the Commission, in consultation with the Office of the Attorney General, has revised the language of the environmental pollution clause of the standard lease provisions.

This revision was initialed by circumstances which demonstrated that the standard provisions would not allow a response and remediation of a pollution incident on State leased land. Although that situation could not be addressed, it was determined to change the language to make available to the Commission a remedy, should such a situation reoccur.

Staff believes the proposed language will provide authority for such a remedy and recommends adoption by the Commission.

AB 884:
N/A

EXHIBITS:

A. Proposed Revision

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. APPROVE AND ADOPT THE PROPOSED REVISION TO ITS STANDARD LEASE CLAUSES (SECTION 4 - GENERAL PROVISIONS), DATED JANUARY 1990, ATTACHED AS EXHIBIT "A".

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EXHIBIT "A"

ENVIRONMENTAL POLLUTION STANDARD LEASE CLAUSE

Subsection 4(e) Conservation

Lessee shall practice conservation of water, energy*, and other natural resources and shall prevent pollution and harm to the environment. Lessee shall not violate any law or regulation whose purpose is to conserve resources or to protect the environment. Violation of this section shall constitute grounds for termination of the lease. The lessor, by its executive officer, shall notify the lessee, when in his or her opinion, lessee has violated the provisions of this section and lessee shall respond and discontinue the conduct or remedy of the condition within 30 days.

Subsection 11(a)(7) Default (This subsection is revised to be consistent with the revisions of 4(e) above.)

Lessee's failure to comply with applicable provisions of federal, State, or local laws or ordinances relating to issues of health and safety, or whose purpose is to conserve resources or to protect the environment.

* Underlined is new language