CALENDAR ITEM

C28

MINUTE ITEM
This Calendar Item No. C28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting

A)
) Statewide
S)

12/17/92
W 5125.4
J. Sekelsky

APPROVAL OF MODIFICATION TO APPLICATION LISTS
AND CRITERIA (SURFACE LEASING)

PARTY:

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

The Commission has previously (Item 12, April 27, 1978 and August 30, 1989) adopted application lists and criteria for projects and permits requiring Commission approval, pursuant to Government Code Section 65920, et seq. (Permit Streamlining Act).

Staff has revised the existing general application form and the lists and criteria for applications to reflect changes of law and the current policy and practices of the Commission. The revised forms include: (a) a description of the general application procedure of the Commission; (b) a discussion of the environmental process under CEQA; (c) one comprehensive application form for the surface use of State lands; and (d) additional information about the legal basis for the rejection of an application or the determination that it is not complete. The revised application form represents a consolidation and reorganization of the earlier form and requires additional information relating to project feasibility, setting, potential environmental concerns, and public benefit.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that the

modification of application lists and criteria is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

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

Notification of this action for the purposes of State Administrative Manual Section 1082 is satisfied by the notice process for this Commission hearing.

EXHIBIT:

A. General Information and Application Materials - Surface Leasing of State Lands

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. DETERMINE THAT THE NOTICE PROVISION OF THE STATE ADMINISTRATIVE MANUAL SECTION 1082 HAS BEEN MET.

3. ADOPT THE MODIFICATION OF THE FORMS PREPARED BY STAFF AS SET FORTH IN THIS ITEM AND AUTHORIZE THE STAFF TO TRANSMIT THEM TO THE STATE OFFICE OF PLANNING AND RESEARCH.

4. AUTHORIZE THE STAFF TO TAKE ANY OTHER ACTION NECESSARY OR APPROPRIATE TO GIVE EFFECT TO THE MODIFICATIONS MADE BY THIS ACTION.

EXHIBIT "A"

GENERAL INFORMATION AND APPLICATION MATERIALS REGARDING SURFACE LEASING OF STATE LANDS

The State Lands Commission ("Commission") has jurisdiction and management control over those public lands of the State received by the State upon its admission to the United States in 1850 ("sovereign lands"). Generally these sovereign lands include all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. The Commission manages these sovereign lands for the benefit of all the people of the State, subject to the Public Trust for water related commerce, navigation, fisheries, recreation, open space and other recognized Public Trust uses. In addition the State manages lands received after Statehood including swamp and overflowed lands and school lands. The Commission's Land Management Division in Sacramento administers the surface leasing of these lands, sand and gravel extraction from these lands, and dredging or disposal of dredged material on these lands. The Commission also manages the development of all mineral resources contained on such lands.

Land Ownership Determination

Upon receipt of an application or an inquiry about use of State lands the Commission's Title Unit reviews its files and information submitted by the applicant to determine the extent of the State's property interest in the proposed project site. In some cases, the complex nature of the title to the lands may result in the applicant having to submit a title report (preliminary report of title or title policy) as part of the application process.

Leasing Policies

The lands managed by the Commission vary widely in character and utility. The Commission maintains a multiple use management policy to assure the greatest possible public benefit is derived from these lands. The Commission will consider numerous factors in determining whether a proposed use of the State's land is appropriate, including, but not limited to, consistency with the Public Trust under which the Commission holds the State's sovereign lands, protection of natural resources and other environmental values, and preservation or enhancement of the public's access to State lands.

Applicants are advised that the Commission is under no obligation to approve any application submitted to it. The Commission may approve, condition, or deny any application, based upon the above referenced factors or other issues raised during the application review process.

California Environmental Quality Act (CEQA)

The issuance of any lease, permit or other entitlement for use of State lands by the Commission requires review for compliance with the California Environmental Quality Act (CEQA). The terms of CEQA may be found in the California Public Resources Code (PRC), Sections 21000 et seq., and in the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq. No proposed project will be approved until the requirements of CEQA have been met. Additionally, if the application involves lands found to contain "Significant Environmental Values" within the meaning of P.R.C. Section 6370, consistency of the proposed use with the identified values must also be determined through the CEQA review process. Pursuant to its regulations the Commission may not issue a lease for use of "Significant Lands" if such use is detrimental to the identified values.

Most leases, permits or other entitlements for use require approvals from other public agencies. On many proposed projects the Commission is the Lead Agency under CEQA (the public agency with the principal responsibility for carrying out or approving a project.)

Where the Commission is the Lead Agency, its initial step in reviewing an application is to determine whether the proposed project is exempt from CEQA. Exemptions from CEQA are either statutory or categorical. A listing of some exemptions may be found in the Commission's administrative regulations and others may be found in Title 14 of the California Code of Regulations. Categorical exemptions will not apply if there is a reasonable possibility that a proposed project will have a significant effect on the environment due to unusual circumstances.

If a proposed project is not exempt from CEQA, the staff of the Commission conducts an Initial Study to determine whether the proposed project may have a significant effect on the environment. The Initial Study is circulated to Responsible, Trustee, and interested public agencies and others who have expressed an interest in such documents of the Commission for review and comment. The circulation period is normally thirty (30) days. Based upon the responses received and Commission staff analysis, a determination is made as to whether a Negative Declaration or an Environmental Impact Report is required.

A Negative Declaration ("ND") is the simpler of the two documents. Generally, the ND consists of the Initial Study accompanied by a determination by the staff that the proposed project will not have a significant effect on the environment. The ND may also include mitigation measures that help insure that the proposed project is not environmentally harmful. The ND is circulated for thirty (30) days to appropriate agencies and interested persons. This review is provided through the State Clearinghouse. If no significant environmental effects are identified, the Commission considers the ND together with any comments received, and approves or disapproves the ND, and then approves or disapproves the proposed project.

An Environmental Impact Report ("EIR") is required in instances where responses to the Initial Study reflect concern that the proposed project may or will have a significant effect on the environment. In some cases it is clear without preparation of an Initial Study that a project could have a significant effect on the environment. In such cases, the EIR process may begin without preparation of an Initial Study. Usually a third party consultant will be hired by the Commission to prepare the EIR.

In most instances, the preparation of an EIR takes from six (6) to nine (9) months. A Draft EIR is circulated for forty-five (45) days to agencies and individuals concerned about the project. The State Clearinghouse provides for circulation to State agencies. During the 45-day review period, a public hearing may be held. Comments and recommendations received and significant environmental points raised in the review and consultation process are responded to in the final EIR. This document is then circulated for an additional fifteen (15) days to those agencies and persons who commented on the Draft EIR. After the review period has ended, the final EIR is presented to the Commission for certification, and the proposed project, including any recommended alterations or mitigation measures, is presented to the Commission for approval or disapproval.

The applicant will be required to cover the costs of preparation of the environmental documentation for the project. Experience has shown that ND and EIR costs vary considerably, from several hundred to hundreds of thousands of dollars. The applicant must deposit an amount specified by the staff of the Commission within twenty-one (21) days after Commission staff gives written notice of the anticipated costs of environmental processing, and will be required to execute a reimbursement agreement committing to full payment of the Commission's costs. (IMPORTANT: Please refer to Part IV of the attached application for more specific information regarding payment of Commission costs in processing your application.) If the cost for the preparation of a ND or EIR exceeds the amount deposited, the amount of excess costs must be deposited within fifteen (15) days after written notice is given. Any unexpended portion of the deposit will be refunded to the applicant after the ND or EIR is determined by the Commission to be adequate. Should the applicant fail to deposit the requested costs, the application may be canceled without further notice. Staff will not contact consultants regarding preparation of an EIR until required deposits and reimbursement agreements are received.

Where the Commission is a Responsible Agency as defined in CEQA (a permitting agency other than the Lead Agency), it must review the environmental documentation prepared by the Lead Agency, and comply with all applicable, substantive and procedural requirements of CEQA.

Time Constraints/Completeness of Application

Not later than thirty (30) calendar days after the Commission receives an application for a development project, the staff will notify the applicant in writing whether the application is complete. Please see
PART V of the attached application form for the definition of "development project".

The Staff of the Commission shall deem an 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 deposits, fees, and executed reimbursement agreements required by the Commission (See Part IV);

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;

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; and

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.

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In the event the application is determined not to be complete, the staff will specify what additional information is required. Upon receipt of any additional material, the staff will respond within 30 days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any part of the fees retained by the Commission. Please see Notice on Page 5 of this application. There is an appeal process whereby an applicant may appeal he determination of the staff that the application material is incomplete. The adequate completion of Parts I through V of the attached application form shall constitute a complete application.

After an application is found to be complete, applicant may be required to submit additional information to clarify, amplify, correct or otherwise supplement the information requested in the application form.

Where the Commission is the Lead Agency and an EIR is prepared, the Commission must approve or disapprove a development project within one (1) year from the date on which the application was received and accepted as complete by the staff of the Commission. Where an ND is prepared or if the development project is exempt from CEQA, the development project shall be approved or disapproved within six (6) months from the date the application was received and accepted as complete by the staff. One extension of this time period of up to ninety (90) days may be allowed if mutually agreed to by the staff and the applicant.

Where the Commission is a Responsible Agency, it must approve or disapprove a development project within 180 days from the date the Lead Agency approves the project, or within 180 days from the date the application was received and accepted as complete by the staff of the Commission, whichever is later.

The following are some of the circumstances that may cause the Commission to deny a project:

1. Failure of an applicant to furnish requested additional information;
2. Environmental considerations;
3. Failure to meet any statutory requirements;
4. Failure to submit requested additional fees;
5. Failure to conclude negotiations or to execute documents;
6. Inability of applicant to meet financial qualifications as deemed appropriate by the staff;
7. Misrepresentation by the applicant or its agent; or
   Inconsistency with Public Trust restrictions, resources, or values.

This list should not be considered exclusive.

Application Processing

It is the policy of the State Lands Commission to recover all costs for the processing of leases, permits or other entitlements for the use of State land.

As soon as the application is accepted as complete the staff will take all steps necessary, including but not limited to title work, land descriptions, and appraisals to process the application. In most cases many of the terms and conditions of a Commission lease, permit or entitlement are subject to negotiation on a case by case basis. Once the terms and conditions have been agreed to and the lease, permit or entitlement has been executed by the applicant, staff will schedule the item for consideration by the Commission. The Commission normally meets one day per month. Items to be considered by the Commission must be finalized at least one month prior to the scheduled meeting in order for the item to meet applicable legal notice requirements.

Miscellaneous Information

The following concerns all applications:

An applicant acquires no property interest in State lands or the right to the use of State lands until the Commission grants a lease, permit or other entitlement and until the appropriate document complete in all respects has been executed by the applicant and the State.

application is not transferable; therefore, an agent should not submit an application without disclosing his agency status and the principal's identity, nor should an application be submitted with the later intention of attempting to transfer the application or an interest in an application.

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The preceding information is an outline of the general requirements and procedures applicable to all surface leasing developments. Prospective applicants wishing to obtain a lease, permit or other entitlement for use of State lands should read and complete the attached application form and any attached parts that may be applicable and return it together with the data requested to the staff of the Commission for review and processing. Questions involving the surface leasing of State lands and the completed application form should be directed to:

State Lands Commission
Land Management Section
1807 13th Street
Sacramento, California 95814
Telephone (916) 445-7738

Accommodations for the Deaf and Hearing Impaired

The State Lands Commission has available the services of the California Relay Service to provide telephone capabilities to deaf or hearing impaired persons. The telephone number of the California Relay Service is 1-800-735-2929 (TDD/TT) In addition, a sign language interpreter will be provided, upon reasonable advance notification of need by a deaf or hearing impaired individual.

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APPLICATION FOR LEASE OF STATE LANDS

-INSTRUCTIONS-

This application form has been developed in accordance with California Government Code Section 65940. The form has been designed to apply to a variety of surface use situations including commercial, industrial, right-of-way, and recreational developments. The form requires an applicant to fully describe its proposed use of State lands and consists of several parts: Part I - General Data; Part II - Specific Project Information; Part III - Project Environmental Data; Part IV - Fees; and Part V - Signature and Certification.

The information sought in this application form is required from the applicant and the sufficiency of the information provided by the applicant will be the basis by which the staff will determine the completeness of the application as specified in Government Code Section 65940.

When completing this application, please type or print clearly and submit it to the principal office of the Commission in Sacramento. Please answer all applicable questions and write "N.A." where questions do not apply. Applications for any use or entitlement of State lands, including but not limited to, applications for amendments, assignments, new leases for continuation of existing uses, or replacements of existing leases or permits, must be submitted on this form. Requests or inquiries not submitted on this form will not be considered applications and will be returned to the submitting party. (IMPORTANT: Submittal of this form will NOT be considered an application unless accompanied by the Filing Fee and appropriate Minimum Expense Deposit set forth in Part IV of this form.)

In addition, please submit any information believed important in support of the application. All plans or other materials submitted become a part of the official file and cannot be returned; however, certain information deemed proprietary by statute may be withheld from public view if requested by the applicant.

NOTICE:

If an application becomes inactive for a period of six months, the application will be terminated and all fees submitted with the application will be forfeited, subject only to the return of any unused deposit of processing fees. An application will be considered inactive if the applicant fails to provide requested information or indicate in writing why such information is not forthcoming for a period of ninety days following written request for such information by Commission staff.

PROCESSING COSTS:

In addition to the costs of preparation of environmental documentation for the proposed project, applicant will be charged for Commission costs and expenses for processing this application. The applicant shall deposit with the Commission the applicable Minimum Expense Deposit as set forth in Part IV of this form, and submit an executed reimbursement agreement to cover those costs. A reimbursement agreement form will be provided by Commission staff following review of the application and an estimate of anticipated Commission costs. If any reimbursement agreement(s) and any payment required under any reimbursement agreement(s), is(are) not received within twenty-one (21) days of request, the application may be canceled. Processing costs and environmental fees are calculated based on actual or estimated costs plus proportional overhead. If the deposit amount is less than those costs, the applicant will be required to submit additional costs within the allowable time period. If the deposit amount is more than these costs, you will be refunded the difference.

Please note that if your application is ultimately approved by the Commission, you may also be charged other fees as provided by law, including, but not limited to environmental review fees charged by the California Department of Fish and Game, pursuant to Fish and Game Code Section 711.4.

MISCELLANEOUS

The application information outlined on the following forms is necessary in order to process your application for use of State land. You have the right to review files maintained about your project by the Commission, except as provided by law. The Commission Records Coordinator, State Lands Commission, 1807 13th Street, Sacramento, California, 95814, telephone (916) 445-9742, is responsible for maintenance of the information which is collected by the Commission.

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The conduct of the Commission is governed by California Public Resources Code Sections 6000 et seq. and Title 2, Division 3, Sections 1900 et seq. of the California Code of Regulations. These provisions are included herein by reference.

DEFINITIONS

1. CEQA: California Environmental Quality Act: Public Resources Code Sections 21000 et seq.

2. EIR: Environmental Impact Report

3. PRC: Public Resources Code

4. "Proposed Project" shall include the construction, operation, and maintenance of a new facility, a change in an existing facility, or the continued use of State land for an existing facility for which Commission authorization has expired or never been granted.

5. "Water body" shall include the Pacific Ocean and any river, stream, slough, lake, bay, estuary, inlet, or strait.

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APPLICATION INDEX

The application form which follows consists of the following parts:

PART I: GENERAL DATA

Section A: Identification of Applicant

Section B: Legal Status of Applicant

Section C: Type of Project and Authorization

Section D: Project Location

Section E: Property Description

Section F: Other Governmental Jurisdiction

PART II: SPECIFIC PROJECT INFORMATION

Section A: Existing Conditions

Section B: Project Description

Subsection 1: For all projects

Subsection 2: For specific types of projects

a) Marinas and other multiple berthing facilities.
b) Launch ramps and other launching facilities.
c) Dredging and dredge material disposal.

Subsection 3: Project Siting and Feasibility

Subsection 4: Public Benefit

PART III: PROJECT ENVIRONMENTAL DATA

Section A: Environmental Setting

Section B: Assessment of Environmental Impacts

Section C: State Lands Commission as a Responsible Agency

PART IV: SUBMITTAL OF FEES

PART V: SIGNATURE AND CERTIFICATION

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PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT

1. Applicant:

Name: _____

_____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ FAX : _____

2. Applicant's authorized agent or representative (if any):

Name: _____

_____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

3. Who should receive correspondence relevant to this application? (Check one)

Applicant: _____ Representative: _____ Both: _____

FOR COMMISSION USE ONLY:

Date Received: _____

Work Order No.: _____ Assiggned to: _____

Type of Document: _____

Filing Fee: _____ Processing Fee: _____

Other Fees: _____

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SECTION B: LEGAL STATUS OF APPLICANT

Check one of the following and submit the required information.

__ INDIVIDUAL(S):

__ CORPORATION: Attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of incorporation with the Certificate of Good Standing of Foreign Corporation issued by the Secretary of State of California authorizing the transaction of business in California; Articles of Incorporation and/or By-Laws; a certified statement of the names of the corporate president, secretary and/or officer(s) authorized to execute contracts; and a board resolution or other evidence of authority to enter into the requested transaction.

__ PARTNERSHIP: Attach a certified copy of the partnership statement. If no partnership statement has been filed in the county in which the partnership does business, so state in the application and further give all particulars of the partnership.

__ PUBLIC AGENCY: Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared to a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

Leases and permits involving "School Lands" cannot qualify for rent-free status.

Public agencies will also be required to submit evidence of the authority of the official(s) to execute contracts together with a resolution or other document authorizing execution of the appropriate lease or permit.

__ OTHER: State the nature, membership and other particulars regarding the legal status of applicant. Provide legal documentation establishing the authority of applicant to enter into the requested transaction, and designating who is authorized to act on behalf of applicant.

SECTION C: TYPE OF PROJECT AND AUTHORIZATION

ou will be asked to provide specific project information in Parts II and III of this application.

1. Please check the type(s) of activity for which you are seeking Commission authorization.

__ Commercial (Income producing uses such as marina, restaurants, clubhouses, recreation piers or facilities, docks, moorings, buoys, helicopter pads, decks or gas service facilities)
__ Industrial (Uses such as oil terminals, piers, wharves, warehouses, stowage sites, moorings, dolphins and islands; together with necessary appurtenances).
__ Right of Way (Uses such as roadways, power lines, pipelines or outfall lines, except when used only as necessary appurtenances).
__ Public Agency Use for public roads, bridges, or for recreational, ecological or open space purposes of statewide benefit.
__ Private Recreational Pier. Uses are limited to any fixed facility for the docking or mooring of boats constructed for the use of the littoral landowner, as specified in Public Resources Code Section 6503.5, and does 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 constructed for the docking or mooring of boats.
__ Non-income producing uses such as piers, buoys, floats, etc., which do not qualify as Private Recreational Piers (above).
__ Protective Structure (Riprap, seawall, groins, jetties, breakwaters, bulkheads, etc.).
__ Grazing or other Agricultural Use.
__ Dredging Permit (Please check if any portion of the proposed project will involve dredging during construction or ongoing maintenance of the project).
__ Sand and Gravel Extraction.
__ Salvage Permit (Salvage of any abandoned property on State owned lands; see Public Resources Code Section 6309.).
__ Other _____
(Please describe generally)

2. Please indicate whether you are seeking Commission authorization for:

A new lease or permit for a proposed use of State owned land;
__ A new lease for the continuation of an existing use of State owned land;
__ An amendment of an existing lease;

__ A sublease of an existing lease;
__ A consent to encumber an existing lease; and/or
__ An assignment of an existing lease; and/or
__ Other (please describe). _____

Where applicable, please indicate file number of existing or prior lease.

SECTION D: PROJECT LOCATION

County: _____ City: _____
If unincorporated, nearest city: _____
Waterway: _____
Township, Range, Section and Reference Meridian: _____
Upland Owner's Name: _____ (If different from applicant)
Upland Owner's Address: _____
Telephone: ( ) _____
Upland Address: _____
Subdivision, Block, and Lot Number: _____

SECTION E: PROPERTY DESCRIPTION, INCLUDING TITLE AND BOUNDARY INFORMATION

1. Submit a copy of the current vesting document (deed) for the property lying landward of and adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, you should also submit a copy of a lease, permit, or other evidence of your right to use this property.

2. Submit a detailed plan or plot of proposed lease areas and existing and proposed structures showing their locations with respect to property lines, high and low water with reference to the datum of water line elevation and their dimensions.

3. Submit a vicinity map (8 1/2" x 11" with scale) showing the general area and the project site in relation to the shoreline, major roadways, and other landmarks.

4. Submit a legal description of the area to be leased from the State, tied to a monument or monuments of record. The area to leased includes the area occupied by the structures, or otherwise under the exclusive control of the lessee/permittee.

SECTION F: OTHER GOVERNMENTAL JURISDICTION

On a separate sheet of paper, please provide the following.

Identify other public agencies having approval authority over your proposed project: (i.e.; U.S. Army Corps of Engineers, local or regional planning bodies, city and/or county governmental permitting authorities, air or water quality boards, Coastal Commission, San Francisco Bay Conservation and Development Commission, Tahoe Regional Planning Agency, etc.)

If applicable, submit a U.S. Army Corps of Engineers Public Notice, Notice Number, or Letter of Approval for the project. If applicable, submit the number assigned to the project from the San Francisco Bay Conservation and Development Commission or the State Coastal Commission. Submit copies of any other existing approvals with the application.

Identify any General Plan and Specific Plans which include the area in which the project will be located, including the date of the most recent revisions to such Plan(s). What is the land use designation and zoning of the upland portion of the project under the General Plan and any applicable Specific Plan? Will the project require the amendment of the General and/or the Specific Plan? Will a variance from the existing zoning be required? Please provide the name and telephone number of the individual(s) contacted within the local jurisdiction to answer the foregoing questions.

You will be required to submit a copy of local approvals (City and/or County) for your project prior to consideration of your application by the State Lands Commission. If you cannot obtain local approval of your project prior to consideration by the State Lands Commission you must submit a letter or other document from the local agency setting forth the status of your local application and any concerns the local governmental agency has regarding your project.

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Form 542 (Rev. 10/6/92)

PART II
SPECIFIC PROJECT INFORMATION

Please complete this Part II as indicated below. Please submit responses on separate 8½" x 11" paper indicating clearly the number of ıe information request to which each response applies.

SECTION A. EXISTING CONDITIONS

1. Describe in detail existing activities, uses and improvements at the proposed project site, both on water covered lands ("water bodies") and on adjacent uplands. Provide construction dates and aerial or ground photographs of existing improvements. Indicate whether facilities are temporary or permanent.

2. Describe existing public use of the water body and adjacent uplands, the type and frequency of the public use, and any existing public access to the water body across the project site.

3. Provide maps and/or aerial or ground photographs which delineate existing vegetation at the proposed project site and along the shore of the water body upon which the project is to be located within a one-half (½) mile radius of the proposed project site.

4. Identify the type and location of any known habitat of rare, threatened, or endangered species of plant or animal within a one mile radius of the proposed project site. Information in this regard may be acquired from the California Department of Fish and Game or the United States Fish and Wildlife Service.

5. **Only if the proposed project involves a marina**, list and describe, within one river or lakeshore mile of the proposed project site:

   (a) Existing or proposed marina facilities, indicating for each facility, available berthing by berth size, whether finger or slip or side tie, fuel facilities, pump outs, restrooms, restaurants, grocery stores, and other ancillary facilities;

   (b) Public and private boat launching and storage facilities;

   (c) Public fishing access and parking availability; and

   (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

   Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

SECTION B: PROJECT DESCRIPTION

SUBSECTION 1: ALL PROJECTS. All applicants should respond to (a) - (d) below.

a. Provide a project development plan which clearly shows the following:

   (1) A scale drawing of proposed improvements that shows existing topographic features, and dimensions of the area to be occupied within any water body. (This should include identification of the width of the waterway at the project site);

   (2) The nature and location of all significant project features, including, but not limited to, the number, size and design of any berths, boat ramps or launches; the type, dimensions and location of any associated commercial facilities, utilities, parking, public access, and marine services; and any proposed exterior lighting or other security measures;

   (3) The type and location of any existing vegetation which will be preserved, any existing vegetation proposed for removal, and any planned restoration of vegetation or other landscaping; and

   (4) The size of the proposed project relative to any other improvements or facilities within 100 feet upstream or downstream of the proposed project site, including facilities on the opposite bank, particularly with regard to its linear extension into and along the waterbody.

b. If the project will involve construction, describe in detail the construction methods and equipment which will be used and the anticipated time frame for construction activities.

c. Describe how the project will affect any levees in the project area. Identify existing ecological and/or habitat features along the levee and any proposed alterations or modifications to any levees and associated ecological and/or habitat features.

d. Identify any project features which you believe will avoid or mitigate any effects of moving vessels (e.g. wave wash) on the proposed facility or shore of the waterbody.

SUBSECTION 2: SPECIFIC PROJECTS. Applicants should respond only to those paragraphs which apply to their project.

a. For any project which involves a **MARINA OR OTHER MULTIPLE BERTHING FACILITY**, provide the following. If your project does not involve a marina or other multiple berthing facility, go on to (b) below;

(1) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc. If none, please identify the nearest pump-out facility, by name, location, and operating hours.

(2) Identify whatever provisions are proposed for litter/garbage disposal, including frequency of pick-up.

(3) Identify any proposed fueling facility and fully describe spill prevention and control features. Are fueling stations such that they are accessible by boat without entering or passing through the main berthing area, in order to avoid collisions? Provide a spill contingency plan and list equipment and training needed to implement the plan.

(4) Describe any proposed vessel maintenance facility, i.e., its capacity, typical activities and quantities of potentially toxic materials expected to be used. Boat maintenance areas should be designed so that all maintenance activities that are significant potential sources of pollution can be accomplished over dry land and under roofs (where practical), allowing for proper control of by-products, debris, residues, solvents, spills, and stormwater runoff. All drains from maintenance areas should lead to a sump, holding tank, or pumpout facility from which the wastes can later be extracted for treatment and/or disposal. Indicate whether maintenance areas drain directly into surface or ground water or wetlands.

Will curbs, berms or other barriers be built or placed around areas used for the storage of liquid hazardous materials to contain spills?

If no boat maintenance facility is proposed, identify the off-site facility(ies) most likely to be used.

(5) Identify the location of any engine and hull washing activities, expected numbers of washings and the types of detergents proposed for use. Only phosphate-free and biodegradable detergents should be used for boat washing.

(6) Describe any proposed pollution control measures for vessel maintenance and haulout facilities.

Examples include:

- Use of tarps and vacuums to collect solid wastes produced by cleaning and repair of boats. Such wastes should be prevented from entering adjacent water.

- Vacuum or sweep up and catch debris, sandings, and trash from boat maintenance areas on a regular basis so that runoff will not carry it into the water.

- An oil water separator should be used on outside drains and maintained to ensure performance.

- Tarps should be used to catch spills of paints, solvents, or other liquid materials used in the repair or maintenance of boats.

- Used antifreeze should be stored in a barrel labeled "Waste Antifreeze Only" and should be recycled.

(7) Describe any special measures proposed to control the quality and quantity of urban and other runoff from surrounding areas.

(8) Describe the terms and conditions under which periodic and transient berthing will be permitted at the proposed facility, and how those terms and conditions will be enforced. Indicate percentage of dry boat storage compared to wet slips.

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(9) Identify the method of handling fish wastes back into the natural ecosystem. Indicate how recycling of fish wastes will not degrade water quality or cause other adverse environmental impacts.

(10) Describe the depth and location of navigation and access channels, if any. Are these channels located in areas with safe and convenient access to waters of navigable depth, based on the kind of vessel expected to use the marina?

(11) Describe the stormwater management system. Does the system provide a bypass or overflow systems so that the peak discharge from a 10-year 14-hour storm will be safely conveyed to an erosion and scour-protected storm water outfall?

(12) For proposed offstream marinas or berthing facilities, provide a water circulation plan for the facility which has been prepared and certified by a qualified hydrologic engineer. Such plan must indicate the direction and amount of flushing action in the facility.

b. For any project which involves a **LAUNCH RAMP OR OTHER LAUNCHING FACILITY** describe the following. If your project does not involve any launching facility, go on to (c) below.

(1) The capacity of related parking areas for boats, trailers, and vehicles;

(2) Any ancillary features such as restrooms, trash disposal bins, and the like; and

(3) Any provisions for pump out and disposal of bilge water.

c. For all projects involving **DREDGING OR DREDGED MATERIAL DISPOSAL**, provide the following, prepared and certified by a qualified engineer with relevant expertise. If your project does not involve dredging or dredged material disposal, go on to (d) below.

(1) An estimate of the amount and description of the method of dredging necessary to complete construction of the proposed project;

(2) An estimate of the amount and frequency and a description of the method of any maintenance dredging anticipated for operation and maintenance of the project;

(3) Identification and estimate of amounts and persistence of contaminants which may be released from the sediments during dredging, and during construction and operation and maintenance of the proposed project; and

(4) The method and location of disposal of dredged materials.

(5) During dredging operations, will the dredging result in turbidity? If so, indicate how turbidity can be minimized (e.g., through the proper placement of silt screens or turbidity curtains).

(6) Describe how the need to dredge has been minimized or avoided. For example, the marina could be sited adjacent to deep water and the area to be dredged could be the minimum needed for the marina itself, including the docking areas, fairways, and channels, and for other maneuvering areas that are needed. Is the bottom of the marina deeper than the adjacent open water?

(7) Has siting been planned near currently permitted public areas for disposal of dredged materials? How far is it to the disposal area?

d. For all projects involving **GRAZING**, provide the following. If your project does not involve grazing, go on to Subsection 3, below.

(1) Indicate the type and number of animals that will be located on State lands.

(2) Indicate the months during which the animals will be located on State lands.

(3) Estimate the carrying capacity of each parcel applied for.

(4) Indicate whether applicant holds a current grazing permit from the United States Bureau of Land Management (BLM). If so, indicate when the permit expires, and provide a map showing the location of the grazing allotment.

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(5) Indicate whether there are any known water sources on the parcel(s) applied for. If such water sources are inadequate for the number of animals to be located on the State land, indicate how you will provide additional water.

SUBSECTION 3: PROJECT SITING AND FEASIBILITY. Complete if the proposed project is a commercial or indust use as defined in Part I, Section C, above.

a. If the project involves berthing or docking facilities, describe how siting has been planned to ensure that tides and currents are adequate to flush the site, or renew its water regularly. Will water quality standards be violated?

b. Will the project be sited away from wetlands, shellfish resources, submerged aquatic vegetation, and critical habitat areas?

c. Is the project sited such that it will have easy access to roads, utilities, public sewers (where available), and water lines?

d. Were alternative sites considered for the proposed project? If the answer is no, please explain. If the answer is yes, please identify such alternative sites. List any criteria which were used during the site selection process. Please state what factors 1) were used in the selection of the proposed site; and 2) make this site superior for the proposed project.

e. On what basis is there a demonstrated public need for the proposed project at the designated location?

f. Please furnish any studies, which demonstrate demand for and feasibility of the proposed project. What is the minimum size or level of activity necessary to sustain the commercial viability of the project?

g. If the proposed project will generate revenue, estimate the anticipated annual gross and net revenues and show your basis for the estimates.

h. Describe any other existing or proposed projects that will be related to or dependent upon this project, will be affected by this project or will affect this project, and explain the anticipated relationship or effect.

SUBSECTION 4: PUBLIC BENEFIT

Describe any statewide or regional, rather than purely local, benefits of the proposed project, and the extent to which such benefits are provided by other facilities within a one mile radius of the proposed project site.

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PART III
PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

1. Describe the project site as it presently exists. Include information such as 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. Information regarding historic or archaeologically significant values within the site may be obtained from the University Information Center in the county in which the project is to be located.

2. Describe the surrounding properties. Include information such as 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.

3. Include a statement of the 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. Provide an explanation of each answer on separate 8½" x 11" paper, listing, as appropriate, studies, documents, or other information used to support your answer.

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?	[ ]	[ ]	[ ]
2. A change in scenic views from existing residential areas or public lands or roads?	[ ]	[ ]	[ ]
3. A change in pattern, scale or character of the land use at or in the general area of the project?	[ ]	[ ]	[ ]
4. Impacts to plants or animals?	[ ]	[ ]	[ ]
5. Significant amounts of solid waste or litter?	[ ]	[ ]	[ ]
6. Generation of or additional, dust, 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 flammable, toxic, or radioactive substances, 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)?	[ ]	[ ]	[ ]
A larger project or a series of projects?	[ ]	[ ]	[ ]
14. Historic structures and/or archeological sites?	[ ]		

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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 must submit the following materials as early as possible in the application process and substantially prior to scheduling the application for consideration by the Commission:

1. A copy of the project's environmental documents prepared by the Lead Agency, i.e. the Initial Study, a Negative Declaratior the draft and Final EIR, and evidence that these documents have been circulated through the State Clearinghouse pursuant to CEQA Guidelines Section 15073;

2. A copy of any environmental mitigation monitoring program prepared and adopted by the Lead Agency pursuant to PRC Section 21080.6;

3. A copy of the "findings" made by the Lead Agency relative to potential environmental impacts of the project as approved by the Lead Agency, pursuant to Section 15091 of the State CEQA Guidelines; and

4. A copy of the Notice of Determination filed with the Office of Planning and Research by the Lead Agency.

PART IV: SUBMITTAL OF FEES

Each applicant will be required to pay the Commission's costs of processing the application. Each applicant, at the time of filing an application, shall submit a Filing Fee and the appropriate Minimum Expense Deposit for processing fees as set forth below. Each applicant will also be asked to execute a reimbursement agreement to cover the total cost of processing the application (see below). (IMPORTANT: Submittal of this form will NOT be considered an application unless accompanied by the Filing Fee and appropriate Minimum Expense Deposit set forth in Part IV of this form.) The Minimum Expense Deposits listed below are based upon typical Commission costs in processing routine uncomplicated transactions, and may not cover the total cost of processing your application.

A. Filing Fee $ 25.00

B. Minimum Expense Deposits for Processing Fees:

TRANSACTION	MINIMUM EXPENSE DEPOSIT
(a) Commercial Lease (New)	$10,000.00
(b) Industrial Lease (New)	$15,000.00
(c) Right of Way	$ 1,500.00
(d) Public Agency Lease/Permit	$ 1,750.00
(e) Recreational Pier Lease	$ 600.00
(f) Protective Structure	$ 1,500.00
(g) Grazing or other Agricultural Lease	$ 1,500.00
(h) Dredging Permit	$ 800.00
(i) Lake Tahoe Trust Inspections	$ 700.00 *
(j) Consent to Encumber Leasehold	$ 600.00
(k) Assignment not involving amendment of Lease	$ 600.00
(l) Amendment of Lease to accommodate Lessee	$ 1,250.00
(m) Sublease Approval	$ 800.00
(n) Most other transactions not listed herein	$ 1,000.00

*Fee included in environmental processing cost if Negataive Declaration or EIR required.

In addition to the above listed application processing fees, the Commission may require reimbursement of its costs in providing other services associated with processing applications for leases or permits. These services include but are not limited to:

1. Processing environmental documents (See General Information enclosed with this application).
2. Review of environmental documents by the California Department of Fish and Game (See Fish and Game Code Section 711.4).
3. Advertising or public notification.
4. Duplicating or certifying papers.
5. Searching records or ordering title reports.
6. Processing archaeological, biological or other necessary surveys.
7. Appraisals required of special transactions at request of applicant.
8. Monitoring compliance with environmental mitigation requirements of lease.
9. Lease management, including rent reviews, compliance with lease terms, etc.

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Upon receipt of your application form and determination by staff of estimated costs to process your application, you will be provided a reimbursement agreement to assure recovery by the Commission of the total cost to process your application for the use of State land. **YOUR APPLICATION WILL NOT BE COMPLETE UNTIL WE HAVE RECEIVED THE FULLY EXECUTED REIMBURSEMENT AGREEMENT.**

PART V: SIGNATURE AND CERTIFICATION

AB 884 (Government Code Section 65920 and following). Government Code Section 64943 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' 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 dredged 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 to 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 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 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.

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: _____

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