

**CALENDAR ITEM
C32**

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S 19

08/20/10
PRC 4402.9
A. Scott

TERMINATION AND APPROVAL OF A PUBLIC AGENCY PERMIT AND RIGHT OF WAY MAPS PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE AND 6210.3 OF THE PUBLIC RESOURCES CODE

PERMITEE:

Department of Transportation
100 S. Main Street
Los Angeles, CA 90012

AREA, LAND TYPE, AND LOCATION:

120 acres, more or less, of filled sovereign lands in the Pacific Ocean, near Seacliff, Ventura County.

AUTHORIZED USE:

Maintain existing freeway fill and construct and maintain appurtenant improvements for the Ventura Freeway, State Highway 101.

PERMIT TERM:

Continuous use plus one year, beginning June 1, 2010.

CONSIDERATION:

Reasonable value of the right of way to be deposited into the State Parks and Recreation Fund.

OTHER PERTINENT INFORMATION:

1. Applicant has agreed to a Boundary Line Agreement establishing the boundary between private uplands adjoining the lease premises and the sovereign lands of the State.

2. On March 24, 1970, pursuant to Section 101.5 of the Streets and Highways Code the Commission approved Right of Way maps and issued a Public Agency Permit to the Department of Public Works, Division of Highways (now California Department of Transportation) for the placement of fill and construction of highway improvements on sovereign lands of the State in the Pacific Ocean near Seacliff, Ventura County.

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3. The California Department of Transportation now desires to expand certain improvements adjacent to the existing highway fill and appurtenant to the continued operation and maintenance of the highway. Staff is recommending that the existing permit be terminated and a new public agency permit and right of way map be authorized.
4. **TERMINATION OF PERMIT:**
Pursuant to the Commission's delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff determined that this activity is not subject to the provisions of CEQA because it is not a "project as defined by CEQA and State CEQA Guidelines.
5. **APPROVAL OF MAPS AND PERMIT:**
A Mitigated Negative Declaration SCH#2007081071 was prepared by the California Department of Transportation and adopted on December 12, 2008, for Ventura/Santa Barbara 101 HOV Project. However, the document did not include analysis of potential impacts from the development of State Lands Commission land for parking. An addendum was adopted on January 19, 2010, which included analysis of the development of the parking area. The analysis concluded that no significant impacts were found in relation to the parking area development and therefore no mitigation measures were adopted for this portion of the project. California State Lands Commission staff has reviewed such document. A Minimization and/or Mitigation summary was adopted by the California Department of Transportation.
6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et. seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code Regulations, section 2954 is not applicable.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060 (c)(3) and 15378.

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EXHIBITS:

- A Site and Location Map
- B-1 Map No. 19579-C
- B-2 Map No. 19580-C
- B-3 Map No. 19581-C

RECOMMENDED ACTION:

it is recommended that the commission:

CEQA FINDING:

TERMINATION OF PERMIT:

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

APPROVAL OF MAPS AND PERMIT:

Find that a Mitigated Negative Declaration SCH#2007081071 and a Minimization and/or Mitigation Summary were prepared by The California Department of Transportation and adopted on December 12, 2008, and an addendum was adopted on January 19, 2010, for this Project and that Commission staff has reviewed and considered the information contained therein.

AUTHORIZATION:

1. Termination effective June 1, 2010, Public Agency Permit PRC 4402.9 dated March 24, 1970.
2. Approve a Public Agency Permit and new right of way map as shown on Exhibits B-1, B-2, and B-3, attached and by this reference made a part hereof, submitted by the California Department of Transportation pursuant to Section 101.5 of the Streets and Highways Code and as authorized by Section 6210.3 of the Public Resources Code, for the continuous use plus one year, of a right of way for a portion of the Ventura Freeway, State Highway 101.