

MINUTE ITEM

This Calendar Item No. 33  
was approved as Minute Item  
No. 33 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/31/89  
meeting.

CALENDAR ITEM

33

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    ) Statewide  
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05/31/89  
W 5125.4  
W 21809  
Lynch

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

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

The Commission has previously adopted, pursuant to Government Code Section 65920, et. seq. (Permit Streamlining Act), application lists and criteria for projects requiring Commission approval.

Recent changes to the law make it necessary to modify the existing application forms to incorporate new notice provisions. The suggested changes provide, in part, a definition of a development project and also require the applicant to indicate whether the application for Commission action falls within said definition of a development project.

In addition, the application forms have been modified to advise applicants of related notice requirements which are applicable to their items. The forms advise that, if the applicant wishes for the "deemed approved" provisions of the law to apply to their project, they must comply with the specified general notice provisions and that a copy of the Commission's mailing list is available upon request for the transmittal of such notice.

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

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determined that this activity 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.

EXHIBIT: A. Addendum to Lease Application Form.

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 PROVISIONS OF STATE ADMINISTRATIVE MANUAL SECTION 1082 HAVE BEEN MET.
3. ADOPT MODIFICATIONS TO ITS GENERAL APPLICATION FORMS (SURFACE AND MINERAL LEASING) SUBSTANTIALLY IN THE FORM ON FILE IN THE PRINCIPLE OFFICE OF THE COMMISSION, AND BY REFERENCE MADE A PART HEREOF, AND AUTHORIZE STAFF TO TRANSMIT SAME TO THE STATE OFFICE OF PLANNING AND RESEARCH.

EXHIBIT "A"

Addendum to General Data Form 54.2 (11/78)

IMPORTANT NOTICE

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.

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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.