

**STAFF REPORT**

**75**

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04/29/20

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**CONSIDER A LIMITED DELEGATION OF AUTHORITY FOR NEED-BASED  
NEGOTIATED SETTLEMENTS WITH LESSEES AND APPLICANTS ADVERSELY  
IMPACTED BY COVID-19 AND FOR EMERGENCY RULEMAKING; AND SHORT-  
TERM EXTENSIONS FOR CERTAIN PUBLIC AGENCY LEASES**

**PARTY:**

California State Lands Commission

**BACKGROUND:**

The California State Lands Commission (Commission), in accordance with law, provides for the delegation of certain responsibilities and authority to the Executive Officer and staff of the Commission. The Comprehensive Delegation of Authority was most recently amended at the December 6, 2019 Commission Meeting ([Item 49, December 6, 2019](#)). While the Comprehensive Delegation of Authority provides for the Executive Officer's approval of certain actions necessary to avoid or respond to an emergency, those emergency provisions do not contemplate an emergency in the nature and scale of the COVID-19 global pandemic.

The unprecedented COVID-19 global pandemic has caused significant economic impacts worldwide, including throughout the State of California. Many of the Commission's lessees and applicants have been directly adversely impacted by COVID-19 and related shelter-in-place orders, including Governor Gavin Newsom's March 19, 2020, Executive Order directing all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations in specified critical infrastructure sectors ([Executive Order N-33-20](#)). Local jurisdictions throughout California issued similar orders and directives both prior to and following the statewide order.

The Commission immediately mobilized in response to Governor Newsom's Executive Order N-33-20 by broadly implementing telework to the extent feasible and closing Commission offices to visitors. Aside from active litigation pending in state and federal courts and ongoing communications with lessees and potential lessees to secure lease compliance, Commission staff will not initiate any new lease enforcement and compliance actions until after Executive Order N-33-20 is

## STAFF REPORT NO. 75 (CONT'D)

lifted. Additionally, lessees may elect to receive invoices electronically via e-mail rather than in the U.S. mail, to limit the potential transmission of the virus.

The proposed authorizations aim to address the realities created by the COVID-19 pandemic and provide relief to the Commission's lessees and applicants most in need. The proposed relief program is designed to provide certainty to lessees and applicants who are worried about their financial ability to meet lease obligations or application requirements, and who desire to remain in compliance with lease terms and applicable laws and regulations. At the same time, the proposed relief program serves to provide stability to the Commission's lease program, and continuity for the maintenance and oversight of State lands under the Commission's jurisdiction. The Commission's ability to fulfill its obligations as trustee of State lands is closely connected to its lessees' ability to fulfill their lease obligations. The proposed authorization attempts to balance all these needs as individuals, businesses, and governments respond to and cope with COVID-19.

Individuals and small businesses are recognized as being particularly vulnerable to adverse impacts due to COVID-19 and related orders and directives. These orders require individuals to stay at home and practice social distancing, which has resulted in the closure of certain businesses, or the reduction in permissible services that such businesses may provide, the closure of schools and other childcare options, and resulting job loss and reduction in compensable work hours.

Public agencies have also been adversely affected by COVID-19 and related shelter-in-place orders due to reduced and diverted staff capacity. Public agency resources, including employee time, have been diverted to address issues related to COVID-19, while other employees are teleworking or have necessarily taken time off work to fulfill childcare needs.

To assist individuals and small businesses that have directly suffered adverse impacts from COVID-19 and related shelter-in-place orders, staff recommends the Commission issue a limited delegation of authority to the Executive Officer to work with qualifying lessees and applicants on a case-by-case basis to negotiate the deferral of rent, waiver of penalty and interest, and deferral of application processing expenses, as appropriate, with the terms of such agreements to be confirmed in negotiated settlement agreements. Staff recommends that the limited delegation of authority also include authorization for the Executive Officer to pursue emergency rulemaking through the Office of Administrative Law if the Executive Officer determines an emergency rulemaking is necessary to fulfill the relief program described in this staff report.

## STAFF REPORT NO. 75 (CONT'D)

Staff further recommends that the Commission authorize short-term extensions of public agency leases due to expire in the next year, to allow public agency employees additional time to negotiate and process new leases. This extension would not include public agency leases that are nearing the end of a 49-year term and cannot be extended without exceeding the maximum 49-year lease term set by regulation (Cal. Code Regs., tit. 2, § 2004). However, the Commission will not pursue enforcement against any public agency whose lease is at the end of a 49-year lease term and that will expire before April 30, 2021.

If a lessee or applicant does not qualify for relief under this delegation, or staff is otherwise unable to negotiate a settlement with an applicant or lessee, the Commission reserves its right to pursue any and all remedies for failure to pay after Executive Order N-33-20 is lifted. The Commission additionally reserves its right to pursue any and all remedies for failure to fulfill the repayment terms of a negotiated settlement.

### **PROPOSED DELEGATION – NEGOTIATED SETTLEMENTS:**

Staff proposes a limited delegation of authority that authorizes the Executive Officer to enter into negotiated settlements with lessees and applicants adversely impacted by COVID-19 and related orders and directives who meet specified qualifications, as outlined below. Staff proposes authorizing the Executive Officer to approve negotiated settlements under the following parameters:

#### *Lessee Relief*

Lessees who meet the qualifications set forth below may submit a written request to staff to: 1) defer rent; 2) waive penalties for late payment; and 3) waive interest typically incurred on rent balances that are past due.

A written request must be submitted to staff via U.S. mail or e-mail, or other electronic transmission. Staff will then review the lessee's qualifications and, if the lessee qualifies for relief, staff will enter into negotiations with the requesting lessee, with the goal of reaching a settlement agreement, which shall then be submitted to the Executive Officer for approval and execution.

Rent may be deferred, and penalties and interest may be waived, for the period beginning March 19, 2020, when Executive Order N-33-20 went into effect and ending 90 days after the date upon which Executive Order N-33-20 is lifted. Rent may also be deferred, and penalties and interest waived, for the period beginning on the date any future statewide shelter-in-place order associated with COVID-19 goes into effect in California, and ending 90 days after the date upon which any such order is lifted. Rent, penalties, and interest already paid to the Commission will not be refunded.

## STAFF REPORT NO. 75 (CONT'D)

The negotiated settlements may provide for payment of the deferred rent amount as a lump sum or pursuant to a payment plan where the deferred rent is amortized over an agreed-upon timeframe. For lump-sum payment agreements, penalties will be assessed, and interest will accrue on the deferred rent amount if the lump-sum payment is not postmarked by the agreed-upon deadline. For amortized payments, penalties will be assessed, and interest will accrue on the total outstanding amount of deferred rent due if any payment is not postmarked by an agreed-upon payment deadline.

Rent may not be waived under the proposed authorization, and all rent will still be due and payable in accordance with the applicable lease term. Invoices are typically issued by the Commission as a courtesy, and invoices will continue to be issued and mailed to lessees. As noted above, lessees who wish to receive invoices electronically must submit a request to Commission staff.

The negotiated settlements contemplated by the proposed authorization would not alter existing lease terms and would be limited to rent deferral and waiver of penalty and interest. All other lease terms and obligations would remain in effect and fully enforceable. Any proposed settlements involving waiver of rent or other changes outside the limited scope of this delegation must be brought to the Commission for approval at a publicly noticed meeting.

### *Applicant Relief*

Applicants who meet the qualifications set forth below may submit a written request to staff to defer payment of the application processing expenses generally required before a lease application is processed, payable after the lease is considered by the Commission for approval. A written request must be submitted to staff via U.S. mail, e-mail, the Commission's Online System for Customer Applications and Records (OSCAR), or other electronic submission as provided for on the Commissions' website.

Staff will then review the applicant's qualifications and, if the applicant qualifies, staff will enter into negotiations with the requesting applicant regarding whether payment of the deferred processing expenses shall be made as a lump sum within 30 days following the Commission meeting at which the lease application is considered, or whether a payment plan amortizing the expense over an agreed-upon timeframe is more appropriate. Staff will then submit the agreement to the Executive Officer for approval and execution.

Qualifying applicants whose leases may be approved during the COVID relief program may apply simultaneously for deferral of the processing expenses and lease rental. Minimum expense deposits already paid to the Commission will not

## STAFF REPORT NO. 75 (CONT'D)

be refunded, other than the normal practice of releasing unexpended sums at the completion of lease processing.

The \$25 filing fee will not be waived or deferred as part of the delegation proposed.

### Timeframe

The limited delegation is proposed to be effective immediately upon authorization until a sunset date of April 30, 2021. Qualified applicants and lessees will be able to submit written requests for relief as contemplated by the delegation, and the Executive Officer will be authorized to agree to such relief so long as the request was submitted on or before April 30, 2021. The terms of a negotiated settlement may extend past April 30, 2021, and qualified lessees and applicants affected between March 19, 2020 (the date Executive Order N-33-20 went into effect), and April 29, 2020, the date of the proposed delegation, may apply for relief.

This timeframe will ensure that relief is available to qualified lessees and applicants whose rent is due on or after March 19, 2020, or minimum expense deposits and any additional processing costs associated with lease applications submitted on or after March 19, 2020, as well as lessees and applicants who foresee a problem with being able to make these payments over the next year as a result of COVID-19 and related orders and directives. This timeframe also accounts for the possibility that there may be additional shelter-in-place orders after Executive Order N-33-20 is lifted, if COVID-19 cases resurge in the fall.

### Qualifications

The burden of proof shall be on the lessee or applicant requesting relief to establish that they qualify for relief in accordance with the criteria set forth below:

- Good Standing  
The lessee or applicant must have been in good standing with the Commission prior to Governor Newsom's March 19, 2020, Executive Order N-33-20. This requires that all rent due and owing at that time had been paid, along with any outstanding penalties or interest.
- Annualized Rental Threshold for Relief  
In order to provide relief to lessees and applicants most in need, the relief contemplated herein would be limited to leases with annual rent under \$10,000. Lessees who hold leases with annual rent of \$10,000 or more, and applicants whose proposed lease terms provide for annual rent of \$10,000 or more, do not qualify for relief under the limited delegation proposed. To the extent such lessees or applicants need relief as a result of COVID-19 and related orders and directives, they must apply to the

## STAFF REPORT NO. 75 (CONT'D)

Commission for such relief on an individual basis, and the Executive Officer would not be authorized to enter into negotiated settlements with such lessees and applicants without specific Commission approval.

- Need-Based Qualifications  
A lessee or applicant requesting relief must meet the following need-based qualifications:

The lessee or applicant must certify direct adverse impact and provide evidence of financial hardship directly resulting from COVID-19 and related orders and directives satisfactory to the Executive Officer. This may include, but is not limited to, documentation of layoff, documentation of unemployment, furlough, loss of compensated work hours, reduction in compensation due to childcare responsibilities, business closure, or reduction in business receipts.

Staff recognizes that many lessees and applicants are companies or trustees, sometimes created solely to hold the lease and other assets. To the extent such lessee or applicant has not directly suffered an adverse impact from COVID-19 or related orders and directives, but rather a related individual or company has been affected, the burden shall be on the lessee or applicant to prove how COVID-19 or related orders and directives have affected the lessee's or applicant's ability to pay rent or the processing expenses.

Staff recommends that mineral extraction leases be expressly excluded from the expedited relief program proposed herein due to the specific statutes and regulations applicable to such leases.

If a lessee or applicant does not qualify for relief under this delegation (including mineral extraction lessees, who are expressly excluded), the lessee or applicant may apply outside this program for other relief as a separate Commission action.

### Program Notification

If authorized, notification regarding implementation of this program will be provided via U.S. Mail to lessees with annual rent under \$10,000. Electronic notification will be provided to those lessees and applicants who have provided their e-mail contact information. Notification regarding the program will further be posted on the Commission's website, and electronic notification will be sent using the various electronic mailing lists available to Commission staff.

### Record-Keeping and Reporting Requirement

Staff will keep a record of and report back to the Commission on the relief program at regularly scheduled meetings.

## STAFF REPORT NO. 75 (CONT'D)

Staff will keep a record of the following information: name of participating lessee or applicant, lease type, lease number, annual rent amount, amount of rent or expenses deferred, time period of deferral, amount of interest waived, amount of penalty waived, and agreed-upon payment due date for deferred rent or processing expenses, including due dates pursuant to a payment plan.

The Executive Officer will provide reports to the Commission at all regularly scheduled meetings during the period of this limited delegation. The following information will be reported: number of participating lessees, a breakdown of the types of participating leases, number of participating applicants, cumulative amount of rent deferred, cumulative amount of interest waived, cumulative amount of penalty waived, and cumulative amount of processing expenses deferred.

### *Impact on Cash Flow and General Fund*

The proposed relief program will have a short-term impact on the Commission's cash flow due to deferment of application expenses for qualified applicants, but the size of the overall impact is unknown since staff does not know how many of the Commission's lessees and applicants will request relief under the proposed program. It is likely that some impact to cash flow will occur regardless of whether the proposed program is implemented, as some lessees and applicants will simply be unable to make their rent payments given the ongoing crisis. The goal of the relief program is to lessen such economic impacts on lessees and applicants on the one hand, and the Commission on the other hand, by encouraging lessees and applicants in need to enter into a settlement agreement and stay in compliance. This will help ensure that deferred rent is eventually paid after the lessee or applicant has a chance to financially recover once the shelter-in-place order is lifted, with the goal of recouping rent without staff needing to spend time and resources pursuing enforcement actions.

Staff has estimated that the total amount of rent that may be potentially deferred under this program is approximately \$2.45 million, over a time period of 1 year. Generally, rental income generated goes to the State's General Fund, unless otherwise directed. This amount assumes termination of the existing Executive Order N-33-20 in June 2020, and an additional 2-month shelter-in-place order between Fall 2020 and Spring 2021. The Commission is obligated by regulation to collect expenses it incurs for processing of applications for the use of State land. Staff has determined that the Commission receives an average of 21 applications per month. This represents approximately \$750,000 per year of the Commission's reimbursable costs.

STAFF REPORT NO. 75 (CONT'D)

**PROPOSED DELEGATION – EMERGENCY RULEMAKING:**

Presently, staff does not anticipate the need to pursue any emergency rulemaking efforts; however, out of an abundance of caution staff proposes a limited delegation of authority to authorize the Executive Officer, and staff, to explore whether an emergency rulemaking might be necessary and appropriate to respond to changes required by the evolving COVID-19 pandemic and, if the Executive Officer determines an emergency rulemaking is necessary, to pursue such emergency rulemaking through the Office of Administrative Law (OAL).

An “emergency” is defined as “a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.” (Gov. Code, § 11342.545.) OAL’s emergency rulemaking process provides for expedited public review of and comment on emergency regulations, and expedited OAL review and approval (or disapproval) of such regulations. (Gov. Code, §§ 11346.1, 11349.6.) Approved emergency regulations are filed by the OAL with the Secretary of State and then remain in effect for 180 days, unless readopted during that time period. (Gov. Code, § 11346.1, subdivision (e).) Emergency regulations may be readopted only twice, for periods of 90 days each time. (Gov. Code, § 11346.1, subdivision (h).)

Emergency regulations may be appropriate or necessary if the COVID-19 response evolves in unexpected ways. Staff recommends that the Commission delegate authority to the Executive Officer and staff to explore whether an emergency rulemaking process is necessary and appropriate to provide broader relief in response to COVID-19. Staff further recommends that, to the extent the Executive Officer determines that emergency regulations are necessary and appropriate, the Commission authorize the Executive Officer to pursue and complete the emergency rulemaking process through OAL.

**PROPOSED EXTENSION:**

Staff proposes the authorization of short-term, 1-year extensions of the public agency leases identified in Exhibit A, attached to this Staff Report. The leases specified in Exhibit A are set to expire in the year following the April 29, 2020 Commission meeting and a 1-year extension would not exceed the maximum lease term of 49 years set by statute.

Staff has communicated with each of the lessees identified in Exhibit A, some of whom reached out to staff requesting the relief proposed.

A short-term extension of these leases is appropriate to allow the public agency lessees additional time to negotiate new leases. This will allow public agency employees to continue to address issues that have arisen due to COVID-19, including both issues directly affecting the public agency and its work, and issues



STAFF REPORT NO. 75 (CONT'D)

impacting the individual public agency employees, including workload capacity and resources. It will also help ensure that such leases do not go into holdover status as a result of the COVID-19 pandemic, and thus further ensures the stability of the Commission's lease program.

**PUBLIC TRUST AND STATE'S BEST INTEREST ANALYSIS:**

The proposed delegation and extension of public agency leases are targeted to provide certainty and reassurance to the Commission's most vulnerable lessees and applicants and to allow the Commission's lease program to retain its stability. The proposed program is not intended to allow for any waiver of rent or reimbursable application processing costs; it is a rent and application processing cost deferral program that under the proposed delegation is intended to be implemented in a timely manner without having to wait for a regularly scheduled Commission meeting that occurs every two months. Importantly, for those lessees that do not qualify for the proposed program because their annual rent exceeds \$10,000 or because their type of lease is expressly excluded from this proposed program, these lessees may still apply for COVID-19 related relief under the Commission's traditional lease amendment process or as otherwise provided by statute.

The relief program will achieve statewide public benefits, including maintenance of economic stability, promotion of employment, forestalling blight, and reducing State liability by assisting lessees so that they are able to maintain the lease premises, comply with environmental protection regulations, and remain in compliance with all other terms of the lease. The goal is to ensure that the Commission's lessees and applicants survive and recover, and in turn ensure that the Commission's robust lease program for State lands under its jurisdiction continues through and after the COVID-19 pandemic.

The proposed program would also reduce inefficient use of limited resources spent on compliance and enforcement on issues that are outside the scope of their control by enabling staff to instead work with lessees and applicants to find reasonable solutions to unusual and unforeseen circumstances. For these reasons, staff believes approval of the proposed program will not substantially interfere with Public Trust needs and values and is in the State's best interests.

**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, and 8705; California Code of Regulations, title 2, sections 1911, 2000, 2003, and 2004.

**OTHER PERTINENT INFORMATION:**

1. Approval or denial of the delegation to the Executive Officer to enter into negotiated settlements and to pursue emergency rulemaking and approval

STAFF REPORT NO. 75 (CONT'D)

or denial of lease amendments is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign or school land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust or school lands as authorized by law.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals, Strategy 2.3 to align budget and policy initiatives and staff resources with Commission and State priorities, and Strategy 3.1 to foster, improve, and enhance relationships to engage the Legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community.
3. Granting a limited delegation of authority to the Executive Officer is not a project as defined by the California Environmental Quality Act (CEQA) because it is an organizational action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378 subdivision (b)(5).

4. Staff recommends that the Commission find that the extension of public agency lease terms is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

**EXHIBITS:**

- A. List of Public Agency Leases to be Extended
- B. COVID-19 Relief Request Form

STAFF REPORT NO. 75 (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDINGS:**

Find that the extension of public agency lease terms is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the delegation of authority and lease extensions will not substantially interfere with Public Trust needs and values and are consistent with the common law Public Trust Doctrine; and find that the delegation of authority and lease extensions are in the best interests of the State.

**AUTHORIZATION:**

1. Grant a limited delegation of authority to the Executive Officer to enter into negotiated settlements with lessees and applicants adversely impacted by COVID-19 and related orders and directives, as follows:
  - a. The Executive Officer may enter into negotiated settlements with qualified lessees who request relief in writing. Such settlements may include rent deferral and waiver of penalties and interest for the period beginning March 19, 2020, and ending 90 days after the date upon which Executive Order N-33-20 is lifted, and for the period beginning on the date any future statewide shelter-in-place order associated with COVID-19 goes into effect in California, and ending 90 days after the date upon which any such order is lifted. The settlement agreements will be limited to deferral of rent and waiver of penalty and interest, with all other lease terms to remain in effect and enforceable.
  - b. The Executive Officer may enter into negotiated settlements with qualified applicants who request relief in writing. Such settlements may include deferral of the processing expenses, and may require a lump sum payment of staff costs incurred in processing the application, to be paid within thirty days following the Commission meeting at which the application is presented

STAFF REPORT NO. 75 (CONT'D)

for approval, or payment according to a negotiated payment plan. The \$25 filing fee will not be waived.

- c. The limited delegation is effective immediately upon Commission approval and will remain effective until April 30, 2021. The terms of settlements may continue past April 30, 2021.
- d. Eligibility for the relief program requires that lessees or applicants meet the following qualifications:
  - i. The lessee or applicant must have been in good standing with the Commission prior to Executive Order N-33-20.
  - ii. For a lessee, the annual rent for the lease at issue must be less than \$10,000. For an applicant, the anticipated annual rent of the lease for which the applicant is applying must be less than \$10,000.
  - iii. The lessee or applicant must meet the following need-based qualification: Legal self-certification of direct adverse impact and provision of evidence satisfactory to the Executive Officer of financial hardship directly resulting from COVID-19 and related orders and directives.
  - iv. Due to the complexities associated with the Commission's mineral extraction leases, such leases are expressly excluded from and do not qualify for the expedited relief program.
- e. The Executive Officer or designated staff shall keep a record of the following information: name of participating lessee or applicant, lease type, lease number, annualized rental amount, amount of rent or expenses deferred, time period of deferral, amount of interest waived, amount of penalty waived, and agreed upon payment due date for deferred rent or expenses, including due dates pursuant to a payment plan.
- f. The Executive Officer shall provide reports on the relief program to the Commission at all regularly scheduled meetings through the duration of the delegation. These reports will include, at a minimum, the following information: number of participating lessees, a breakdown of the types of participating leases, number of participating applicants, cumulative amount of rent deferred, cumulative amount of interest waived, cumulative

STAFF REPORT NO. 75 (CONT'D)

amount of penalty waived, and cumulative amount of expenses deferred.

2. Grant a limited delegation of authority to the Executive Officer and staff to explore whether an emergency rulemaking is necessary and appropriate to respond to COVID-19 and, if the Executive Officer determines an emergency rulemaking is necessary, to pursue such emergency rulemaking through the Office of Administrative Law.
3. Authorize the amendment of the public agency leases listed in Exhibit A to extend the lease terms by 1 year, with all other terms and conditions of the leases to remain in effect without amendment. Authorize the Executive Officer to execute such lease amendments and take all other actions necessary to make them effective.
4. Direct staff not to pursue enforcement during the term of this delegation against any public agency whose lease is at the end of a 49-year lease term and that will expire before April 30, 2021.

**EXHIBIT A**  
**PUBLIC AGENCY LEASES**  
**(Lease Term to be Extended by 1 year)**

**Cambria Community Services District** (Lease No. PRC 7858.9) – San Luis Obispo County

Expiration Date: 10/31/2020

Two intake lines and one outfall line in the Pacific Ocean, near Cambria

**Central Valley Flood Protection Board** (Lease No. PRC 6873.9) – Tehama County

Expiration Date: 12/06/2020

Permeable net panels suspended from steel pilings used as bank protection on the left bank of the Sacramento River at river mile 218.7, near Woodson Bridge State Recreation Center

**City of Redding** (Lease No. PRC 7875.9) – Shasta County

Expiration Date: 02/28/2021

Diesselhorst Bridge replacement, Sacramento River at river mile 298.8, Redding

**City of Sacramento** (Lease No. PRC 5021.9) – Sacramento County

Expiration Date: 05/31/2020

Boat launch ramp, boarding float, riprap and maintenance dredging, Sacramento River at Garcia Bend Park

**City of San Clemente** (Lease No. PRC 8567.9) – Orange County

Expiration Date: 04/04/2021

Opportunistic Beach Sand Replenishment Program, Pacific Ocean, adjacent to North Beach and Linda Lane Beach, near San Clemente

**East Bay Municipal Utility District** (Lease No. PRC 7452.9) – San Joaquin County

Expiration Date: 07/31/2020

One conduit for electrical power and one conduit for telephone service for transmission of data from USGS gauging station below Woodbridge ID Dam, Mokelumne River

**East Bay Regional Park District** (Lease No. 7834.9) – Contra Costa County

Expiration Date: 06/09/2020

Public access and fishing pier, Carquinez Strait at Eckley Cove

**Merced Turlock Irrigation District** (Lease No. PRC 7874.9) – Modoc County

Expiration Date: 02/28/2021

Six overhead electrical transmission conductors, Merced River, at Livingston

**San Elijo Joint Powers Authority** (Lease No. PRC 7882.9) – San Diego

Expiration Date: 01/31/2021

Water reclamation pipeline, bed of San Elijo Lagoon

**Santa Barbara County Flood Control District** (Lease No. PRC 9432.9) – Santa Barbara

Expiration Date: 10/18/2020

Removal of obstructive vegetation and sediment in Davis Creek in the Burton Mesa Ecological Reserve, near Vandenberg Village

**U.S. Bureau of Reclamation** (Lease No. PRC 5482.9) – Shasta/Tehama Counties

Expiration Date: 08/08/2020

Rehabilitation and restoration of King Salmon and winter-run Chinook Salmon spawning grounds; dredging; creation of nearshore benches – at various sites, near Redding.

**U.S. Department of Transportation** (Lease No. PRC 7838.9) – Solano County

Expiration Date: 06/14/2020

Pier and general anchorage of the Mothball Fleet, Suisun Bay, near Benicia

**U.S. Forest Service** (Lease No. PRC 5679.9) – El Dorado County

Expiration Date: 08/02/2020

Two mooring buoys in Lake Tahoe, Valhalla Estates

## Exhibit B

# COVID-19 Relief Request

Date: Click or tap to enter a date.

Lessee or Applicant: Enter name of Lessee or Applicant.

Contact information: Enter point of contact name.

Email: Enter email address.

Phone: Enter phone number.

Lease Type: Enter lease type: Recreational, Commercial, Protective Structure.

Lease Number or Upland Address: Enter lease number: PRC 1234 or Lease 1234.

Requested Action (select all that apply):

Deferral of Rent and Waiver of Penalty and Interest:

- Rental Amount: Enter annual rental amount.
- Rent Due Date: Click or tap to enter a date.

Deferral of application processing expenses:

- Application Number: If available, enter application number from OSCAR.

Direct Adverse Impact from COVID-19 or Related Shelter-in-Place Orders:

Provide statement of direct adverse impact.



*By submitting this request, I certify under penalty of perjury under the laws of the State of California that I have been directly adversely impacted by COVID-19 or the related statewide or local shelter-in-place orders. I understand this request is for deferral of rent or application processing expenses and does not waive my requirement to pay these costs at a later date, as specifically agreed upon by the State Lands Commission. I acknowledge that I will be asked to provide evidence of hardship and that failure to respond or to produce satisfactory evidence will disqualify me for relief. I further acknowledge that any deferral of rent or application processing expenses or waiver of penalty and interest by the Commission is conditioned upon financial need due to COVID-19 or the related shelter-in-place orders, and that misrepresentation to the Commission or its staff regarding my financial circumstances or the impact of COVID-19 or related orders on me and my ability to pay rent or application processing expenses to the Commission will result in all deferred amounts along with penalty and interest being immediately due and payable by me to the Commission.*

X: \_\_\_\_\_<sup>1</sup>

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<sup>1</sup> This signature is provided under penalty of perjury. Perjury and false documentation may be prosecuted under California Penal Code Section 115, which provides:

- (a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony.
- (b) Each instrument which is procured or offered to be filed, registered, or recorded in violation of subdivision (a) shall constitute a separate violation of this section.
- (c) Except in unusual cases where the interests of justice would best be served if probation is granted, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any of the following persons:
  - (1) Any person with a prior conviction under this section who is again convicted of a violation of this section in a separate proceeding.
  - (2) Any person who is convicted of more than one violation of this section in a single proceeding, with intent to defraud another, and where the violations resulted in a cumulative financial loss exceeding one hundred thousand dollars (\$100,000).
- (d) For purposes of prosecution under this section, each act of procurement or of offering a false or forged instrument to be filed, registered, or recorded shall be considered a separately punishable offense.