## MINUTE ITEM

18

01/22/87 W 23854 Lane õ

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# CONSIDERATION OF AN APPLICATION FOR USE OF

Calendar Item 18, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 18.

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MINUTE PAGE	3
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#### PALENDAR ITEM

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CONSIDERATION OF AN APPLICATION FOR USE OF SOVEREIGN LANDS

Dennis Sheridan APPLICANT: P. O. Box 844 Lakeview, Oregon 97630

AREA, TYPE LAND AND LOCATION: A 5,428±-acre parcel of sovereign land, located in the bed of Goose Lake, Modoc County.

Cattle grazing. LAND USE:

This item is to consider a reapplication filed by an applicant for use of State lands. The prim lease was approved by the State Lands Commission at its June 26, 1985 meeting. That lease was set aside at a hearing in the State Superior Court, Sacramento pursuant to an injunction filed by the Bank of America.

TERMS OF ORIGINALLY APPROVED LEASE: Ten years beginning July 1, Initial period: 1985.

> Public liability insurance: Combined single limit coverage of \$300,000.

> \$5,/428 per annum; five-year Consideration: rent review.

> > CALENDAR PAGE MINUTE PAGE

02/11/87. AB 884:

Concurrently with the approval of the above grazing lease, a public agency permit was approved (PRC 6859) and issued to California Department of Fish and Game over the same lands for wildlife management and control. Because an important aspect

(ADDED 01/13/87)

## CALENDAR ITEM NO. 18 (SONT'D)

of California Department of Fish and Game's management program is controlled grazing, a requirement of the grazing lease was a cooperative agreement between the Lessee and that State agency.

The subject lands are the object of a ownership dispute with litigation pending against the State in the Modoc County Superior Court. Bank of America is the petitioner.

OTHER PERTINENT INFORMATION:

- 1. This activity involves lands identified as powsessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that grazing of gattle is consistent with its use classification.
- Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025%), the staff has prepared a Proposed Megative Declaration, State Clearinghouse No. 3609150%. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project as amended will have a significant effect on the environment. (14 Cal. Adm. Code 15074(b))

EXHIBITS:

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- A. Legal Description.
- B. Location Map.
- C. Negative Declaration.

-2-



## EXHIBIT "A"

## LAND DESCRIPTION

W 23557

CALENDAR PAGE

Those portions of the California State owned lakebed of Goose Lake, Nodoc County, California, lying within the following described projected sectional areas:

- T 45N, R13E, HCM. Sections 1, 2, 5, 6, 7, 8, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29.
- T 45N, R14E, MDH. Section 6.

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- 100 A

- T 46N, R13E, NDM. Sections. 28, 29, 32, 33.
- 2 46N, R14E, MDM. Sections 31, 32.

EXCEPTING THEREFROM any portion thereof lying landward of the U.S. Meander Line around Goose Lake. AJSO EXCEPTING THEREFROM any portion thereof lying within State Lands Commission Lease PRC 6733. ALSO EXCEPTING THEREFROM any portion thereof lying waterward of the January 30, 1985, water level line.

### END DESCRIPTION

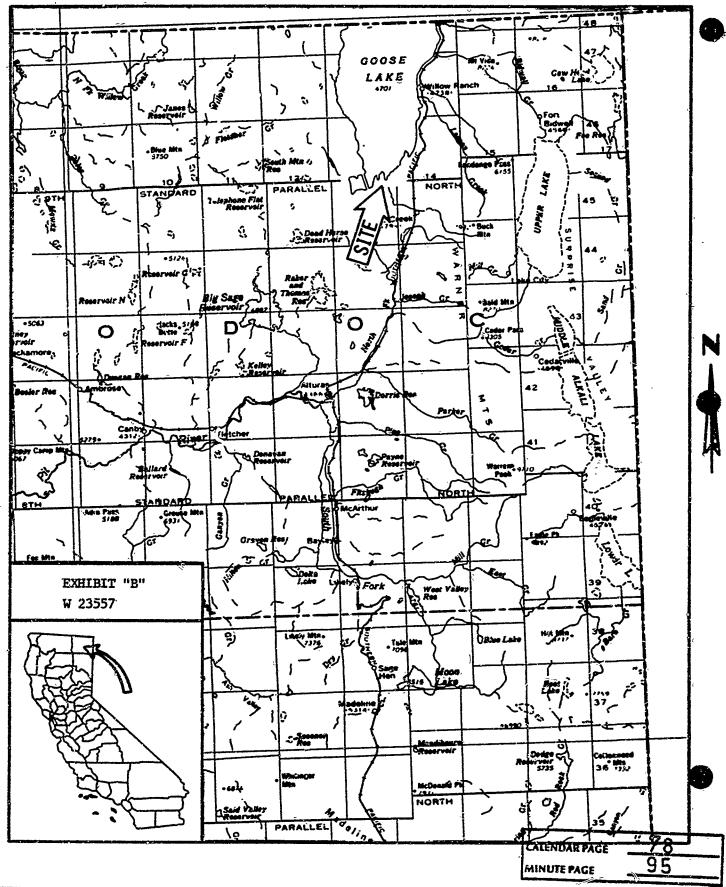
PREPARED JUNE 13, 1985 BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR.

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EXHIBIT B W 23557

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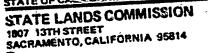
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EXHIBIT C W 23557

GEORGE DEUKMEJIAN, Ĝovernor



STATE OF CALLEORIA-STATE LANDS COMMISSION



# PROPOSED NEGATIVE DECLARATION

### EIR ND 407

File Ref.: W 23557-W 23854

SCH#: 86091509

GOOSE LAKE CATTLE GRAZING Project Title:

Project Proponent: Bank of America National Trust and Savings Association/Dennis Sheridan

Project Location: In the bed of Goose Lake within portions of Sections 1, 2, 5, 6, 7, 8, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, & 29, T.45 N., R.13 E., Section 6, T.45 N. 2.14 E., Sections 28, 29, 32, & 33, T.46 N., R.13 E., and Sections 31 & 32, T.46 N.,

Project Description: Seasonal cattle grazing within fenred lease use area, subject to agree-R.14 E., all of M.D.M., Modoc County. (5,423+ acres) ment between applicant and the Department of Fish & Game for wildlife

habitat control;

Telephone: (916) 322-6877

Contact Parson:

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This document is prepared pursuant to the requirements of the California Environmental Quality Act(Section 21000 et seq., Public Resources Code), the State CEQA Guidelines(Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations(Section 2901 et seq., Title 2, California Administrative Code).

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Based upon the attached Initial Study, it has been found that:

I the project will not have a significant effect on the environment.

/x/ mitigation measures included in the project will avoid potentially significant effects.

CALENDAR PAGE	79
MINUTE PAGE 13	96 <del>17 (5/05)</del>

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STATE LANDS COMMISSION

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EN <sup>®</sup> Form	VIR: 13.	ONMENTAL IMPAGT ASSESSMENT CHECKLIST - PART II 20 (7/82)	File Ref.: W 2355 W 23	7 and
	~ •		SCH #8609150	9
J.		CKGROUND INFORMATION	21.0(100	
	A	Applicant: - Dennis Sheridan, P.O. Box 94, Davis Creek		and a support
		- Bank of America National Trust and Saving		
		Agricultural OREC Dept. 100 Howe Avenue		
		Sacramento, CA 95825, ATTN: Russell Cre		
		Checklist Date: 8 / 27 / 86		
	C.	Contact Person: Dan Cohen, State Lands Commission	n de	
		Telephone: ( 916 , 445-2682		
	D.	Purpose: Cattle grazing	an an anna an anna an anna an an	agruege van e
		Lecation: 5,428+ acres in the bed of Goose Lake. Mode Sec. 1,2,5,6,7,8,11,14,15,17,18,19,20,21,2 Description: Sea onal cattle grazing within fenced lease to enter in agreement with Depart. of Fish & Gam habitat cont. ol.	2,23,26,27,28 	applicant
	G.	Persons Contacted: Don Weidlein and Toz. Stone, Wildlife 1	Biologists, D	ept. of No
		Fish and Game; Pam Townsend, Planner, Modoc Co. Pla		
				5, 1.45N, K.14b
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11.		VIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)		Yes Maybe No -
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		2. Disruptions, displacements, cc. withon, or overcovering of the soil?		
		4. The destruction, covering, or modific tion of any unique geologic or physical features		
		5. Any increase in wind or water erosion of soils, either on or off the size?	• • • • • • • • • • • • • • • • •	
		6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or la		
		7 Exposure of all people or property to geologic hazards, such as earthquakes, landslig failure, or similar hazards?	MINUTE PAGE	

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F. Noise. Will the proposal result in:         1. Increase in existing noise levels?         2. Exposure of people to severe noise levels?         G. Light and Glare. Will the proposal result in:         1. The production of new light or glare?         Will the proposal result in:         1. A substantial alteration of the presf in vianned land use of an area?         Natural Resources. Will the proposal result in         1. Increase in the rate of use of any natural resources?         2. Substantial depletion of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?			3. Introduction of new species of animalsento ancarea, or result in a barrier to the migration or mevement of animals?	
1. Increase in existing noise levels?         2. Exposure of people to severe noise levels?         3. Light and Glare. Will the proposal result in:         1. The production of new light or glare?         4. Land Use. Will the proposal result in:         1. A substantial alteration of the president dament land use of an area?         1. Increase in the rate of vas of any natural resources?         1. Increase in the rate of vas of any natural resources?         2. Substantial depletion of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?			4. Deterioration to existing fish or wildlife habitat?	
2. Exposure of people to severe noise levels?  G. Light and Glare. Will the proposal result in:  1. The production of new light or glare:  4. Land Use. Will the proposal result in:  5. A substantial alteration of the press in valanned land use of an area?  5. Natural Resources. Will the proposal result in  5. Increase in the rate of vise of any natural resources?  6. CALENDAR PAGE 81  7. 2-		F.	Noise. Will the proposal result in:	
G. Light and Glare, Will the proposal result in:         1. The production of new light or glare?         H. Land Use. Will the proposal result in:         1. A substantial alteration of the pressore watanned land use of an area?         1. Natural Resources. Will the proposal result in         2. Substantial depletion of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?			1. Increase in existing noise levels?	
1. The production of new light or glare?       Image: Second			2. Exposure of people to severe noise levels?	
H. Land Use. Will the proposal result in:         1. A substantial alteration of the press in glanned land use of an area?         1. Natural Resources. Will the proposal result in         2. Substantial depletion of any nonrenewable resources?		G.	Light and Glare. Will the program result in:	• .
<ol> <li>A substantial alteration of the presson of an area?</li> <li>Natural Resources. Will the proposal result in</li></ol>			1. The production of new light or glare:	
I. Natural Resources. Will the proposal result in I. Increase in the rate of vise of any natural resources? 2. Substantial depletion of any nonrenewable resources? CALENDAR PAGE 81		ิH.	Land Use. Will the proposal result in:	`
1. Increase in the rate of vise of any natural resources?       Image: Constraint of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?       Image: Constraint of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?       Image: Constraint of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?       Image: Constraint of any nonrenewable resources?         2. Substantial depletion of any nonrenewable resources?       Image: Constraint of any nonrenewable resources?			1. A substantial alteration of the presence of glanned land use of an area?	
2. Substantial depletion of any nonrenewable resources?	_	I.	Natural Resources. Will the proposal result in 2	
CALENDAR PAGE 81			1. Increase in the rate of vss of any natural resources?	
- 2 0.0	_		2. Substantial depletion of any nonrenewable resources?	
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EN Far	IVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II Im 13.20 (7/82)	557 and
1.	BACKGROUND INFORMATION	
	A. Applicant: - Dennis Sheridan, P.O. Box 94, Davis Creek, CA 96108	
	- Bank of America National Trust and Savings Associat	ion,
	Agricultural OREO Dept. 100 Howe Avenue, Suite 2501	<u>N,</u>
	Sacramento, CA 95825, ATTN: Russell Cremer	
	B. Checklist Date: 8 / 27 / 88	
	C. Contact Person: Dan_Cohen, State Lands Commission	,
	Telephone: ( 916 ) 445-2682	
	D. Purpose: Cattle grazing	
•		
	E. Location: 5,428+ acres in the bed of Goose Lake, Modoc County.	Portions of
	Sec. 1,2,5,6,7,8,11,14,15,17,18,19,20,21,22,23,26,27,	28,29 T.45N,
	F. Description: Searonal_cattle grazing within fenced lease use area	2.2
	to enter in: agreement with Depart. of Fish & Game for wild	
	habitat cont_ol.	 
	G. Persons Contacted: Don Weidlein and Tor. Stone, Wildlife Biologists,	Dept. öf
	Fish and Game; Pam Townsend, Planner, Modoc Co. Planning Dept	
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n	ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)	· · · · · · · · · · · · · · · · · · ·
•••	A. Earth. Will the proposal result in:	Yes Maybe No
	1. Unstable earth conditions or changes in geologic substructures?	
	2. Disruptions, displacements, cc. witton, or overcovering of the soil?	
	3. Change in topography or ground surrace relief feature '	••
	4. The destruction, covering, or modification of any unique geologic or physical features?	4
	<ol> <li>The destruction, covering, or modification of any unique geologic or physical features</li></ol>	
	<ol> <li>Any increase in wind or water erosion of soils, either on or off the siter.</li> <li>6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which m</li> </ol>	<sub>7</sub>
	b. Changes in deposition or erosion or beach sands, or changes in siltation, deposition or erosion which in modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?	
	7. Exposure of all people or property to geologic hazards such as earthquakes, landslides and backs are	nd BU IXI
•	failure, or similar hazards?	99

	J.	Risk of Upset. Does the proposal result in:	Yes N	laybe	No
		1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?			X
		2. Possible interference with emergency response plan or an emergency evacuation plan?			X
	к.	Population. Will the proposal result in:			
-		1. The alteration, distribution, density, or growth rate of the human population of the area?		Ļ	X
	L.	Housing. Will the proposal result in:			
		1. Affecting existing housing, or create a demand for add (ional housing?		Ļ	X
	M.	Transportation/Circulation. Will the proposal result in:			
		1. Generation of substantial additional vehicular movement?			X
		2. Affecting existing parking facilities, or create a demand for new parking?	Ļ	$\Box$	X
		3. Substantial impact upon existing transportation systems?			X
		4. Alterations to present patterns of circulation or movement of people and/or goods?			X
		5. Alterations to waterborne, rail, or air traffic?			X
		6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?			X
	N.	Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
		1. Fire protection?			X
		2. Police protection?			X
		3. Schools?			X
		4. Parks and other recreational facilities?			X
		5. Maintenance of public facilities, including roads?			X
		6. Other governmental services?			X
	~				
	0.	1. Use of substantial amounts of fuel or energy?			<b>x</b> ]
		<ol> <li>Substantial increase in demand upon existing sources of energy, or require the development of new sources?</li> </ol>			X
	~	2. Substantial increase in demand upon existing sources of energy of each area area Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
	Ρ.	1. Power or natural gas?			X
		2. Communication systems?			X
		2. Communication systems:		$\Box$	X
		4. Sewer or septic tanks?	Ē,	Ē	
		<ul> <li>Sewer or septic canser</li></ul>	Ē	Π	R
		<ul> <li>5. Storm water drainager</li></ul>		Ē	R
			ليسا و. ج. م	•	التت
	·Q.	Human-Health. Will the proposal result in:		П	x
		1. Creation of any health hazard or potential health hazard (excluding mental health)?		П	
		2. Exposure of people to potential health hazards?	کسیا ۱	نسا	40 <b>2</b> 1
,	۲R.	Aesthetics. Will the proposal result in:	с Б		
		1. The obstruction of any scenic vista or view open to the public, or will the prof. sal result in the creation of an aesthetically offensive site open to public view?			<u>K</u> ]
	S.		<b>ر ال</b>		ছা
		1. An impact upon the quality or quantity of existing recreational opportunities?	en et en	82	
			1	00	<u>_</u>
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-	Column Descussor	Yes Mayb	
T.	Cultural Resources. , Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?.		X
	. Will the proposal result in the alteration of or ine distriction of or standard a prehistoric or historic building, 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?		
	structure, or object?		Σ.
	<ul> <li>Boes the proposal have the potential to cause a physical change which would not ended on the values?</li> <li>Will the proposal restrict existing religious or sacred uses within the potential impact area?</li> </ul>		X.
	Monderon Findings of Significance.	•	
U.	<ol> <li>Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or sylidlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or a plant or animal community, reduce the number or periods of California history or prehistory?</li></ol>		
	2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental		] [X]
	3. Does the project have impacts which are individually limited, but cumulatively considerable?		
-	<ol> <li>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</li> </ol>		
ш. ы	SCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)		
	E.3. Grazing activity has historically occurred in the area.		
-	E. 4. V.1. See Adderdum		
	P.3 No new water systems required for this activity.		. 💮
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	POST ININARY DETROSINATION		
	PRELIMINABY DETERMINATION On the basis of this initial evaluation:		<b>1</b>
[	I find the proposed project CCULD NOT have a significant effect on the environment, and a NEGATIVE I		•
, 	I find that although the proposed project could have a significant effect on the environment, there will not the in this case because the mitigation measures described on an attached sheet have been added to the proposed DECLARATION will be prepared.		
	I find the proposed project MAY have a significant effect on the environment, and in ENVIRODMENTA		REPORT
-	Dan	Cohen	cialist
	Date: 8 / 27 / 86 · For the State Lands Commission	r. ahad	in and a standard
	Eastha Chara I and Character		
	CALENDAR PA		83
	For the State Canon Committee	Form 1	8 <u>3</u> 529 (7/82)

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	T.	Cultural Resources.	Yes Maybe No
		1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?.	
		2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	
		3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	
		4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	
	U.	Mandatory Findings of Significance.	
		<ol> <li>Does the project have the potential to degrade the quality of the environment, reduce the habit i of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</li></ol>	
		2. Deer the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	
		3. Does the project have impacts which are individually limited, but cumulatively considerable?	
		4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	
H.	DIS	CUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)	
	E	.3. Grazing activity has historically occurred in the area.	*

#### E.4, V.1 See Addendum

P.3 No new water systems required for this activity.

#### IV. PRELIMINARY DETERMINATION

1

On the basis of this initial evaluation:

I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DEC LARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

roject MAY have a significant effect on the environm	ment, and in ENVIRONMENTAL IMPACT REPORT
	- Canopen

- 4 -

Date: 8 / 27 / 86

Dan Cohen Envir. Specialist For the State Lands Commission

CALENDAR PAGE

MINUTE PAGE

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Forf 3.2 (7/82)

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MINUTE PAGE

#### ADDENDUM TO ENVIRONMENTAL IMPACT ASSESSMENT

E.4/V.1

In order to mitigate any adverse impact this proposed grazing lease may have on wildlife habitat, the prospective lessee will be required under terms of the lease to enter into an agreement with the Department of Fish and Game (DFG). The DFG will be authorized under this agreement to eliminate acreage from grazing use by erecting fence enclosures around selected 100-acre parcels to control foliage growth for wildlife habitat me agement.

Furthermore, DFG, by terms of a lease authorized by the State Lands Commission on June 26, 1985, may take whatever reasonable steps necessary to exorcise wildlife control and management on the lands involved in the proposed grazing activity.

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