MINUTE ITEM

This Calendar Item No. 15 was approved as Minute Item No. 15 by the State Lands Commission by a vote of 2 to 0 at its 12-20-79 meeting.

CALENDAR ITEM

15.

GENERAL PERMIT
PUBLIC AGENCY USE

12/79
WP 5444
Gordon
PRC 5444

APPLICANT: California Department of Fish and Game
350 Golden Shore
Long Beach, California 90802

AREA, TYPE LAND AND LOCATION:
A .30 acre parcel of submerged lands in Mono Lake, Mono County.

LAND USE: Construction, reconstruction and maintenance of a predator barrier fence to protect Negit Island gull rookery, an existing wild life habitat.

TERMS OF PROPOSED PERMIT:
Initial period: 5 years from December 20, 1979.

CONSIDERATION: The public use and benefit.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY OR OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

C. Assembly Bill 367, Chapter 670, Statutes of 1979.

OTHER PERTINENT INFORMATION:
1. The annual rental value of the site is estimated to be $100.

2. The formation of a land bridge between the upland and Negit Island has been created by the receding water level of Mono Lake. The bridge now provides

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land predators access to colony nesting birds which include California gulls. Negit Island is California's primary nesting site for gulls.

Various alternatives have been considered to protect the gull rookery from the threat of the upland predators. At their meeting in February 1978 and March 1979, the Commission authorized an emergency permit and a 1-year temporary use permit, respectively, to remove portions of the land bridge with explosives.

To date, the receding lake level has limited the success of protecting the island by this action. Additional engineering and soil analysis supports the finding that dredging will also be an infeasible protective measure. The subject project has been determined to be the most practicable action. On September 14, 1979, the Governor approved AB 367 (Chap. 670 Statutes of 1979) which allocates funds for the project and designates the legislative act as an urgency statute.

3. This project is exempt from CEQA because it is an emergency project. A notice of exemption has been filed by the Department of Fish and Game with the Secretary for Resources. Section 1507(c), 15074(a)(c) Cal. Adm. Code.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

   Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS REQUIRED AND OBTAINED:

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This facility is subject to the jurisdiction of the California Department of Fish and Game, Lahontan Regional Water quality Control Board, and the County of Mono. The proposed permit is conditioned on the approval of all agencies having jurisdiction.

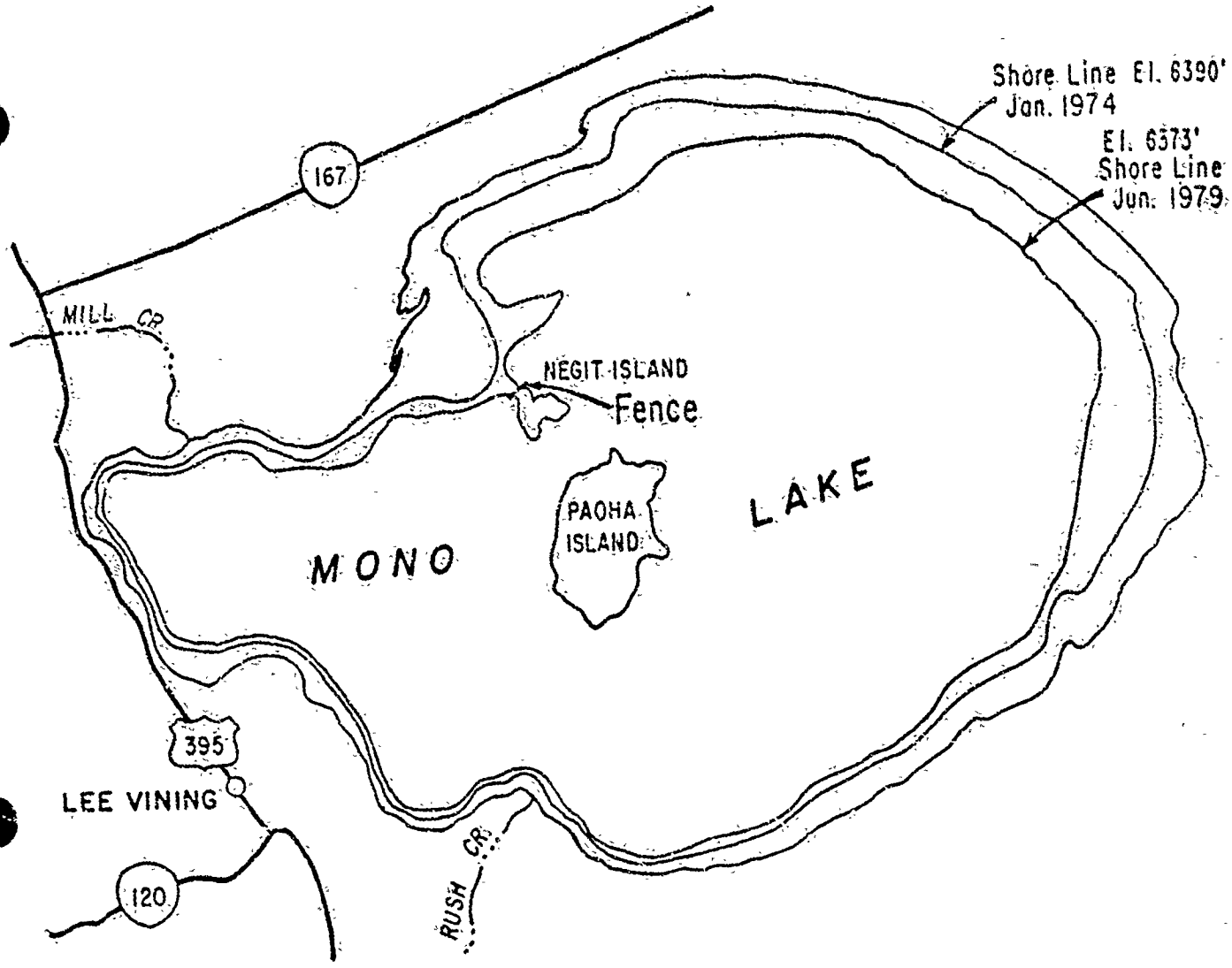
EXHIBITS: A. Location Map. B. Notice of Exemption.

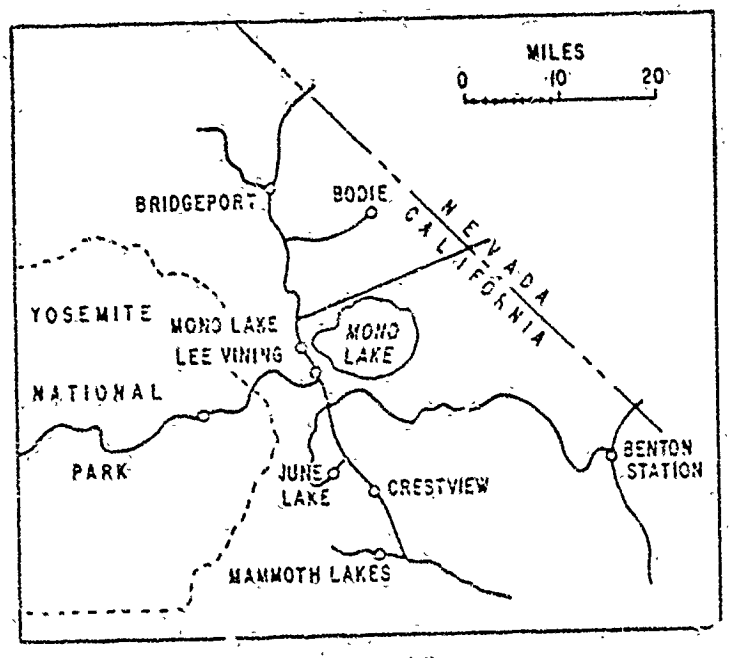
IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21172, 14 CAL. ADM. CODE 15071 AND 2 CAL. ADM. CODE 2905(a).

2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

3. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 5-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM DECEMBER 20, 1979; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF A PREDATOR BARRIER FENCE TO PROTECT NEGIT ISLAND GULL ROOKERY, AN EXISTING WILDLIFE HABITAT WITHIN MONO LAKE, ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.





VICINITY MAP

NORTH

FENCE IN MONO LAKE
Mono County, California

Application by California
Department of Fish and Game

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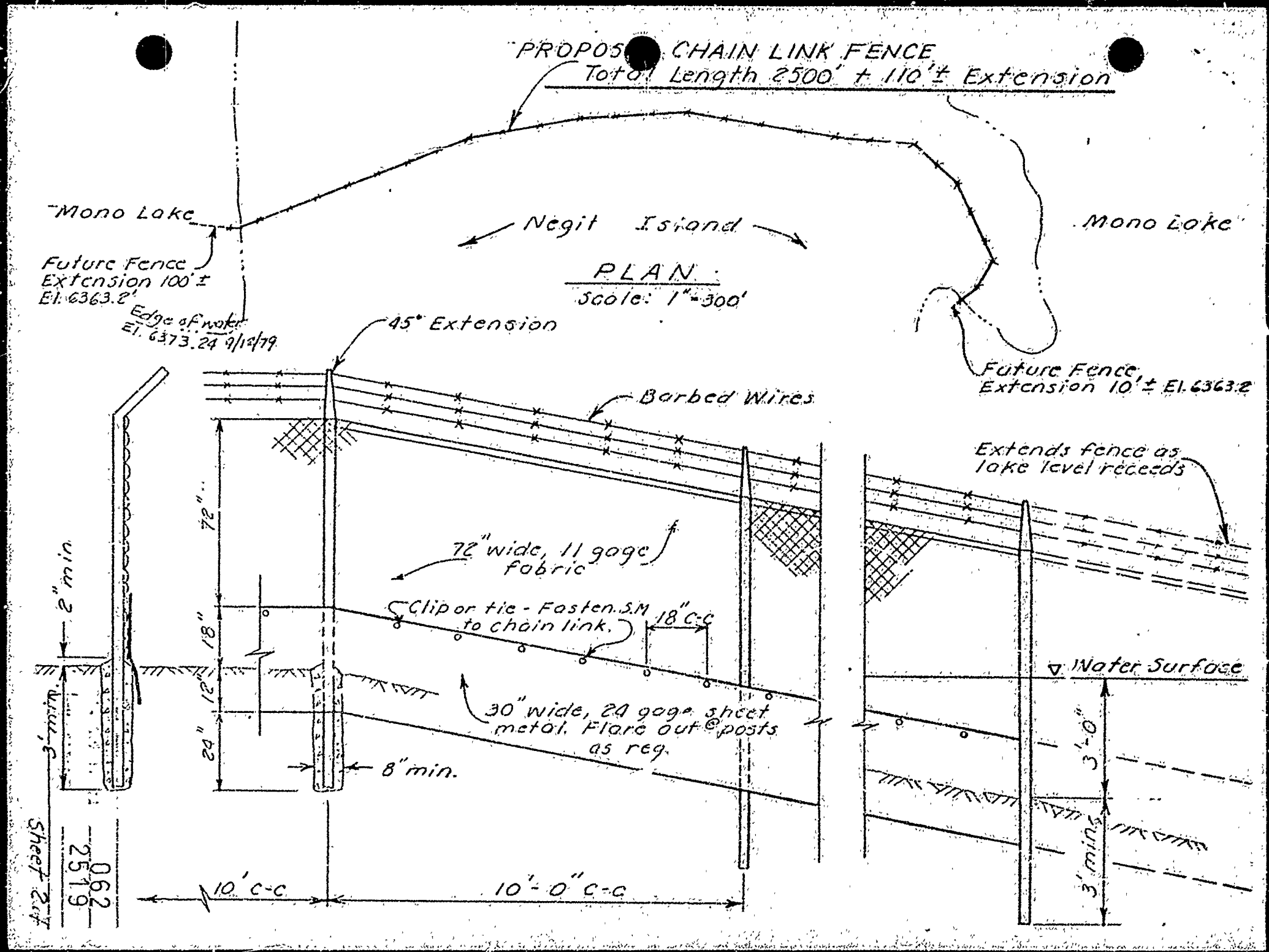
SHEET 1 OF 2

EXHIBIT 'A'
WP 5444


PROPOSED CHAIN LINK FENCE
Total Length 2500' ± 110'± Extension
Mono Lake
Negit Island
Mono Lake
Future Fence Extension 100'± El. 6363.2'
Edge of water El. 6373.24 9/12/79
PLAN
Scale: 1"=300'
45° Extension
Future Fence Extension 10'± El. 6363.2
Barbed Wires
Extends fence as lake level recedes
72" wide, 11 gage fabric
Clip or tie - Fasten S.M to chain link.
18" c-c
Water Surface
30" wide, 24 gage sheet metal. Flare out @ posts as req.
8" min.
2" min.
3' min.
72"
18"
12"
24"
3'-0"
3' min.
10' c-c
10'-0" c-c
Sheet 2 of 2
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NOTICE OF EXEMPTION

EXHIBIT "B"

TO: [X] Secretary for Resources
1416 Ninth Street Rm 1331
Sacramento, CA 95814

[ ] County Clerk
County of _____

FROM: Calif. Dept. of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Negit Island Restoration
Project Title

Negit Island, Mono Lake, Mono County
Project Location - Specific

Near Lee Vining
Project Location - City

Mono County
Project Location - County

Description of Nature, Purpose and Beneficiaries of Project:

For the past two years the channel betwe Negit Island and the mainland was deepened by blasting to prevent a land bridge from forming. The effort was successful in 1978 but not in 1979. The lake is still receeding and a land bridge is forming between Negit Island and the mainland. In 1979 the Legislature passed AB 367 appropriating $250,000 to the Department of Fish and Game to provide the most feasible measures to protect the Negit Island gull rookery. The Department of Fish and Game has determined that a fence is the most feasible protective measure. The fence will be chain link, approximately 2,500 feet long, 6 feet high with a 3 strand barbed wire outrigger and a 30-inch sheet metal "skirt" at the bottom. The fence is necessary to eliminate access by predators this year. Copies of the exemptions for 1978 and 1979 blasting are attached.

State Lands Commission
Name of Public Agency Approving Project

California Department of Fish and Game
Name of Person or Agency Carrying Out Project

RECEIVED BY
Office of the Secretary
[illegible]
Resources Agency of Ca[illegible]

Exempt Status: (Check One)

___ Ministerial (Sec. 15073)
___ Declared Emergency (Sec. 15071(a))
XX Emergency Project (Sec. 15071(b) and (c))
___ Categorical Exemption. State type and section number:

Reasons Why Project is Exempt:

Immediate action needed to prevent loss of colony of nesting birds. Sec. 21060.3 CEQA.

James Leahy
Contact Person

916
Area Code

445-[illegible]
Telephone

Extension

063
2520

If Filed by Applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes___ No XX

Date Received for Filing: Nov. 29, 1979

Signature: [illegible]
Title: [illegible]

NOTICE OF EXEMPTION

TO: [X] Secretary for Resources
1416 Ninth Street, Rm. 1311
Sacramento, California 95814

[ ] County Clerk
County of _____

FROM: Calif. Dept. of Fish and Game
1416 Ninth Street
Sacramento, Ca. 95814

Negit Island Restoration
Project Title

Negit Island, Mono Lake, Mono County
Project Location - Specific

Near Lee Vining
Project Location - City

Mono County
Project Location - County

Description of Nature, Purpose and Beneficiaries of Project:

Last year a channel was deepened by blasting between Negit Island and the mainland, at Mono Lake, to prevent a land bridge from forming. At the time there was still a few inches of water over this "bridge." The effort was a success for that nesting season. But, the lake is still receding and land is now exposed at both ends of the channel. Blasting is again necessary to eliminate this access to predators during the nesting season. A copy of last year's "Notice of Exemption" is attached.

State Lands Commission
Name of Public Agency Approving Project

Calif. Dept. Fish & Game/Bureau of Land Management/Calif. National Guard
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

____ Ministerial (Sec. 15073)
____ Declared Emergency (Sec. 15071(a))
XX Emergency Project (Sec. 15071(b) and (c))
____ Categorical Exemption. State type and section number:

Reasons Why Project is Exempt:

Immediate action needed to prevent loss of colony nesting birds. Sec. 21060.3 CEQA.

James Leiby — Contact Person
916 — Area Code
445-9881 — Telephone
Extension

If Filed by Applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes ____ No ____

Date Received for Filing: March 15, 1979

Signature: _____

Title: _____

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NOTICE OF EXEMPTION

TO: [X] Secretary for Resources
1416 Ninth Street, Rm. 1311
Sacramento, California 95814

[ ] County Clerk
County of _____

FROM: Calif. Dept. of Fish and Game
1416 Ninth Street
Sacramento, Ca. 95814

Neget Island Restoration
Project Title

Neget Island, Mono Lake, Mono County
Project Location - Specific

Near Leevining — Mono
Project Location - City — Project Location - County

Description of Nature, Purpose and Beneficiaries of Project:

The water level of Mono Lake is receding. A land bridge is forming to Neget Island. The island is used by colony nesting birds, especially California gulls. It is the primary nesting site for the California gull in the state. Presently there are no land predators on the island. To prevent their access the channel will be deepened by blasting. The California gulls and other nesting birds are the beneficiaries.

State Lands Commission
Name of Public Agency Approving Project

Calif. Dept. Fish & Game/Bureau of Land Management/Calif. National Guard
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

____ Ministerial (Sec. 15073)
____ Declared Emergency (Sec. 15071(a))
XX Emergency Project (Sec. 15071(b) and (c))
____ Categorical Exemption. State type and section number:

Reasons Why Project is Exempt:

Immediate action needed to prevent loss of colony nesting birds. Sec. 21060.3 CEQA.

James Leiby	916	445-9880	
Contact Person	Area Code	Telephone	Extension

If Filed by Applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes____ No XX

Date Received for Filing: Feb. 7, 1978

Signature: _____

Title: _____

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