

MINUTE ITEM

18

01/22/87  
W 23854  
Lane

CONSIDERATION OF AN APPLICATION FOR USE OF  
SOVEREIGN LANDS

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

Attachment: Calendar Item 18.

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CALENDAR ITEM

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18

01/22/87  
W 23854  
Lane

CONSIDERATION OF AN APPLICATION FOR USE OF SOVEREIGN LANDS

APPLICANT: Dennis Sheridan  
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.

LAND USE: Cattle grazing.

BACKGROUND:  
This item is to consider a reapplication filed by an applicant for use of State lands. The prior 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:  
Initial period: Ten years beginning July 1, 1985.

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

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

AB 884: 02/11/87.

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)

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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 possessing 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 cattle is consistent with its use classification.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025), the staff has prepared a Proposed Negative Declaration, State Clearinghouse No. 86091509. 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:

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

(ADDED 01/13/87)

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EXHIBIT "A"

LAND DESCRIPTION

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

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

T 45N, R14E, MDM.  
Section 6.

T 46N, R13E, MDM.  
Sections 28, 29, 32, 33.

T 46N, R14E, MDM.  
Sections 31, 32.

EXCEPTING THEREFROM any portion thereof lying landward of the U.S. Meander Line around Goose Lake. ALSO 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

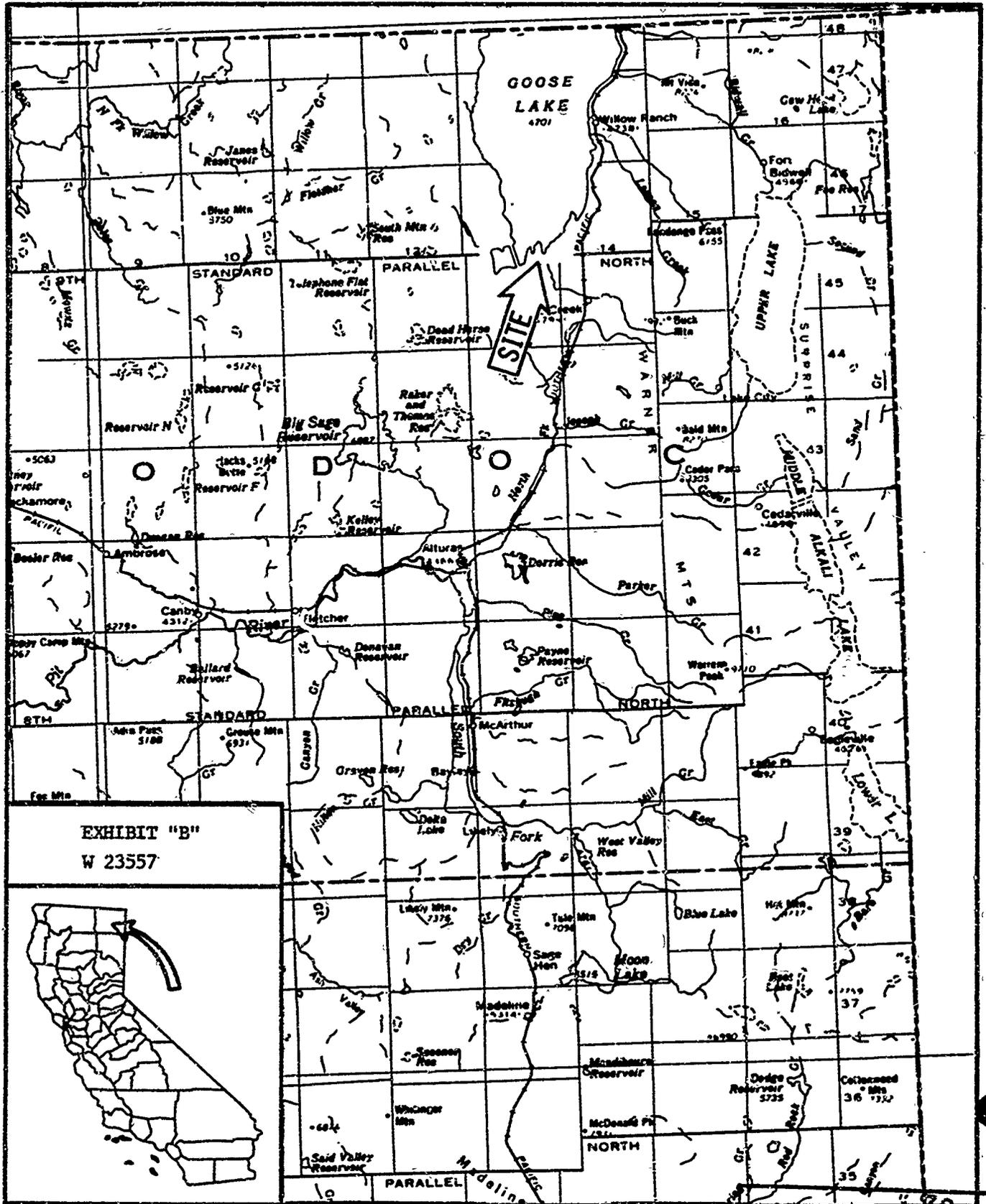


EXHIBIT "B"  
W 23557

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STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 407

File Ref.: W 23557-W 23854

SCH#: 86091509

Project Title: GOOSE LAKE CATTLE GRAZING

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., R.14 E., Sections 28, 29, 32, & 33, T.46 N., R.13 E., and Sections 31 & 32, T.46 N., R.14 E., all of M.D.M., Modoc County. (5,423+ acres)

Project Description: Seasonal cattle grazing within fenced lease use area, subject to agreement between applicant and the Department of Fish & Game for wildlife habitat control.

Contact Person: DAN COHEN

Telephone: (916) 322-6877

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).

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

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

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

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FORM 13.17 (5/85)	

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 23557 and

W 23854

SCH #86091509

I. BACKGROUND INFORMATION

A. Applicant: - Dennis Sheridan, P.O. Box 94, Davis Creek, CA 96108
- Bank of America National Trust and Savings Association,
Agricultural OREG Dept. 100 Howe Avenue, Suite 250N,
Sacramento, CA 95825, ATTN: Russell Cremer

B. Checklist Date: 8 / 27 / 86

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: Seasonal cattle grazing within fenced lease use area; applicant
to enter in agreement with Depart. of Fish & Game for wildlife
habitat control.

G. Persons Contacted: Don Weidlein and Tom Stone, Wildlife Biologists, Dept. of
Fish and Game; Pam Townsend, Planner, Modoc Co. Planning Dept.

K. 13E, 6 Sec. 6, T. 45N, R. 14E, Sec. 28, 29, 32, 33 T. 4 N. 14E,

II. 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, consolidation, or overcovering of the soil?
3. Change in topography or ground surface relief feature?
4. The destruction, covering, or modification of any unique geologic or physical features?
5. Any increase in wind or water erosion of soils, either on or off the site?
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may 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, mudslides, ground failure, or similar hazards?

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Yes Maybe No

- B. Air.** Will the proposal result in:
- 1. Substantial air-emissions or deterioration of ambient air quality?
  - 2. The creation of objectionable odors?
  - 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?
- C. Water.** Will the proposal result in:
- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
  - 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
  - 3. Alterations to the course or flow of flood waters?
  - 4. Change in the amount of surface water in any water body?
  - 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
  - 6. Alteration of the direction or rate of flow of ground waters?
  - 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
  - 8. Substantial reduction in the amount of water otherwise available for public water supplies?
  - 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
  - 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?
- D. Plant Life.** Will the proposal result in:
- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
  - 2. Reduction of the numbers of any unique, rare or endangered species of plants?
  - 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
  - 4. Reduction in acreage of any agricultural crop?
- E. Animal Life.** Will the proposal result in:
- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
  - 2. Reduction of the numbers of any unique, rare or endangered species of animals?
  - 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
  - 4. Deterioration to existing fish or wildlife habitat?
- 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?
- H. Land Use.** Will the proposal result in:
- 1. A substantial alteration of the present or planned land use of an area?
- I. 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?

**ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II**

Form 13.20 (7/82)

File Ref.: W 23557 and  
W 23854

SCH #86091509

**I. BACKGROUND INFORMATION**

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Agricultural OREO Dept. 100 Howe Avenue, Suite 250N,  
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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: Seasonal cattle grazing within fenced lease use area; applicant  
to enter into agreement with Depart. of Fish & Game for wildlife  
habitat control.
- G. Persons Contacted: Don Weidlein and Tom Stone, Wildlife Biologists, Dept. of  
Fish and Game; Pam Townsend, Planner, Modoc Co. Planning Dept.

I.K. 13E, & Sec. 6, T. 45N, R. 14E, Sec. 28, 29, 32, 33 T. 40N, R. 14E,  
 1.45N (5,428 acres)

**II. 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? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 2. Disruptions, displacements, caving, or overcovering of the soil? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Change in topography or ground surface relief feature? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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- J. Risk of Upset.** Does the proposal result in:
- |   | Yes                      | Maybe                    | 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? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. Population.** Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. Housing.** Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. Transportation/Circulation.** Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? .....                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? .....         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? .....                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? .....                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? .....         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- 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? .....                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? .....                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? .....           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? .....                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. Energy.** Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
- |                                    |                          |                          |                                     |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? .....     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? .....    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water? .....                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? .....    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? .....     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. Human Health.** Will the proposal result in:
- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? .....                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- R. Aesthetics.** Will the proposal result in:
- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|
- S. Recreation.** Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

Yes Maybe No

T. Cultural Resources.

- 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.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat 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?
- 2. Does 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?

III. DISCUSSION 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

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION 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.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

*[Signature]*

Dan Cohen  
Envir. Specialist

Date: 8 / 27 / 86

For the State Lands Commission

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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?
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- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

**U. Mandatory Findings of Significance.**

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat 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?
- 2. Does 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?

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)**

**E.3. Grazing activity has historically occurred in the area.**

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

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- 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.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

*[Signature]*

**Dan Cohen  
Envir. Specialist**

Date: 8 / 27 / 86

For the State Lands Commission

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SCH #86091509

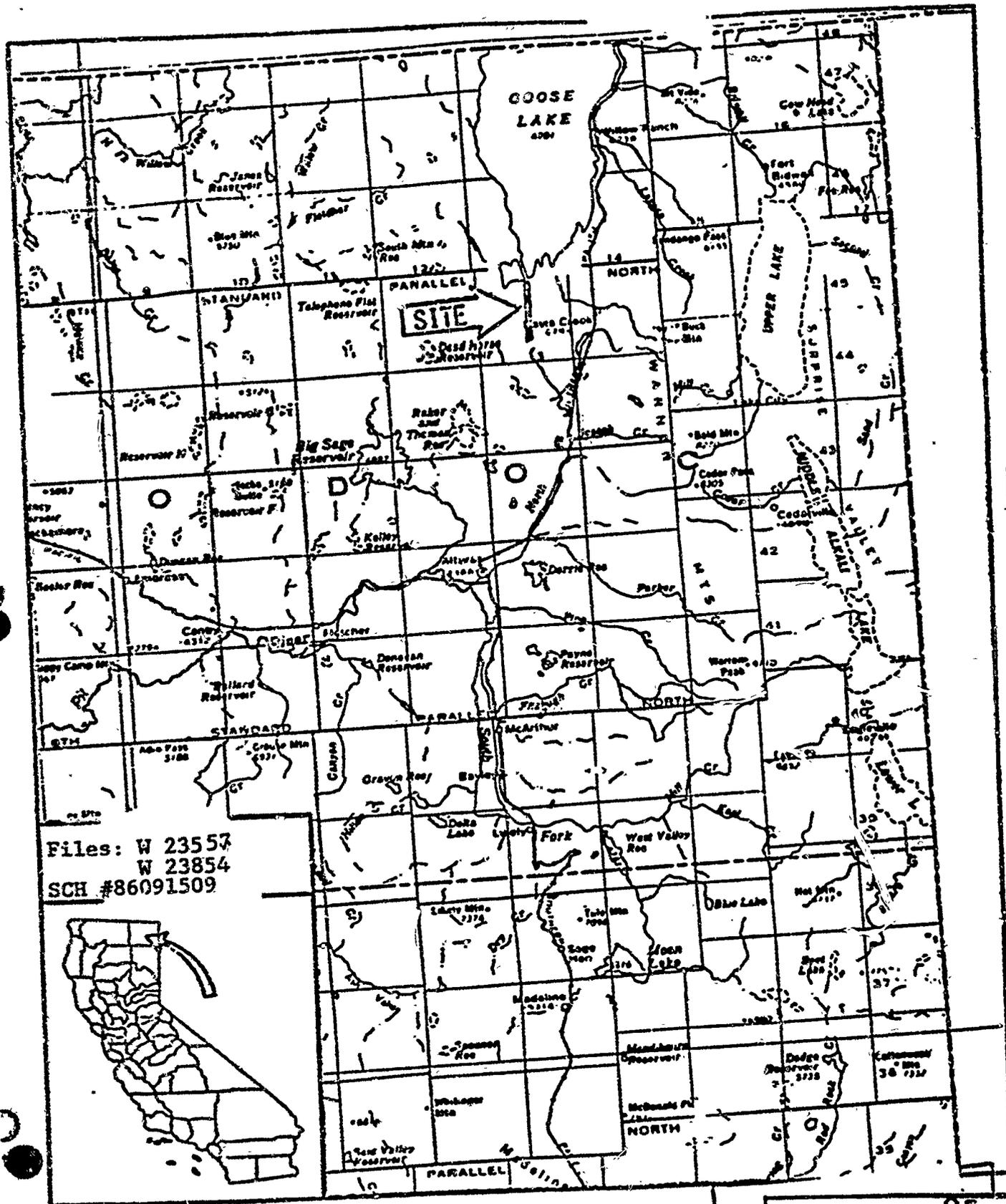
ADDENDUM TO ENVIRONMENTAL IMPACT ASSESSMENT

E.4/U.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 management.

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

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