

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 2
to 0 at its 4/23/87
meeting.

CALENDAR ITEM

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24

04/23/87
W 23557
Lane
PRC 6852

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.

OTHER PERTINENT INFORMATION:
1. 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

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control. Because an important aspect 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.

2. Current law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 2, 1978 meeting.

Once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project.

Therefore, pursuant to Government Code Section 65920, et seq., the application is submitted for denial because 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.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Adm. Code 15270.

AB 884: 05/11/87.

EXHIBIT: A. Location Map.

(ADDED 04/17/87)

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM CEQA BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES PURSUANT TO 14 CAL. ADM. CODE 15270.
2. DENY WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF DENNIS SHERIDAN FOR A LEASE FOR CATTLE GRAZING ON SOVEREIGN LAND IN THE BED OF GOOSE LAKE, MODOC COUNTY (W 23557) IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.

(ADDED 04/17/87)

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EXHIBIT "A"
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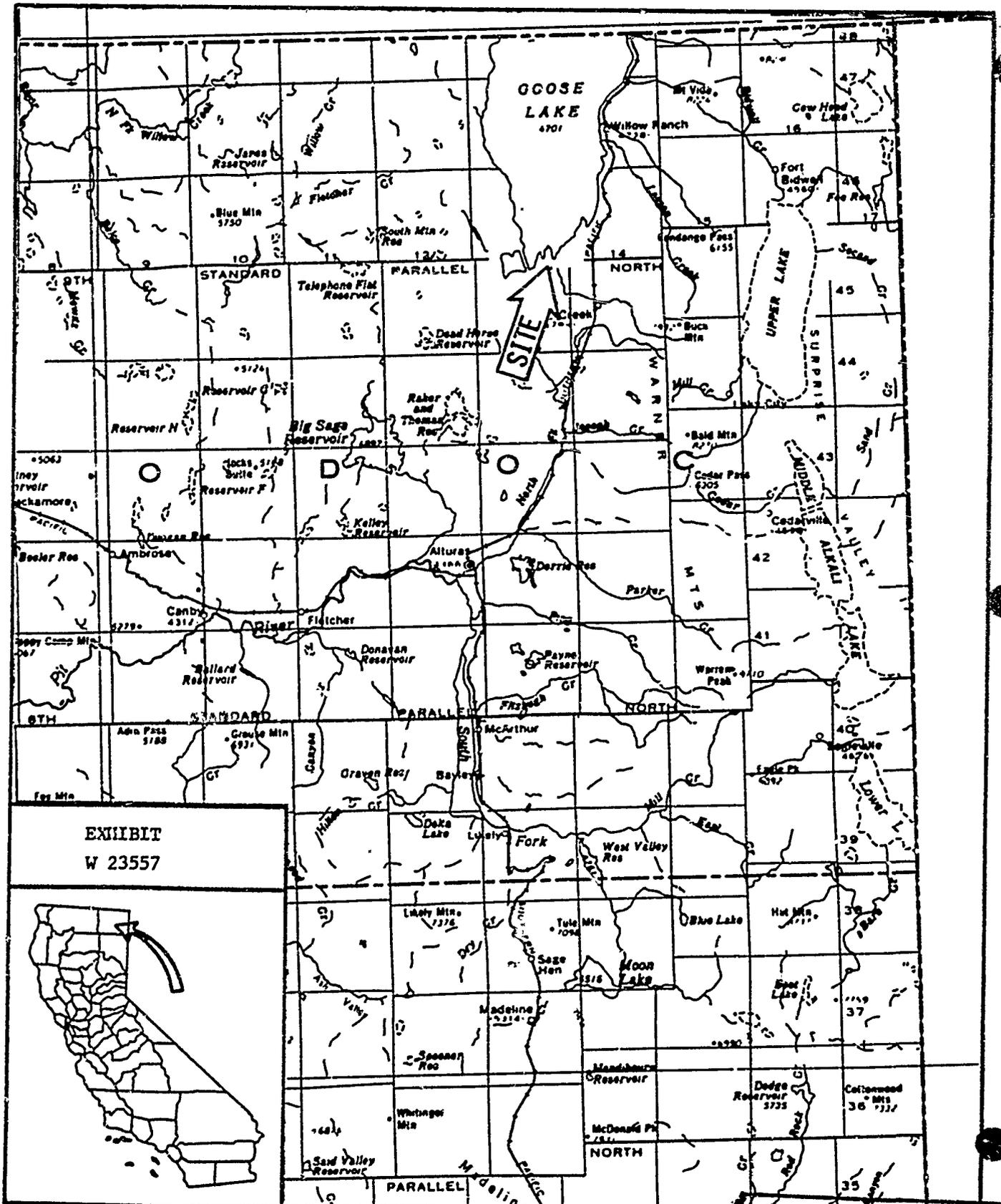


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