

MINUTE ITEM

This Calendar Item No. C09 was approved as Minute Item No. 09 by the California State Lands Commission by a vote of 3 to 0 at its 10-20-03 meeting.

CALENDAR ITEM

C09

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10/20/03

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D. Jones

PRC 6537

WP 6537.9

APPROVAL OF GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Department of Parks and Recreation
One Capitol Mall, Suite 500
Sacramento, California 95814

AREA, LAND TYPE, AND LOCATION:

All those sovereign lands of Mono Lake lying below elevation 6417 feet above sea level.

AUTHORIZED USE:

Operation and management of the Mono Lake Tufa State Reserve including the operation and maintenance of a 6 foot by 36 foot boat dock located on the south-west side of the Lake.

LEASE TERM:

12 years, beginning July 1, 2002.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

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OTHER PERTINENT INFORMATION:

1. In 1981, Chapter 670, Statutes of 1981 (Sections 5045, et seq. of the Public Resources Code), was enacted to establish the Mono Lake Tufa State Reserve with its primary emphasis to protect the tufa and associated sand structures as valuable geologic and scientific natural resources unique in North America for their beauty, abundance, diversity, and public accessibility. The legislation also required the Commission to issue a permit to the Department of Parks and Recreation (DPR) for the use of the State-owned sovereign land.
2. On December 22, 1983, the Commission issued a 20-year General Permit – Public Agency Use to the DPR for the operation and management of the Mono Lake Tufa State Reserve. That lease expired on June 30, 2002. The Department of Parks and Recreation is now applying for a new lease. The Department's only improvement on the Lake is a 6 foot by 36 foot boat dock which was reconstructed last year. It is located on the southwest side of the Lake and it is intended to be used by the State Park Rangers and the public.

The proposed lease is for a period of 12 years. The lease provides that the DPR submit a Management Plan by April 1, 2005, to be approved by the Commission's Executive Officer 90 days from the date of submittal of the Plan to the Commission. This Plan will coincide with the update of the USFS's Scenic Plan and will set forth the Department's public policies and goals which it will use to manage the lake during the term of the lease.

The DPR currently manages the Reserve under the authority of the Public Resources Code, the Harbors and Navigation Code, the California Penal Code, the California Vehicle Code, Mono County ordinances, as well as through a Memorandum of Understanding between the DPR and the USFS regarding management of the Federal relicited land at Mono Lake.

In addition, the DPR uses the USFS's Mono Basin National Forest Scenic Area Comprehensive Management Plan (USFS Plan) to assist the DPR in managing the State Reserve. The boundary of the Scenic Area includes over 76,700 acres, including approximately 41,600 acres of Mono Lake. The Scenic Area is within the Inyo National Forest.

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The USFS Plan specifies that the overall goal of Scenic Area management is to protect the natural resources including, but not limited to, the geologic, ecologic, cultural, and scenic resources, while allowing recreational, scientific, and other activities, which are consistent with these goals. In each zone, the USFS Plan provides guidance for the protection of each resource, as well as guidance for recreation, uses on private land, grazing activities, etc. It divides the Mono Basin National Forest Scenic Area into four zones: 1) the Developed Recreation Zone, 2) the General Use Zone, 3) the Limited Development Zone and 4) the No Development Zone. These zones apply to the lands around Mono Lake, but DPR and the USFS have interpreted that these designations also apply to the waters of Mono Lake. In evaluating an activity within the waters of Mono Lake and the State relicted lands, DPR uses the USFS Plan to determine if the activity complies with the goals of the Plan.

DPR also seeks direction from its enabling legislation and the other legislative directives listed above. Since the purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity, PRC section 5019.65 mandates that resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man. Section 5019.65 provides, however, that improvements may be undertaken, but for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. As part of this mandate, DPR is very active in interpreting and educating the public about the unique features of the Reserve. It also has a joint interpretive agreement with the USFS and the Mono Lake Committee and provides many educational programs each year.

In addition, the Mono Lake Tufa State Reserve is regularly patrolled by State Park Rangers who enforce all applicable State laws and rules and regulations.

3. Approval of General Lease – Public Agency Use
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under

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Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

4. Reconstruction of Boat Dock

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 the project, as proposed, is consistent with its use classification.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

APPROVAL OF GENERAL LEASE – PUBLIC AGENCY USE

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

APPROVAL OF BOAT DOCK

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b)

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE DEPARTMENT OF PARKS AND RECREATION OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 2002, FOR A TERM OF 12 YEARS, FOR THE OPERATION AND MANAGEMENT OF THE MONO LAKE TUFA STATE RESERVE, INCLUDING A BOAT DOCK, ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

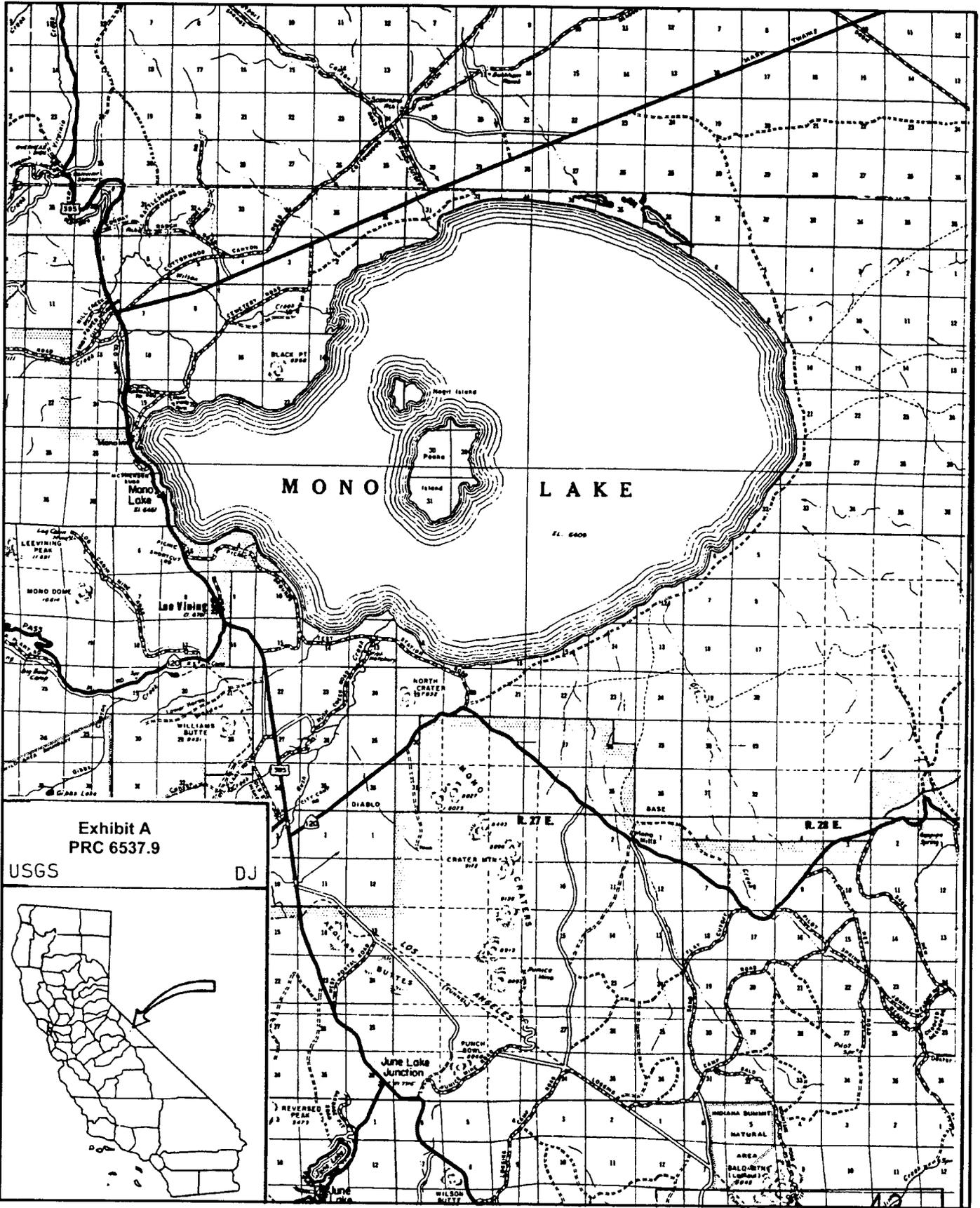


Exhibit A
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