

MINUTE ITEM

This Calendar Item No. C8
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 3
to 0 at its 4/25/85
meeting.

CALENDAR ITEM

A 34

C08

04/25/85

S 25

W 23447

McDonald

Reese

DENIAL OF APPLICATION

Mr. Floyd Newman has applied for a grazing lease on an unleased 640-acre parcel of school land at Bathtub Spring in San Bernardino County. The parcel lies adjacent to BLM's Kessler Springs Allotment which includes 250,000 acres of federal land. Mr. Gary Overson holds grazing rights on the federal land within the Allotment and he also leases the 10 parcels of intermingled school land enclosed within the Allotment.

Both BLM and Mr. Overson have raised strong objections to the leasing of the Bathtub Spring parcel to Mr. Newman on the grounds that it has historically been used by livestock of the Kessler Springs Allotment. It is contended that leasing this critical parcel to a third party would upset livestock movement throughout the Allotment backing animals up at other water sources causing severe over-use at these sites.

Upon learning of Mr. Newman's application, Mr. Overson also submitted an application and tendered with it \$258.50 to cover rent for the parcel for the period from 1978 to 1985 when he used it in trespass.

Staff has obtained conflicting information on two critical points: actual location of Bathtub Spring (it may be across the property line on federal land) and whether the parcel, in fact, is an integral part of the Kessler Springs Allotment. It is shown outside the Allotment in BLM's Allotment Management Plan, but unconfirmed information indicates the parcel is, in fact, fenced into the Allotment on the ground.

In order to judge the actual impact on the Kessler Springs Allotment, it will be necessary that staff inspect the parcel on the ground. Since there is insufficient time under the AB 884 deadline for this inspection, staff recommends that Mr. Newman's application be denied without prejudice.

CALENDAR ITEM NO. C 0 8 (CONT'D)

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 as a statutory exempt project. The project is exempt because it involves a project that is rejected or disapproved.

Authority: P.R.C. 21080(b)(5).

APPLICANT: Mr. Floyd Newman
P. O. Box 12
Needles, California 92363

AB 884: 05/20/85.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5), PROJECT THAT IS REJECTED OR DISAPPROVED.
2. DENY, WITHOUT PREJUDICE THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF FLOYD NEWMAN FOR A GRAZING LEASE ON SECTION 16, T13N R15E, SBM, SAN BERNARDINO COUNTY.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND OF THE APPLICANT'S RIGHT TO REAPPLY.

EXHIBIT "A"

LAND DESCRIPTION

W 23447

A parcel of California State school lands in San Bernardino County, California,
described as follows:

Section 16, T13N, R15E, SBM.

END OF DESCRIPTION

PREPARED AUGUST 31, 1984, BY BOUNDARY AND TITLE UNIT.

CALENDAR PAGE

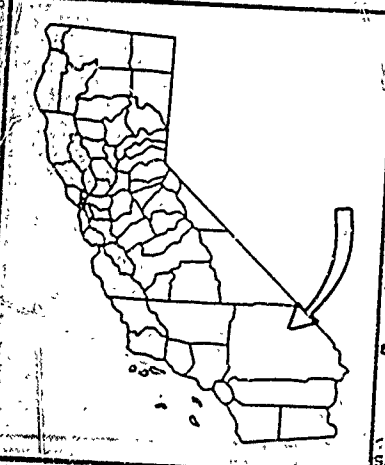
37

MINUTE PAGE

1248



EXHIBIT "B"
W 23447



CALENDAR DATE

MINUTE PAGE 1249