

MINUTE ITEM  
This Calendar Item No. 55  
was approved as Minute Item  
No. 55 by the State Lands  
Commission by a vote of 3  
to 0 at its 1-21-88  
meeting.

CALENDAR ITEM

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01/21/88  
W 23854 PRC 7165  
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Lane

APPROVAL OF A GRAZING LEASE

APPLICANT: Bank of America N. T. & S. A,  
Attn: Russell Crémer  
100 Howe Avenue, Suite 250 North  
Sacramento, California 95825

AREA, TYPE LAND AND LOCATION:  
A 5,428-acre parcel of sovereign land, located  
in the bed of Goose Lake, McDoc County.

LAND USE: Cattle grazing.

TERMS OF PROPOSED LEASE:  
Initial period: 25 years beginning October 1,  
1987.

Renewal options: One successive period of ten  
years.

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

CONSIDERATION: \$5,000 per annum; with the State reserving the  
right to fix a different rental on each  
fifth anniversary of the lease, providing no  
rent modification shall exceed the cumulative  
rate of the Producer Price Index relative to  
the livestock industry.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:  
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and Environmental costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Bank of America "Bank" acquired the majority of the uplands, adjacent to the lake bed where the proposed lease lands are located, through foreclosure on Triple S Ranch, the former owner. The Bank believes the lakebed lands to be an integral part of the ranching operation. Consequently, upon approval and issuance of a grazing lease, with a beginning date of July 1, 1985, to another party, the Bank filed an injunction against State Lands Commission. That lease was set aside pursuant to a court hearing decision.

The Bank currently has litigation on file in Modoc County claiming ownership of the subject lands. The proposed grazing lease is a vehicle to settle the ownership dispute which is the basis of the pending legal action.

2. Use of the lands is limited to seasonal grazing with no structures, except fencing, to be constructed by the Bank. The intended use area, per the lease land description, is the dry portion of the lake bed located between the United States Meander Line and the fluctuating water level line.

3. It is tentatively agreed that upon termination or expiration of Grazing Lease PRC 6733 consisting of 500+ acres of lakebed, those lands shall be incorporated into the Bank's lease at no additional cost to the bank.
4. Any approved lease over these lands is subject to lease PRC 6859, authorized by the State Lands Commission on June 26, 1985, to Department of Fish and Game for wildlife and wildlife habitat control and management. Therefore, the lease terms require the Bank to enter into an agreement with that agency to achieve those goals. One means of management is fencing parcels for foliage control.
5. The number of animals permitted on the lands is restricted to what can be supported by forage and water available.
6. 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.
7. 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 will have a significant effect on the environment. (14 Cal. Adm. Code 15074(b))

- EXHIBITS:           A. Land Description.  
                      B. Location Map.  
                      C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. CERTIFY THAT A NEGATIVE DECLARATION, STATE CLEARINGHOUSE NO. 86091509, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO BANK OF AMERICA N.T. & SA OF A 25-YEAR GRAZING LEASE BEGINNING OCTOBER 1, 1987; WITH LESSEE'S OPTION TO RENEW FOR ONE (1) SUCCESSIVE PERIOD OF TEN (10) YEARS; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$5,000, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE PROVIDING NO RENT MODIFICATION SHALL EXCEED THE CUMULATIVE RATE OF THE PRODUCER PRICE INDEX RELATIVE TO THE LIVESTOCK INDUSTRY; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000, AS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, FOR CATTLE GRAZING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE SETTLEMENT OF BANK OF AMERICA V. STATE LANDS COMMISSION, MODOC COUNTY SUPERIOR COURT NO. 10793, ON THE TERMS AND CONDITIONS OUTLINED IN THIS CALENDAR ITEM, AND AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL AND COMMISSION COUNSEL TO TAKE ALL STEPS NECESSARY TO EFFECTUATE SUCH SETTLEMENT.

EXHIBIT "A"

LAND DESCRIPTION

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.  
Sections 6.

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

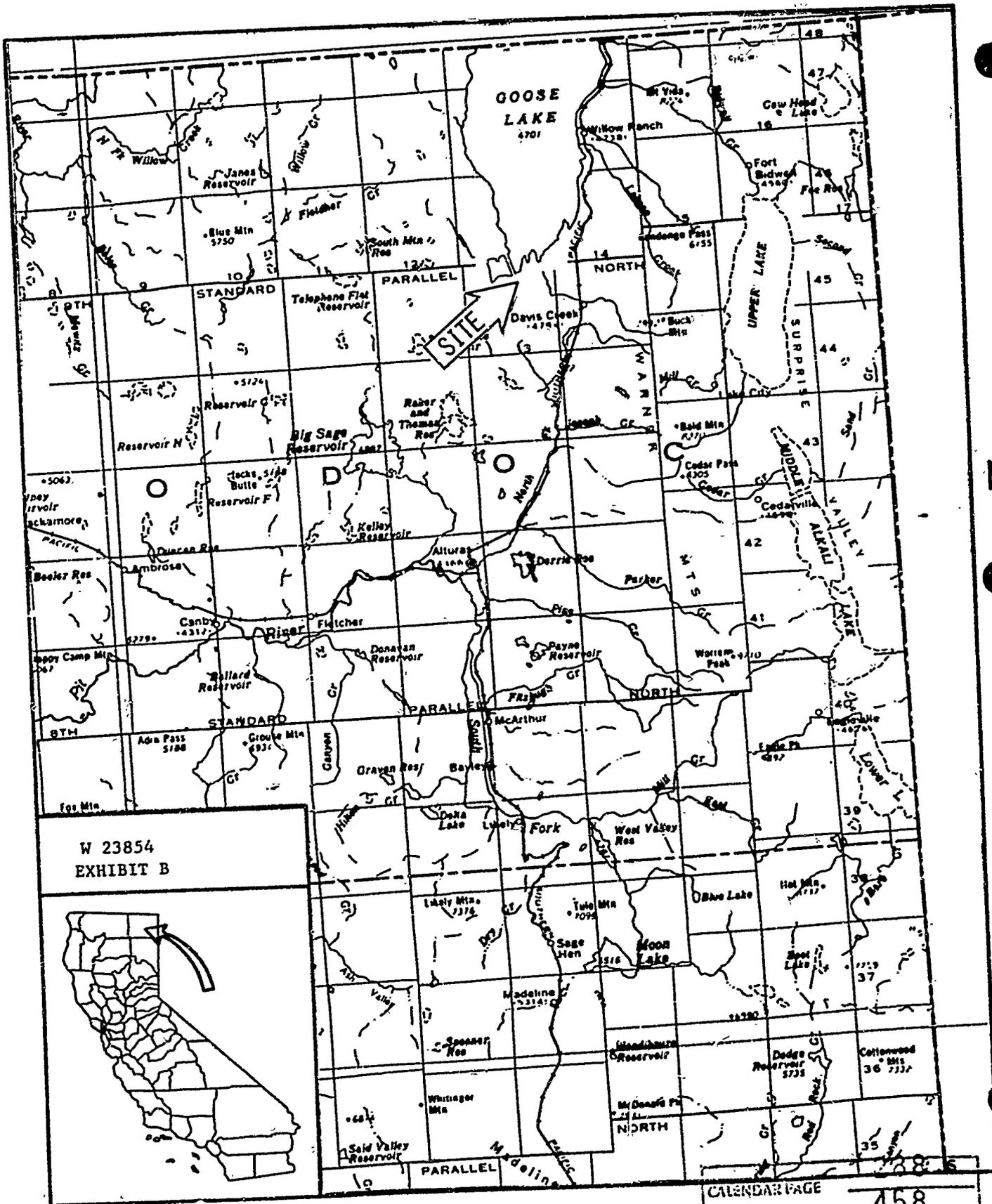
T 46N, R14E, MDM.  
Sections 31, 32.

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, provided that said exception shall terminate upon the termination of said Lease PRC 6733. ALSO EXCEPTING THEREFROM any portion thereof lying waterward of the water level line as it exists from day to day.

END OF DESCRIPTION

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W 23854  
EXHIBIT B

STATE LANDS COMMISSION  
13TH STREET  
SACRAMENTO, CALIFORNIA 95814



## EXHIBIT C

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. (5,428+ 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 5000 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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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 OREO 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 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.

K. 13E, & Sec. 6, T. 45N, R. 14E, SEC. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

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 checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Change in topography or ground surface relief features? .....   | <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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B. *Air*. Will the proposal result in:

- |   | Yes                      | Maybe                    | No                                  |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Substantial air emissions or deterioration of ambient air quality? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The creation of objectionable odors? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? ..   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Alterations to the course or flow of flood waters? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Change in the amount of surface water in any water body? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Alteration of the direction or rate of flow of ground waters? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Substantial reduction in the amount of water otherwise available for public water supplies? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Exposure of people or property to water-related hazards such as flooding or tidal waves? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Significant changes in the temperature, flow or chemical content of surface thermal springs? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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)? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Reduction of the numbers of any unique, rare or endangered species of plants? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? .....                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Reduction in acreage of any agricultural crop? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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)? ..... | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Reduction of the numbers of any unique, rare or endangered species of animals? .....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? .....  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Deterioration to existing fish or wildlife habitat? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

F. *Noise*. Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Increase in existing noise levels? .....         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to severe noise levels? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

G. *Light and Glare*. Will the proposal result in:

- |  |                                     |                                     |                                     |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. The production of new light or glare? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|-------------------------------------|-------------------------------------|-------------------------------------|

H. *Land Use*. Will the proposal result in:

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. A substantial alteration of the present or planned land use of an area? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|

I. *Natural Resources*. Will the proposal result in:

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Increase in the rate of use of any natural resources? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial depletion of any nonrenewable resources? .....  | <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?
- 2. Possible interference with emergency response plan or an emergency evacuation plan?

K. *Population.* Will the proposal result in:

- 1. The alteration, distribution, density, or growth rate of the human population of the area?

L. *Housing.* Will the proposal result in:

- 1. Affecting existing housing, or create a demand for additional housing?

M. *Transportation/Circulation.* Will the proposal result in:

- 1. Generation of substantial additional vehicular movement?
- 2. Affecting existing parking facilities, or create a demand for new parking?
- 3. Substantial impact upon existing transportation systems?
- 4. Alterations to present patterns of circulation or movement of people and/or goods?
- 5. Alterations to waterborne, rail, or air traffic?
- 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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?
- 2. Police protection?
- 3. Schools?
- 4. Parks and other recreational facilities?
- 5. Maintenance of public facilities, including roads?
- 6. Other governmental services?

O. *Energy.* Will the proposal result in:

- 1. Use of substantial amounts of fuel or energy?
- 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- 1. Power or natural gas?
- 2. Communication systems?
- 3. Water?
- 4. Sewer or septic tanks?
- 5. Storm water drainage?
- 6. Solid waste and disposal?

Q. *Human Health.* Will the proposal result in:

- 1. Creation of any health hazard or potential health hazard (excluding mental health)?
- 2. Exposure of people to potential health hazards?

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?

S. *Recreation.* Will the proposal result in:

- 1. An impact upon the quality or quantity of existing recreational opportunities?

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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?
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 Sec 5 Idendum

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.



Dan Cohen  
Envir. Specialist

Date: 8 / 27 / 86

For the State Lands Commission	
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Form 13.20 (7/82)

File Ref.: W 23557  
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SCH #86091509

ADDENDUM TO ENVIRONMENTAL IMPACT ASSESSMENT

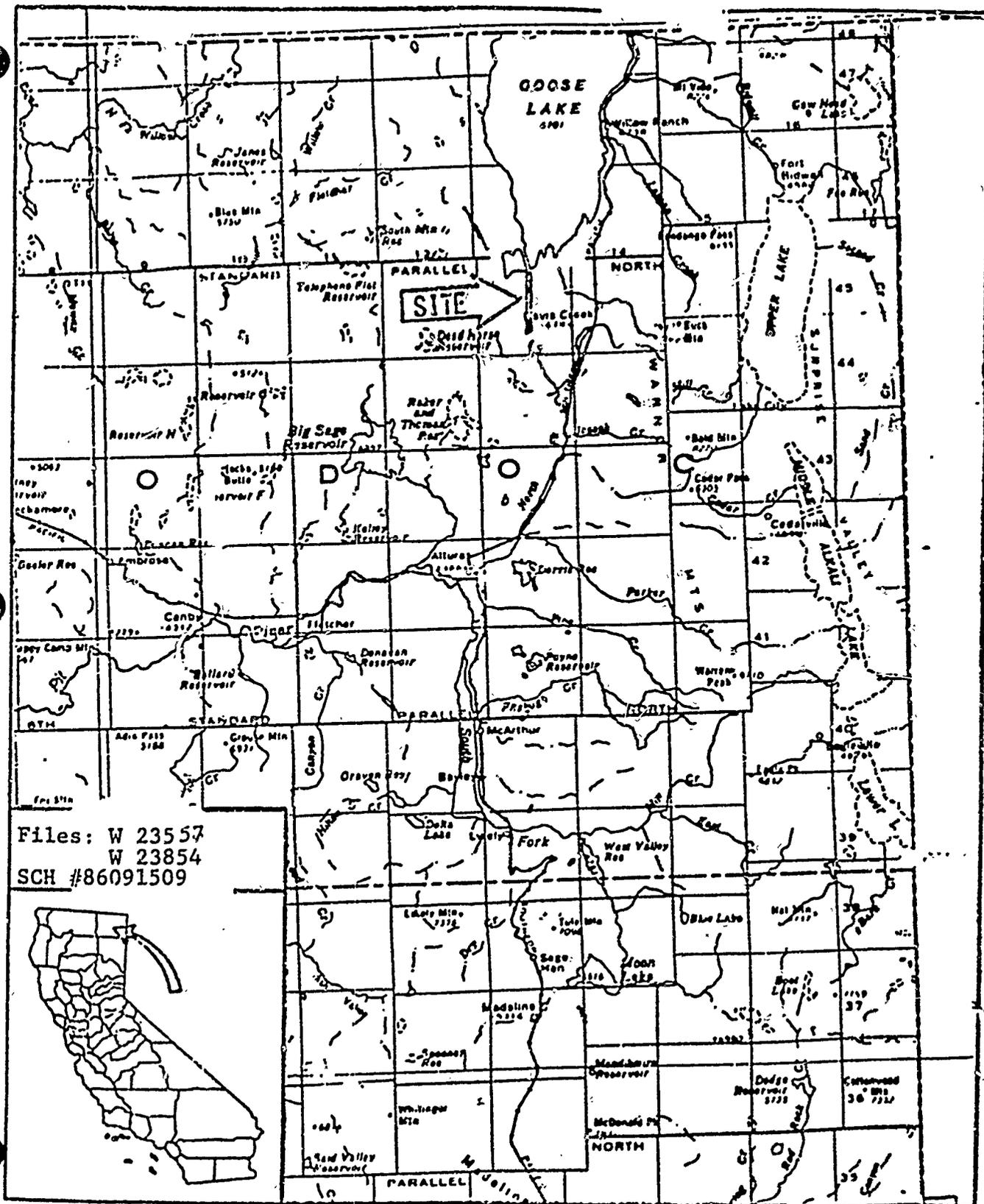
E.4/U.1

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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