#### MINUTE ITEM

This Calendar Item No. 15. was approved as Minute Item No. 15 by the State Lands Commission by a vote of to O at its 12-20-29 meeting.

CALENDAR ITEM

15.

12/79 WP 5444 Gordon PRC 5444

GENERAL PERMIT PUBLIC AGENCY USE

APPLICÂNT:

Galifornia Department of Fish and Game 350 Golden Shore

Long Beach, Gallfornia 90802

A 30 acre parcel of submerged lands in Mono Lake, Mono County. AREA, TYPE LAND AND LOCATION:

LAND USE:

Construction, reconstruction and maintenance of a predator barrier fence to protect Negit Island gull rookery, an existing wild life habitat.

TERMS OF PROPOSED PERMIT:

Initial period: 5 years from December 20,

The public use and benefit. CONSIDERATION:

BASIS FOR CONSIDERATION:

2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing fer and processing costs have been received.

STATUTORY OR OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

- Cal. Adm. Code: Title 2, Div. 3.
- Assembly Bill 367, Chapter 670, Statutes of 1979.

OTHER PERTINENT INFORMATION:

- The annual rental value of the site is estimated to be \$100.
- The formation of a land bridge between the upland and Negit Island has been created by the receding water level of Mono Lake. The bridge now provides

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## CALENDAR ITEM NO. 15 (CONTO)

land predators access to colony nesting birds which include California gulls. Negit Island is California's primary nesting site for gulls.

Various alternatives have been considered to protect the gull rookery from the threat of the upland predators. At their meeting in February 1978 and March 1979, the Commission authorized an emergency permit and a 1-year temporary use permit, respectively, to remove portions of the land bridge with explosives.

To date, the receasing lake level has limited the success of protecting the island by this action. Additional engineering and soil analysis supports the finding that dredging will also be an infeasible protective measure. The subject project has been determined to be the most practicable action. On September 14, 1979, the Governor approved AB 367 (Chap. 670 Statutes of 1979) which allocates funds for the project and designates the legislative act as an urgency statute.

- 3. This project is exempt from CEQA because it is an emergency project. A notice of exemption has been filed by the Department of Fish and Game with the Secretary for Resources. Section 1507(c), 15074(a)(c) Cal. Adm. Code.
- 4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS REQUIRED AND OBTAINED:

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### CALENDAR ITEM NO. 15. (CONTD)

This facility is subject to the jurisdiction of the California Department of Fish and Game, Lahontan Regional Water quality Control Board, and the County of Mono. The proposed permit is conditioned on the approval of all agencies having jurisdiction.

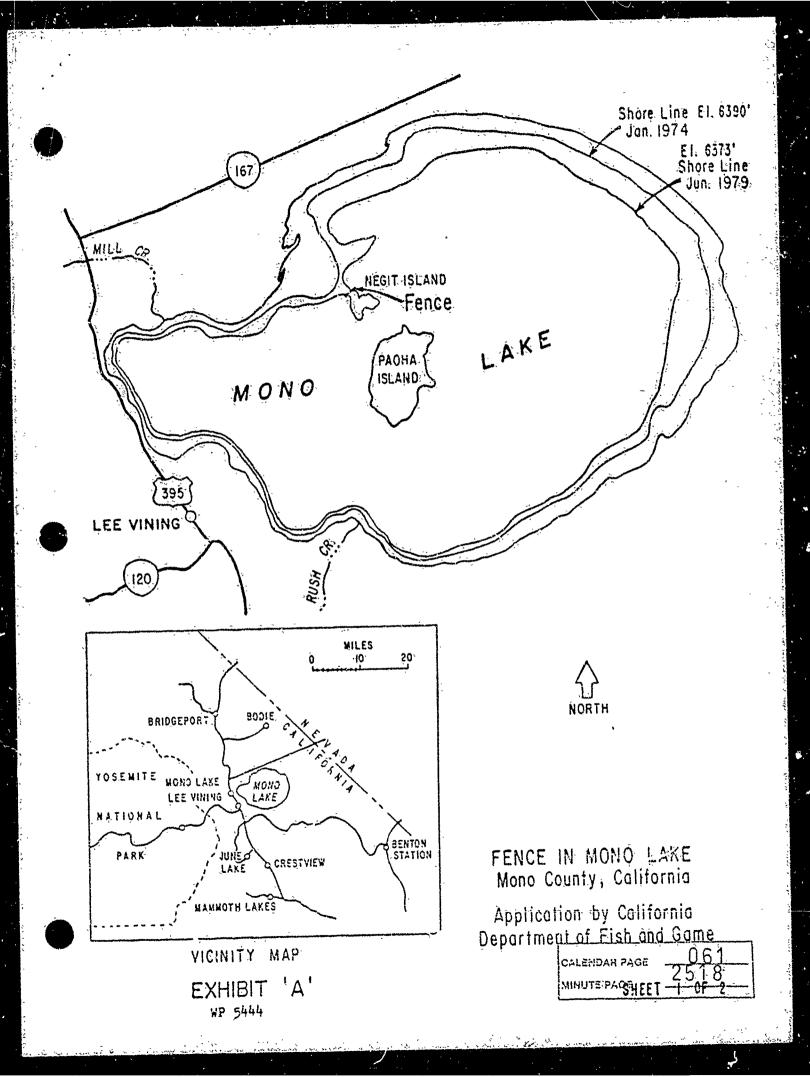
EXHIBITS:

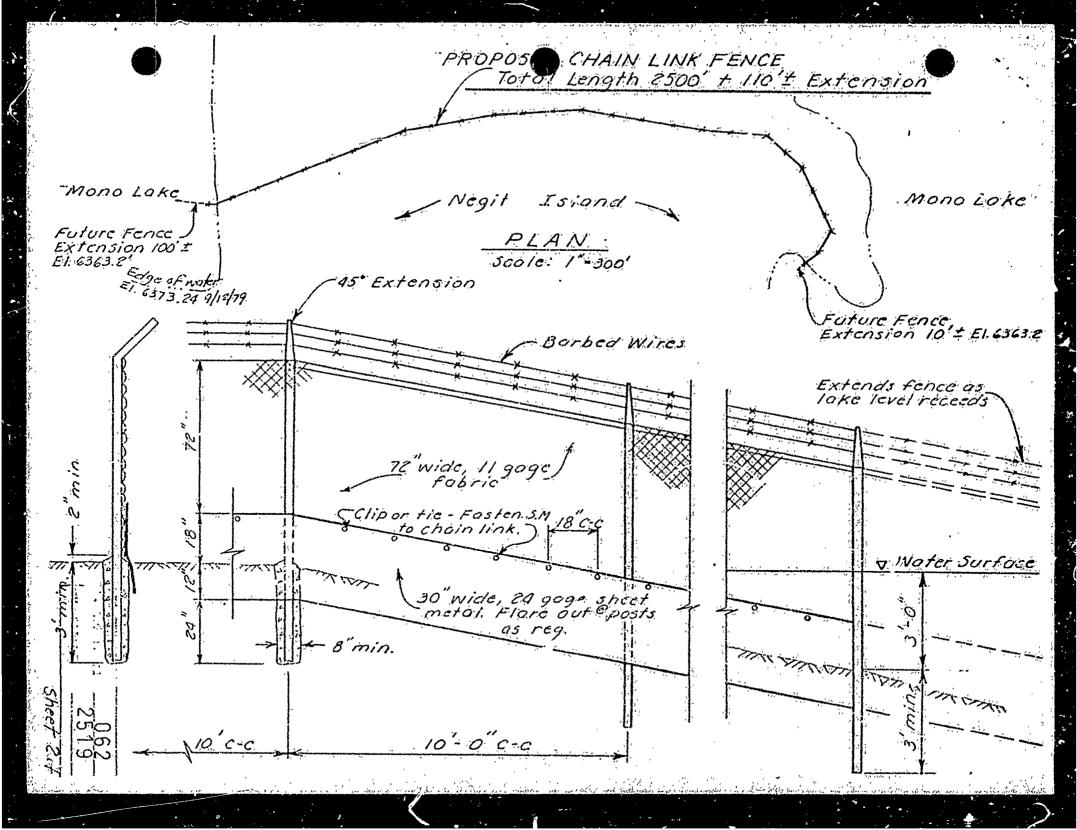
A. Location Map. B. Notice of Exemption.

IT IS RECCOMMENDED THAT THE COMMISSION:

- 1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.G. 21172, 14 CAL. ADM. CODE 15071 AND 2 CAL. ADM. CODE 2905(a).
- 2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
- 3. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 5-YEAR GENERAL PERMIT PUBLIC AGENCY USE FROM DECEMBER 20, 1979; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF A PREDATOR BARRIER FENCE TO PROTECT NEGIT ISLAND GULL ROOKERY, AN EXISTING WILDLIFE HABITAT WITHIN MONO LAKE, ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

CALENDAR PAGE 060.
MINUTE PAGE 2517





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Date Received for Filing: Nov. 29, 1979 Signature: Lange Company				Signatur	e: If C Just Centry

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#### MOTICA OF EXECUTION

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