

Staff Report 56

APPLICANT:

Society for the Conservation of Bighorn Sheep

PROPOSED ACTION:

Issuance of a General Lease – Other

AREA, LAND TYPE, AND LOCATION:

Up to 90 sites on State-owned school land parcels, near the California border, in Riverside, San Bernardino, and Inyo Counties.

AUTHORIZED USE:

Installation, use, and maintenance of wildlife rain catchers.

TERM:

10 years, beginning December 9, 2022.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

- Lessee will take all reasonable and necessary actions to prevent, suppress, and control fires on the Lease Premises.
- Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee will fully carry out, implement, and comply with the Best Management Practices, as described in the lease.
- At least 60 days prior to installation, Lessee will provide site specific locations and evidence of concurrence from the California Department of Fish and Wildlife.

- Lessee will provide for Lessor's staff review and approval, site specific locations, including coordinates and a specified radius around each site, within 30 days of completing work at each site.
- Lessee will provide photos of the completed rain catcher and surrounding site within 30 days of completing installation at each site.

PROJECT DESCRIPTION:

The Society for the Conservation of Bighorn Sheep (Applicant) is a 501(c)(3) registered, nonprofit organization, founded in 1964 and dedicated to the conservation and management of California's bighorn sheep.

The Applicant has applied for a General Lease – Other, for the installation, use, and maintenance of wildlife rain catchers at up to 90 sites located on school lands in Riverside, San Bernardino, and Inyo Counties. The sites were selected based on their proximity to mountain ranges inhabited by desert bighorn sheep and will ensure that opportunities to provide water for the species are available on short notice. Future site development will be determined collaboratively by the Applicant and California Department of Fish and Wildlife (CDFW) staff. Commission staff coordinated with CDFW to ensure the proposed lease includes Best Management Practices acceptable to both agencies.

Each rain catcher site will consist of one or two buried [storage tanks](#) and an associated [water collection apron](#) that collects rainwater and channels it to the storage tanks. Each storage tank measures 16-feet by 8.5-feet by 2.5-feet with a storage capacity of 2,300 gallons. A drinker box is installed near the top of the tank so wildlife can access the water. Each drinker box contains a stainless-steel access ramp, which extends to the bottom of tank and reduces the risk of entrapment.

Some sites may be reached by four-wheel drive vehicle and by foot, but it is anticipated that most of the equipment will be delivered to each site via helicopter.

The rain catchers are installed with hand tools (picks, shovels, rakes) to excavate the necessary depression into which the storage tanks are placed. Storage tanks are placed at a depth of 24 inches and the top covered with the spoils from the excavation.

Approximately 5,000 square feet of Hypalon¹ mat collects and channels rain runoff to the storage tanks. The mat is installed on a slightly sloping surface. The edge of the mat contains a filter and 14-inch-diameter PVC collection pipe that diverts run-

¹ Hypalon is a synthetic rubber-like material noted for its resistance to temperature extremes.

off from the Hypalon mat into the storage tanks. The mat is held in place with boulders exceeding 150 pounds.

The rain catchers will be inspected annually to ensure they remain in good condition and are functioning properly.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6217.5, 6301, 6501.1, 6503, and 8701; California Code of Regulations, title 2, sections 2000 and 2003.

STATE'S BEST INTERESTS:

Given the ongoing drought in the State, the installation of wildlife rain catchers will provide perennial water sources for desert bighorn sheep. Supplemental water sources have potential to aid in population growth, enhance survival, and facilitate genetic exchange.

The lease is limited to a 10-year term and does not alienate the State's fee simple interest and does not grant the lessee exclusive rights to the lease premises. The lease requires the Applicant to insure and indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises and to maintain the improvements at its sole expense. The lease also requires the payment of rent, which generates revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.

CLIMATE CHANGE:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The lease area is open lands with moderate to low vegetation fuels, and is vulnerable to the above events, including dust storms and flash flooding from thunderstorms, and to a lesser extent, wildland fires. The leased lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the leased lands for desert bighorn sheep rain catchers.

CONCLUSION:

For the reasons stated above, staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of State-owned school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the application, the Applicant would have no right to a lease. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with addressing the challenges and opportunities described in the Commission's 2021-25 Strategic Plan to "Embrace and safeguard multi-benefit School Lands and resource management stewardship that equitably balances responsible local and regional economic development, supports living wages, environmental protection, and revenue generation." It is also consistent with the "Committing to Collaborative Leadership" Strategic Focus Area in the Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

EXHIBITS:

- A. Site and Location Maps
- B. Best Management Practices

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

STATE'S BEST INTERESTS:

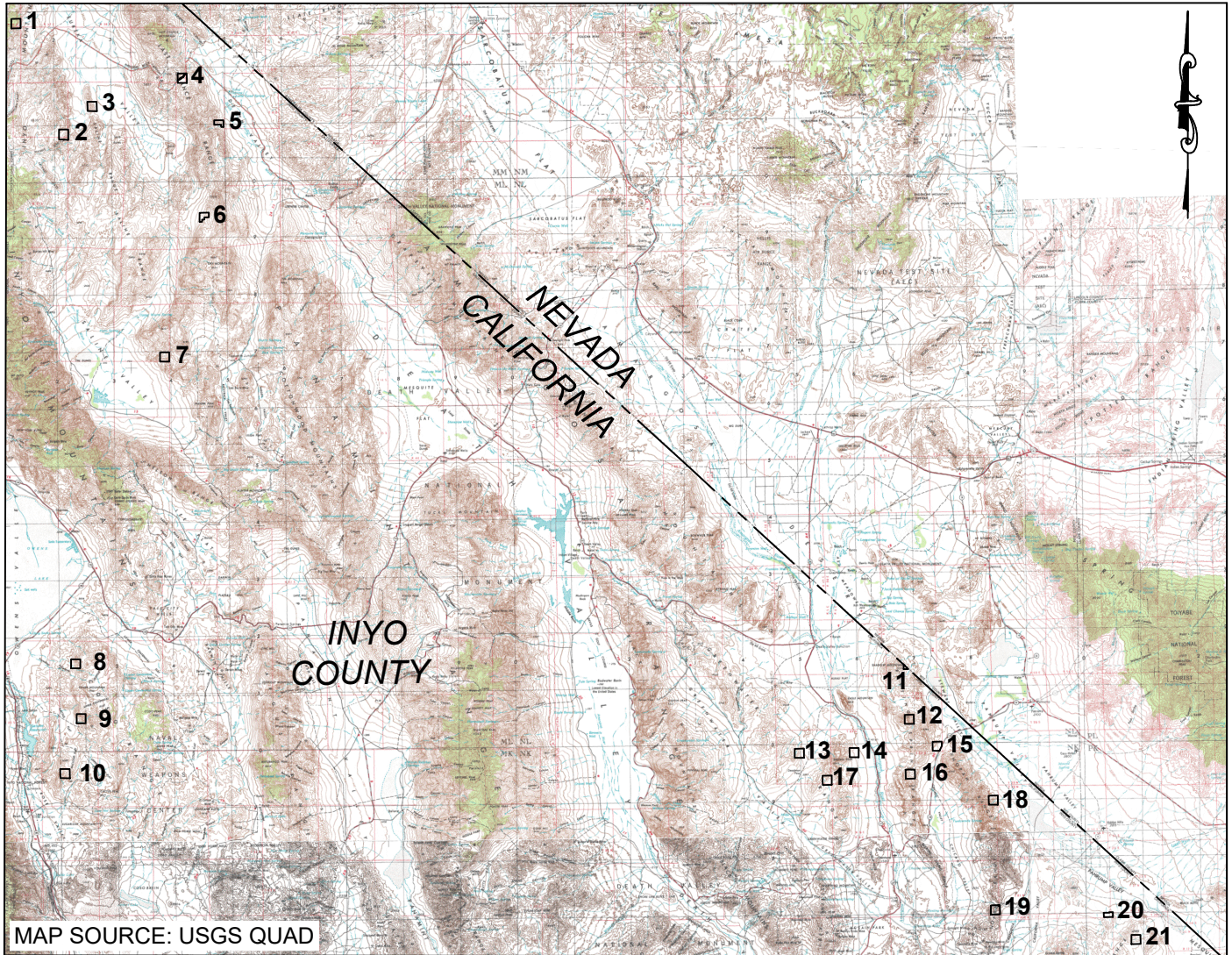
Find that the proposed lease is in the best interests of the State.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Other to the Applicant beginning December 9, 2022, for a term of 10 years, for the installation, use, and maintenance of wildlife rain catchers on up to 90 sites on State-owned school land parcels, as shown on Exhibit A (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment.
2. Authorize the Executive Office or designee to replace Exhibits in the lease upon submission, review, and approval of site location descriptions following installation of the authorized improvements.

NO SCALE

SITE



SCHOOL LANDS, INYO COUNTY

NO.	ID PARCEL	APN	NO.	ID PARCEL	APN
1.	147-003	016-180-05	12.	211-012	043-240-01
2.	149-004	020-060-01	13.	210-008	043-280-01
3.	149-006	020-070-01	14.	210-010	043-300-01
4.	148-011	017-130-01	15.	211-013	043-250-01
5.	149-008	017-200-01	16.	210-011	043-320-01
6.	151-007	017-360-01	17.	210-009	043-290-01
7.	153-006	024-210-01	18.	210-014	048-040-01
8.	159-007	033-150-01	19.	208-008	048-140-03
9.	160-009	033-260-02	20.	207-020	048-180-02
10.	161-003	037-500-01	21.	207-017	048-330-01
11.	212-009	043-150-01			

EXHIBIT A-1

W 26919

SOCIETY FOR THE
CONSERVATION OF
BIGHORN SHEEP
GENERAL LEASE -
OTHER USE

INYO, SAN BERNARDINO &
RIVERSIDE COUNTIES

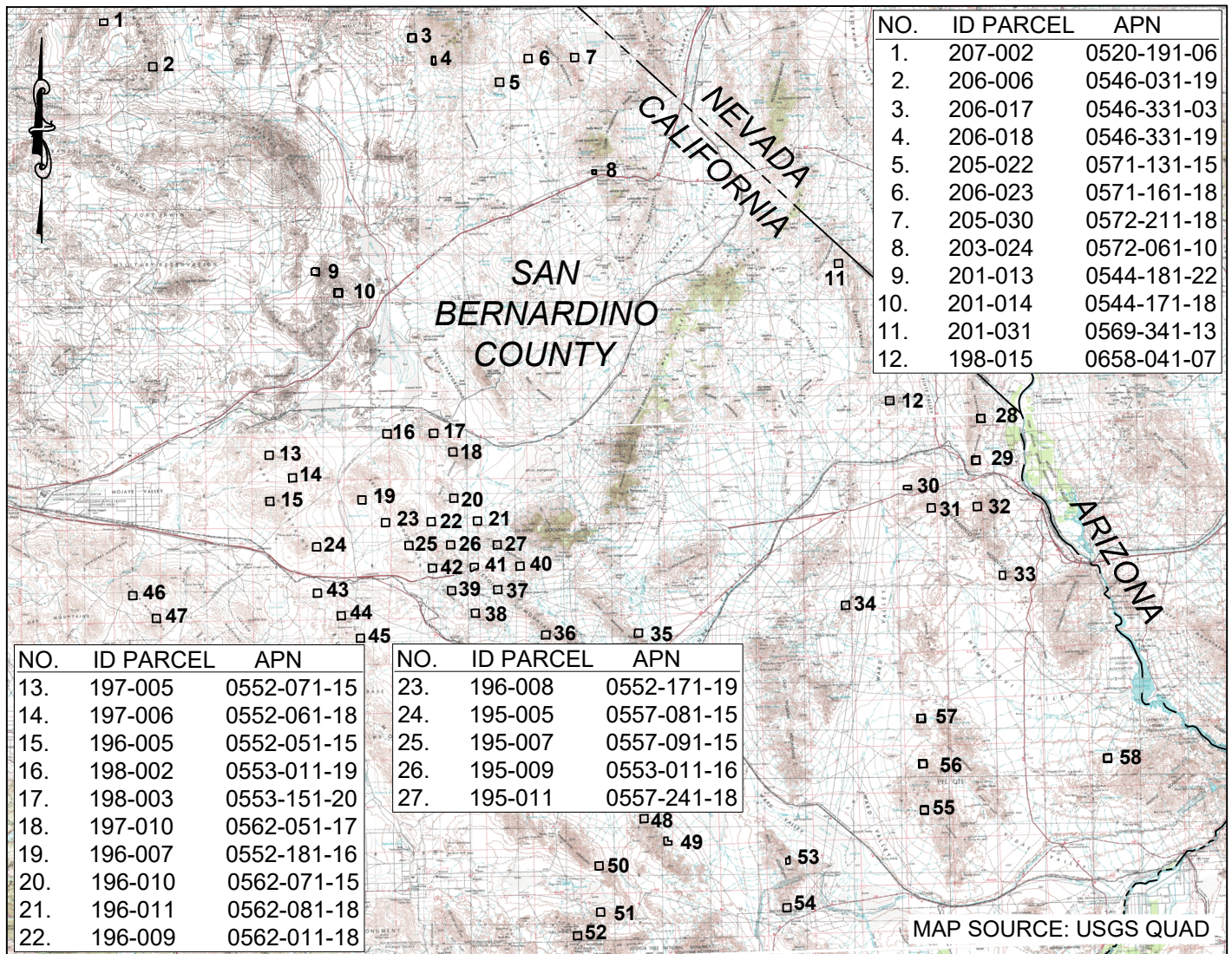


THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

TS 08/23/2022

NO SCALE

SITE



SCHOOL LANDS, SAN BERNARDINO COUNTY

NO.	ID PARCEL	APN	NO.	ID PARCEL	APN
28.	198-018	0658-191-04	44.	194-006	0551-091-18
29.	198-018	0658-191-04	45.	193-003	0551-171-12
30.	196-023	0659-091-16	46.	194-001	0527-051-17
31.	196-024	0659-101-25	47.	194-002	0527-041-18
32.	196-025	0659-111-20	48.	189-003	0644-121-15
33.	194-030	0651-151-16	49.	189-004	0644-131-23
34.	194-023	0655-221-18	50.	188-006	0643-011-15
35.	193-009	0558-231-16	51.	231-012	0643-031-15
36.	193-007	0558-041-15	52.	231-011	0592-151-05
37.	194-010	0557-231-15	53.	188-009	0643-211-02
38.	194-009	0557-121-18	54.	231-019	0643-231-15
39.	194-008	0557-111-15	55.	189-009	0645-201-15
40.	195-012	0557-241-18	56.	190-021	0645-181-15
41.	195-010	0557-101-18	57.	191-046	0652-061-15
42.	195-008	0557-071-18	58.	190-028	0649-161-15
43.	194-005	0551-081-17			

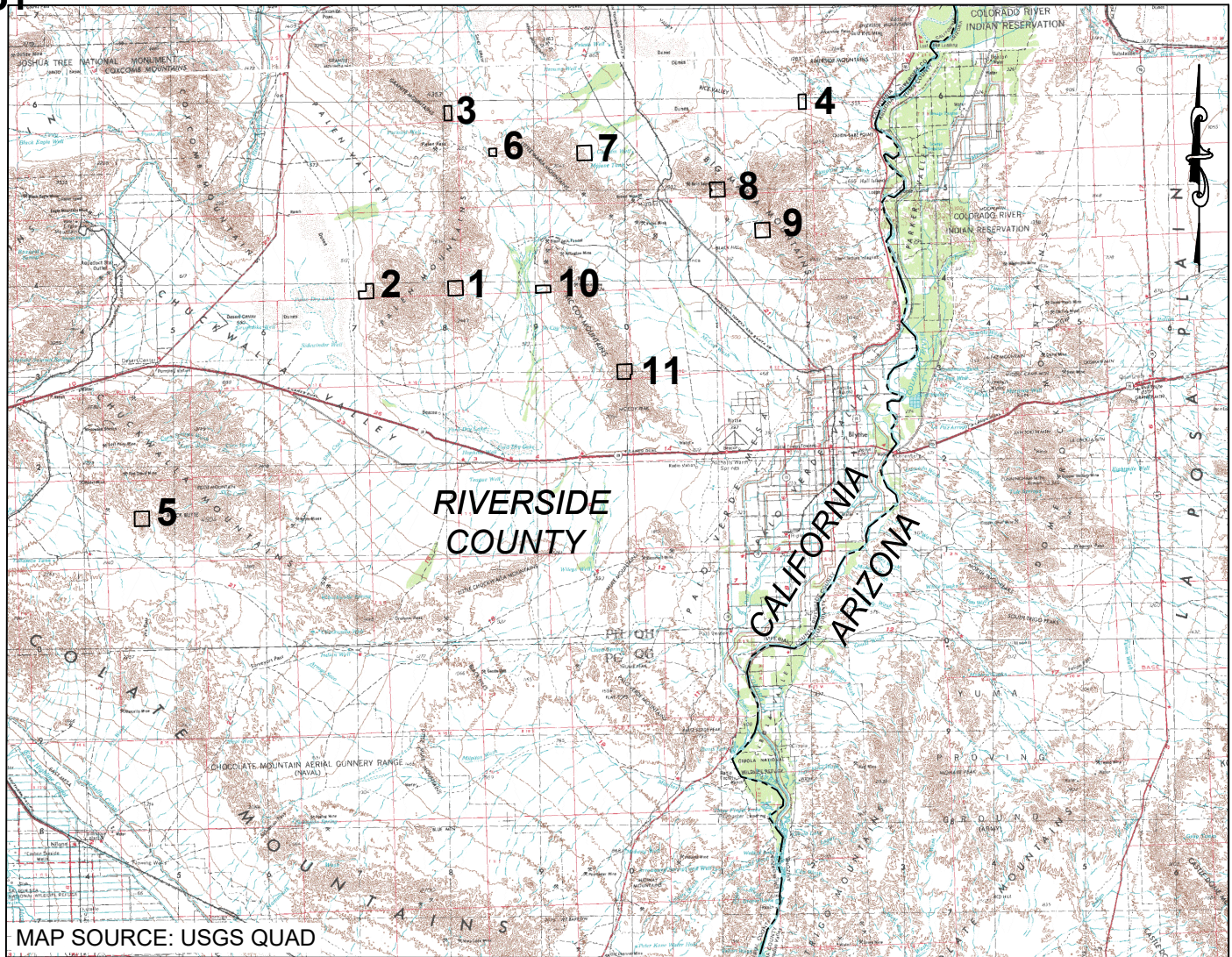
THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

EXHIBIT A-2

W 26919
SOCIETY FOR THE
CONSERVATION OF
BIGHORN SHEEP
GENERAL LEASE -
OTHER USE
INYO, SAN BERNARDINO &
RIVERSIDE COUNTIES



TS 08/23/2022



SCHOOL LANDS, RIVERSIDE COUNTY

NO.	ID PARCEL	APN	NO.	ID PARCEL	APN
1.	234-017	810-060-018	7.	233-023	809-040-004
2.	234-015	810-040-019	8.	233-026	809-150-011
3.	232-016	800-180-021	9.	234-020	803-210-003
4.	232-020	859-060-015	10.	234-018	810-080-023
5.	237-005	800-220-018	11.	235-019	812-070-006
6.	233-022	800-220-018			

EXHIBIT A-3

W 26919

SOCIETY FOR THE
CONSERVATION OF
BIGHORN SHEEP
GENERAL LEASE -
OTHER USE

INYO, SAN BERNARDINO &
RIVERSIDE COUNTIES



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

TS 08/23/2022

Exhibit B

Best Management Practices for the Raincatcher Tank Installation Projects

The following best management practices are to be considered a part of the Raincatcher Tank Installation Projects.

BIOLOGICAL BMPs:

General Measures Pertaining to Project Installation

1. Before any installation work occurs, all Society for the Conservation of Bighorn Sheep (SCBS) team members will receive environmental education training regarding special-status species that potentially occur at the Project sites. At a minimum, the educational program content and materials will include a description of the natural history of each species, representative photographs, and the species' legal status.
2. Vegetation removal and disturbance will be limited to the minimum amount necessary to accomplish the objectives of the Project.
3. SCBS personnel will not remove any trees, barrel cacti, Yucca or other species protected under the California Desert Native Plants Act without first attempting to configure the intended installation to avoid all such vegetation. If removal of a species protected under the California Desert Native Plants Act is unavoidable, SCBS will secure the necessary permit prior to removing the plant.
4. No trenches or holes that could trap, injure or kill wildlife will be left open overnight. If a trench or hole cannot be completed and covered by the end of the workday, the crew will install escape ramps to allow egress of any animals that enter the trench or hole. The ramps will be constructed of dirt fill, wood planking, or other.
5. Before trenches or holes are filled they will be thoroughly inspected for trapped animals. In the unlikely event that a desert tortoise or Mohave ground squirrel becomes trapped in a trench or hole, the trench or hole will be deconstructed and work will cease until the animal leaves the area. All other (non-listed) animals will be encouraged out of the trench or hole by creating additional exit ramps.
6. SCBS personnel will not handle or molest wildlife species. SCBS personnel will not intentionally disturb any wildlife species.

7. SCBS personnel will not approach any special-status wildlife. If a special-status animal is detected in the vicinity of the work crew, crew members will cease activities and vacate the immediate area until the animal has moved out of the work area and surrounding vicinity.
8. Virtually all materials will be transported by helicopter, and ground disturbance will be limited to the site at which material is delivered and where the installation will occur. In the event that vehicular access to some parcels is available, vehicle use will be confined to existing roads or trails.
9. No vegetation will be removed to facilitate aerial transport of project-related materials or equipment necessary to complete the installation.
10. SCBS personnel will ensure all construction debris or "garbage" is removed from each site.

Measures Specific to Desert Tortoise, Banded Gila Monster, Burrowing Owl, Mohave Ground Squirrel, American Badger, and Desert Kit Fox

11. Prior to any Project activities, all SCBS team members will receive training on burrow identification. Training will include information on the characteristics associated with each species' burrow.
12. SCBS will search each proposed water development installation site for the presence of burrows that could be occupied by a Desert Tortoise, Banded Gila Monster, Burrowing Owl, Mohave Ground Squirrel, American Badger, Desert Kit Fox, or other special-status species.
13. SCBS will not cover, disturb, or otherwise affect the integrity of burrows that could be occupied by a special-status species. If the preferred site for installation encompasses a burrow that could be occupied by a special-status species, SCBS will select an alternate site within the leased parcel.

Measures Specific to Golden Eagle and Prairie Falcon

14. Prior to implementing the Project, SCBS will solicit data from the CDFW and USFWS pertaining to specific locations of Golden Eagle and Prairie Falcon nest sites in the Project areas (the CNDDDB suppresses the data).
15. Consistent with the recommendations provided by Suter and Jones (1981), SCBS will maintain a 500-meter buffer between Project activities and raptor nest sites.
16. Aerial transport of materials and tools will occur outside of the raptor breeding season (i.e., from the time of arrival through nestling development).
17. SCBS will not conduct installation activities during the raptor breeding season at sites within 500 m of a feature (i.e., cliff or large tree) that appears to serve as a nesting substrate for Golden Eagles or Prairie Falcons.

18. No Project activities will occur during the raptor nesting season (Jan-Aug) at sites 1SL, 35SL, 56SL, 81SL, and 103SL due to the proximity of those sites to Golden Eagle nests. Additional sites may be added to this list pending information (nest site location data) provided by the CDFW and USFWS.
19. Helicopter pilots shall not approach cliffs, shall provide deference to flying eagles (and other raptors) at all times, and shall adhere to all other aerial practices discussed in the USFWS protocol (Pagel et al. 2010).

Measures Specific to Other Nesting Birds

20. Most nesting bird species are protected by the Migratory Bird Treaty Act (MBTA) and, in some cases by the State or federal government. In general, the avian breeding season in the Mojave and Sonoran deserts may begin as early as January and continue through August, depending on region, habitat type and elevation (CalPIF 2009). To ensure compliance with the MBTA, SCBS personnel will not disturb any substrates that may be occupied by birds nesting on the site during the avian breeding season. This will be accomplished by conducting surveys for bird nests within 200 meters of each installation site prior to any Project activities occurring during the breeding season. If a nest is detected, no work will occur within a buffer surrounding the nest until the nestlings have fledged. The buffer will be 200 meters for raptors, and 50 meters for all other species. These buffer distances are consistent with (or slightly more restrictive than) the recommendations provided by Jones and Bloom (2013).
21. If helicopter flights are required (e.g., to deliver personnel) during the avian breeding season, the pilot will land the helicopter at a location lacking vegetation that could serve as a nesting substrate (even if that location is relatively distant from the water development installation site). Once personnel have disembarked, they will search for bird nests within 200 meters of the landing pad. If active nests are present, subsequent flights will be directed to an alternate location free of active bird nests.

Measures Specific to Bats

22. Once preferred sites for installation of water developments are selected, SCBS will assess the potential for caves, mines, and other potential roost sites in the vicinity of each Project site. This will be accomplished by examining topographic maps and through a query of the mine database.
23. If a preferred site is within 100 meters of a mine, cave, or cave-like structure, SCBS will inspect the feature to determine whether it has the potential to serve as a roost site (e.g., the mine is open). SCBS will not enter any potential

roost sites. If a potential roost site is detected, SCBS will either: (a) select an alternate site for installation of the water development, or (b) retain the services of a qualified biologist to provide recommendations on the spatial and temporal buffers needed to avoid roost disturbance.

24. SCBS will not cover, disturb, or otherwise affect the integrity of a potential roost site.

Measures Specific to Special-Status Plants

25. SCBS will have a botanist conduct an appropriately timed survey for special-status plants at each potential Project site. If a special-status plant is present at the site, an alternate site within the lease parcel will be selected. Water developments will not be installed at any locations where special-status plant species are detected.

Measures Specific to Cultural Resources:

26. Given the rather small areas of disturbance and the sensitivity to cultural resources that the Society for the Conservation of Bighorn Sheep (SCBS) will have with respect to impacts from the construction of these proposed water features, SCBS will have an archaeologist conduct a preconstruction survey in the areas that are intended for water feature development. If significant cultural resources are discovered at the proposed site, the project footprint will be relocated to avoid any impacts to cultural or tribal resources.
27. Native American Tribes who historically occupied the territories where the water features will be constructed will be notified of the preconstruction survey noted above and will be allowed to take part in monitoring the preconstruction survey and subsequent project construction. In addition, SCBS will coordinate and consult with these stakeholders.