

**CALENDAR ITEM
C21**

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10/29/10
WP 5329.2
C. Hudson

GENERAL LEASE - GRAZING USE

APPLICANTS:

Gary Fredericksen, Shelly Fredericksen, Greg Torlai, and Robert Reynolds

AREA, LAND TYPE, AND LOCATION:

3,412 acres, more or less, of State school and lieu land Section 36, Township 32 North, Range 15 East, MDM; portions of Sections 7, 17, 18, 19, 20, 30 and all of Section 16, Township 31 North, Range 16 East, MDM; and portions of Sections 24, 25, 34, and all of Section 36, Township 31 North, Range 16 East, MDM, near Litchfield, Lassen County

AUTHORIZED USE:

Continued use and maintenance of existing livestock grazing and fencing as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 22, 2009.

CONSIDERATION:

\$502 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance with coverage of no less than \$1,000,000.
2. Number of animals permitted on the Lease Premises is restricted to those that can be supported by vegetation.
3. Applicant must exercise good grazing practices to avoid overgrazing.

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for

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public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

OTHER PERTINENT INFORMATION:

1. On June 27, 2000, the Commission authorized a General Lease – Grazing Use with Greg Torlai, Glen Burgin, and Robert Reynolds. That lease expired on November 21, 2009. The Applicants are now applying for a new General Lease – Grazing Use.
2. The number of animals permitted on the Lease Premises is restricted to those that can be supported by the forage and water available on this ephemeral range area taking into consideration forage and water reserved for necessary wildlife use. The estimated carrying capacity in animal unit months (AUM) of the Lease Premises is approximately 80 AUM on parcel one, on which cattle are grazed during the months of September through December, and 40 AUM on parcel two, on which cattle are grazed during the months of April through June in years when ephemeral forage is available, and may vary over the term of this lease due to climatic conditions and/or other natural phenomena.
3. The Applicants are required to use good grazing practices to avoid overgrazing of the Lease Premises. The Commission may at any time during the Lease term make an analysis of forage conditions utilizing accepted range management practices. Such analysis shall indicate grazing conditions, and may include a determination of forage levels at various times during the year. Lessor shall have the right to require Lessee to move the livestock to or from any area of the Lease Premises where an overgrazing situation may exist for a period of time consistent with the grazing analysis. If supplemental feeding is utilized, distribution of feed will be such that livestock are not concentrated so as to cause damage to vegetation and soil and Lessee shall only allow supplemental feeding of certified weed-free feed.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(1).

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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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Bureau of Land Management

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(1).

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 of a General Lease – Grazing Use to Gary Fredericksen, Shelly Fredericksen, Greg Torlai, and Robert Reynolds beginning November 22, 2009, for a term of ten years, for the continued use and maintenance of livestock grazing and fencing as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$502,

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with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance for combined single limit coverage of \$1,000,000.