

**CALENDAR ITEM
C73**

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S 1

06/19/14
W 26750
C. Hudson

GENERAL LEASE – GRAZING USE

APPLICANTS:

Edward Svendsen and Elizabeth Fielding

AREA, LAND TYPE, AND LOCATION:

Approximately 1,450.5 acres, more or less, of State indemnity school land, located in portions of Sections 3, 10, 11 and 14, Township 26 North, Range 16 East, MDM, near Herlong, Lassen County.

AUTHORIZED USE:

Continued use and maintenance of existing livestock grazing and fencing.

LEASE TERM:

10 years, beginning April 1, 2014.

CONSIDERATION:

\$640 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 in an amount no less than \$1,000,000 per occurrence.
2. Number of animals permitted on the Lease Premises is restricted to those that can be supported by vegetation.
3. Applicants 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 exception of lands reserved for 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

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States in lieu of a Section 16 and a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use the land adjoining the lease premises. The Applicants also have current grazing permits on additional adjoining federal lands managed by the U.S. Bureau of Land Management and the U.S. Forest Service.
2. On October 16, 2004, the Commission authorized a General Lease – Grazing Use with Lambert C. Barnum, Marcia A. Barnum, Charles H. Marx and Marlene Marx. On June 26, 2006, the Commission authorized an assignment of lease from Charles H. Marx and Marlene Marx to Matandy Land & Cattle Company. On October 16, 2008, the Commission authorized an assignment of lease from Matandy Land & Cattle Company to Edward Svendsen and Elizabeth Fielding. That lease expired on March 31, 2014. The previous Lessees have agreed to split the Lease Premises into two individual Leases. The Applicants are now applying for a new General Lease – Grazing Use for the parcels located west of the railroad tracks. The parcels east of the railroad tracks are proposed to be leased to John Barnum, Lease No. PRC 6823.2, which will be considered at the June 19, 2014 Commission meeting.
3. The number of animals permitted on the Lease Premises is restricted to those that can be supported by the forage available on this ephemeral range area taking into consideration forage reserved for necessary wildlife use. The estimated carrying capacity of the Lease Premises is approximately 80 animal unit months (AUM). The cattle are generally grazed during the months of April through May in years when ephemeral forage is available, but the grazing period may vary over the term of this lease due to climatic conditions and/or other natural phenomena. Water sources are available on the land adjoining the lease premises.
4. 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.
5. The 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,

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Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all 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 section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

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 Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(1).

AUTHORIZATION:

Authorize issuance of a General Lease – Grazing Use to Edward Svendsen and Elizabeth Fielding beginning April 1, 2014, for a term of 10 years, for the continued use and maintenance of livestock grazing and fencing as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$640 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26750

LAND DESCRIPTION

Those certain parcels of State School Land situated in Lassen County, State of California, more particularly described as follows:

The SW $\frac{1}{4}$ of Section 3, Township 26 North, Range 16 East, Mount Diablo Meridian, as shown on the Official U.S. Government Township Plat approved March 14, 1867.

The E $\frac{1}{2}$, the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 10, Township 26 North, Range 16 East, Mount Diablo Meridian, as shown on the Official U.S. Government Township Plat approved March 14, 1867.

That portion of Section 11, Township 26 North, Range 16 East, Mount Diablo Meridian, as shown on the Official U.S. Government Township Plat approved March 14, 1867 lying westerly of the railroad right of way granted to Western Pacific Railway Co. by the U.S. under serial No. SU 01390.

The NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and those portions of the N $\frac{1}{2}$ and the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 14, Township 26 North, Range 16 East, Mount Diablo Meridian, as shown on the Official U.S. Government Township Plat approved March 14, 1867 lying westerly of the railroad right of way granted to Western Pacific Railway Co. by the U.S. under serial No. SU 01390.

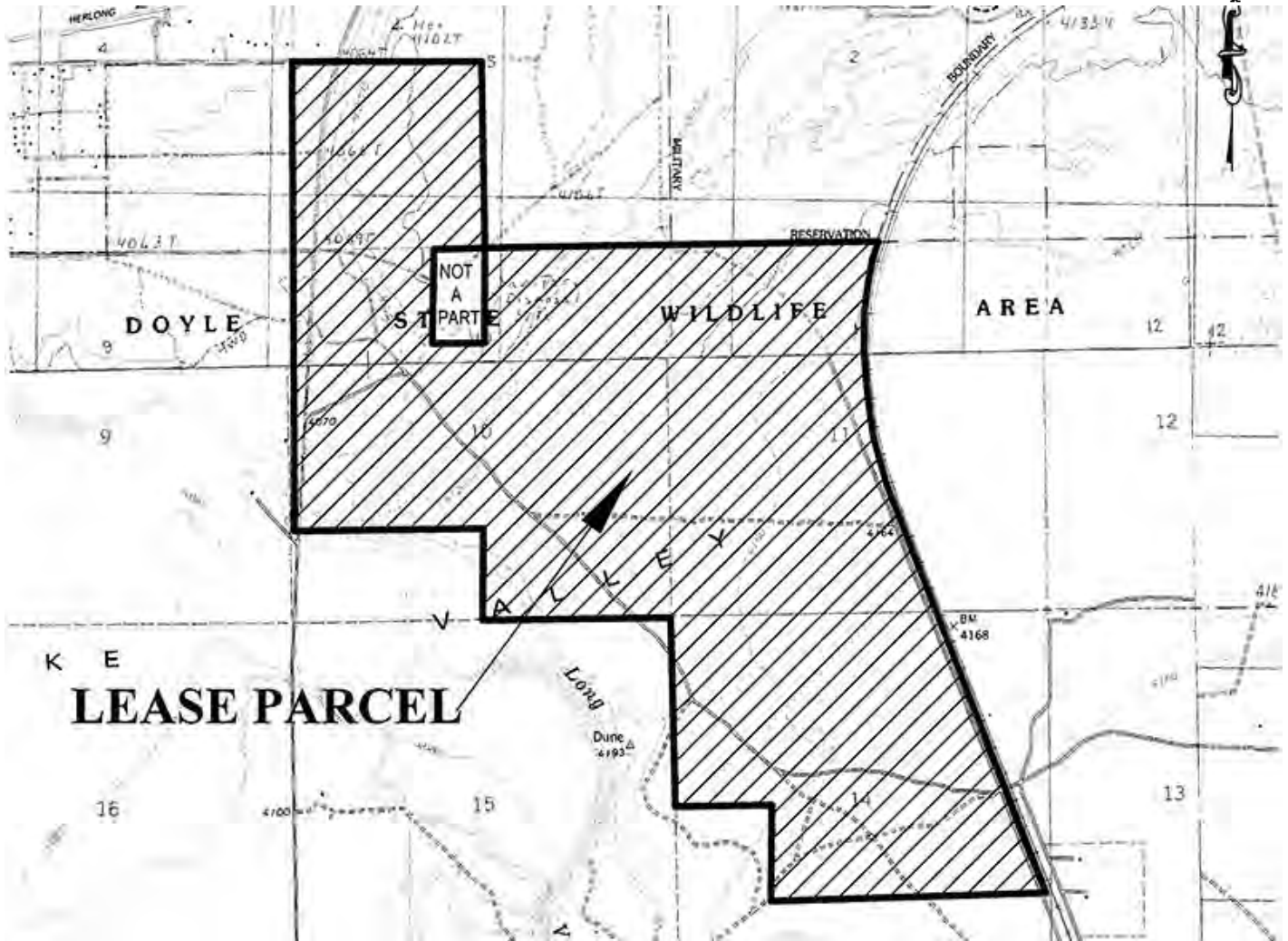
END OF DESCRIPTION

Prepared 04/07/2014 by the California State Lands Commission Boundary Unit.



NO SCALE

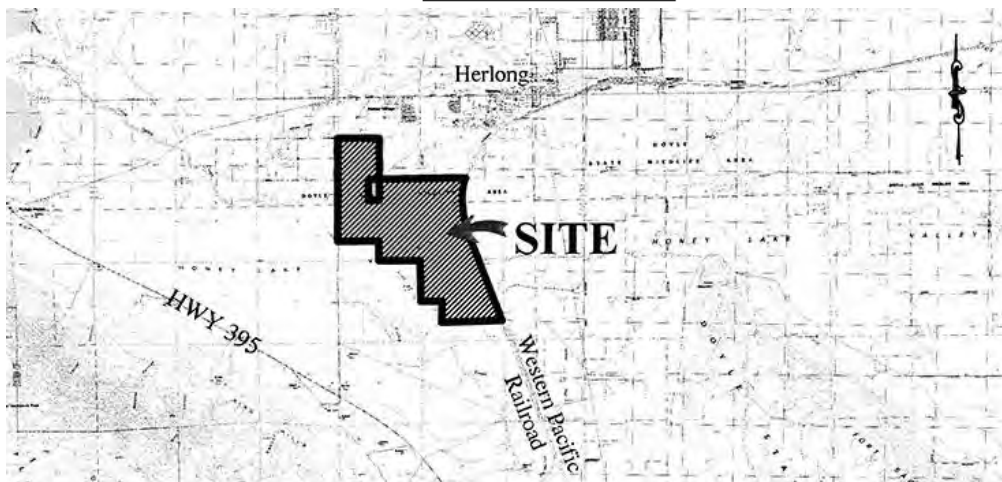
SITE



PORTIONS OF SECTIONS 3, 10, 11 & 14, T.26N., R.16E., MDM, NEAR HERLONG

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26750
 SVENDSEN & FIELDING
 APNs 139-160-02, 09, 56
 & 139-210-65, 66
 GENERAL LEASE -
 GRAZING USE
 LASSEN COUNTY



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.