

STAFF REPORT

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10/24/19
Lease 5329.2
A2119
C. Hudson

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GENERAL LEASE – GRAZING USE

APPLICANT:

Norbert C. Freitas and Alice Freitas

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

3,412 acres, more or less, of State-owned school and lieu land in all of 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 15 East, MDM, near Litchfield, Lassen County.

AUTHORIZED USE:

Use and maintenance of existing fencing and livestock grazing.

LEASE TERM:

10 years, beginning November 22, 2019.

CONSIDERATION:

\$671 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- The number of animals permitted on the lease premises is restricted to those that can be supported by vegetation.
- Applicant must exercise good grazing practices to avoid overgrazing by livestock.

STAFF REPORT NO. 61 (CONT'D)

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

State's Best Interests Analysis:

On October 29, 2010, the Commission authorized a 10-year General Lease – Grazing Use beginning November 22, 2009, to Gary Fredericksen, Shelly Fredericksen, Greg Torlai, and Robert Reynolds for livestock grazing and the continued use and maintenance of existing fencing ([Item C21, October 29, 2010](#)). On December 17, 2014, the Commission authorized an assignment of the lease to Norbert C. Freitas and Alice Freitas for the continued use of livestock grazing and existing fencing ([Item C54, December 17, 2014](#)). The lease will expire on November 21, 2019. The Applicant applied for a new lease for grazing use of State-owned school and lieu land.

The proposed lease is limited to a 10-year term, 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 lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities. The lessee is required to use good grazing practices to avoid overgrazing of the lease premises. Staff may at any time during the lease term make an analysis of forage conditions utilizing accepted range management practices. The number of animals permitted on the lease premises is restricted to those that can be supported by the forage available in this ephemeral range area taking into consideration forage reserved for necessary wildlife use. The lease requires the lessee to maintain the land at no expense to the State. The lease also requires the payment of annual rent, generating revenue for the California State Teachers' Retirement System.

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 land 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. However, these projected climate change effects are not expected to affect the uses of the leased lands for livestock grazing activities.

STAFF REPORT NO. 61 (CONT'D)

Conclusion:

For the reasons stated above, staff believes the issuance of Lease 5329.2 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 school and lieu 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 may be required to remove the fencing and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.
3. **Livestock Grazing:** Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, title 2, section 2905, subdivision (d)(1).
4. **Existing Fencing:** 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

EXHIBITS:

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

STAFF REPORT NO. **61** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Livestock Grazing: 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).

Existing Fence: 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 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

STATE'S BEST INTERESTS FINDING:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Grazing Use to Norbert C. Freitas and Alice Freitas beginning November 22, 2019, for a term of 10 years, for livestock grazing and the use and maintenance of existing 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 \$671, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 5329.2

LAND DESCRIPTION

Those parcels of land situate in Lassen County, California and described as follows:

In Township 32 North, Range 15 East, Mount Diablo Meridian:

Section 36,

In Township 31 North, Range 16 East, Mount Diablo Meridian:

SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 7,

Section 16,

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17,

E $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and NE $\frac{1}{4}$ of Section 18,

Lot 4, NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19,

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 20,

Lot 1 of Section 30,

In Township 31 North, Range 15 East, Mount Diablo Meridian:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24,

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25,

Section 36, and

That portion of Section 34 lying easterly of the Highway 395 Right-of-Way Excepting therefrom the lands conveyed to the County of Lassen by the deed recorded in Volume 0706, Page 787 Official Records of Lassen County and described as follows:

A strip of State School Land over a portion of the North half of Section 34, Township 31 North, Range 15 East, M.D.B.&M., in Lassen County, California, described as follows:

Beginning at the Northeast corner of Section 34, Township 31 North, Range 15 East, M.D.B.&M., a 1 inch I.P. tagged LS 3202 as shown on the Record of Survey for Secret Valley Farms filed in Book 20 of maps at page 26 at the Recorder's Office in Lassen County, California; thence running westerly along the north section line a distance of 2602.61 feet, more or less, to the east Right-of-

Way boundary of U.S. Highway 395; thence southerly along said Right- of Way line a distance of 108.35 feet, more or less, to the south opening (cattle guard) in the Right- of -Way fence for Deep Cut Road; thence easterly and parallel to the north section line a distance of 2618.85 feet, more or less, to the point of beginning.

End of Description

This description was prepared May 9, 2000 from record data by S. Shasta Greene.



SITE

MAP SOURCE: USGS QUAD

T 32 N
T 31 N

R 15 E
R 16 E

PORTION OF SECTION 34 LYING EASTERLY OF HIGHWAY 395 R/W, EXCEPTING THEREFROM LANDS SOLD TO LASSEN COUNTY FOR DEEP CUT ROAD R/W

LEGEND

-LEASE AREA

36

7

18

17

16

19

20

24

25

30

34

36

SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 17

W $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF SECTION 20

LOT 1 OF SECTION 30

SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 24

NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 25

LOT 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 19

E $\frac{1}{2}$ OF NW $\frac{1}{4}$, NE $\frac{1}{4}$ OF SW $\frac{1}{4}$, W $\frac{1}{2}$ OF SE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SECTION 18

E $\frac{1}{2}$ OF SW $\frac{1}{4}$, SE $\frac{1}{4}$ OF SECTION 7

FIVE SPRINGS

DEEP CUT ROAD

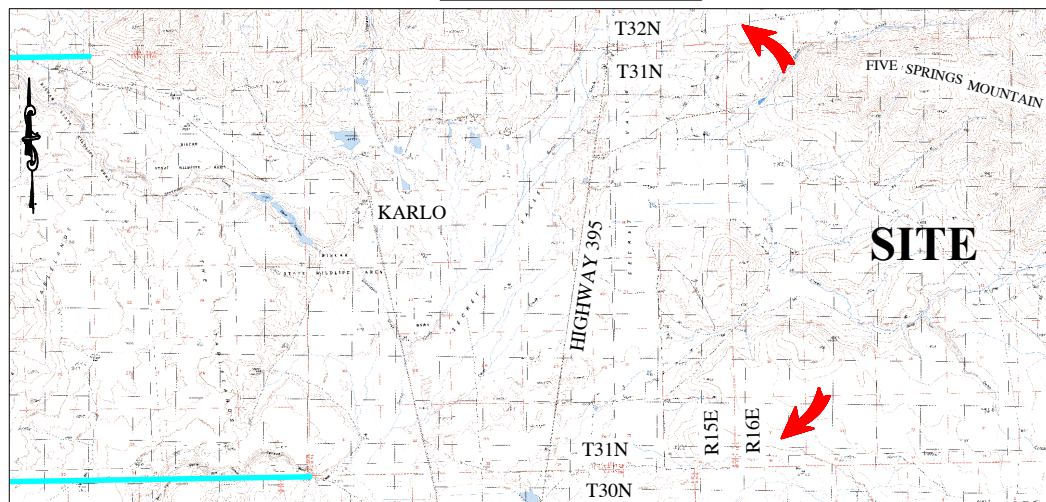
T 31 N
T 30 N

STATE SCHOOL LANDS

PORTIONS OF SECTIONS 24, 25, 34 AND 36 T. 31 N., R. 15 E., AND SECTIONS 7, 16, 17, 18, 19, 20 AND 30 T.31 N., R. 16 E., AND SECTION 36 T.32 N., R 15 E., MOUNT DIABLO MERIDIAN

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 B

LEASE 5329.2
FREITAS
GENERAL LEASE -
GRAZING USE
LASSEN COUNTY



TS 06/25/19