

**CALENDAR ITEM  
C29**

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09/01/11  
WP 6991.1  
D. Simpkin

**GENERAL LEASE - GRAZING USE**

**LESSEE:**

Bar CR Cattle Company  
P.O. Box 750638  
Petaluma, CA 94975

**AREA, LAND TYPE, AND LOCATION:**

135 acres, more or less, of sovereign land located at Black Point Antenna Field, near the city of Novato, Marin County.

**AUTHORIZED USE:**

Cattle grazing and the continued use and maintenance of an existing barbed wire fence and two water troughs.

**LEASE TERM:**

10 years, beginning July 1, 2006.

**CONSIDERATION:**

\$1,620 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:**

Liability insurance with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Lessee has the right to access the property via an access easement adjacent to the lease premises.
  
2. On August 21, 1996, the Commission authorized a General Lease – Grazing Use with C.R. Fedrick, now known as Bar CR Cattle Company. That lease expired on June 30, 2006. The Lessee is now applying for a new General Lease – Grazing Use to continue cattle grazing and the continued use and maintenance of a barbed wire fence and two water troughs.

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3. The Lessee has continued to pay the annual rent of \$1,350 during the holdover period. The new annual rent will be \$1,620. The lessee has also agreed to pay back rent in the amount of \$1,350 which represents the 25% holdover penalty, pursuant to Section 4, paragraph 14 of the Lease, for the 4 years of holdover ( $\$1,350 \times 0.25 \times 4 \text{ years} = \$1,350$ ).
4. The lease premises involve lands conveyed to the State by the United States in 1984 pursuant to Sovereign Land Location 111, the Hamilton Air Force Base Title Settlement Agreement. The United State quitclaimed to the State certain lands known as the Black Point Transmitter Field (Black Point Antenna Field). The agreement includes a perpetual access easement along an existing private road connecting the site with the San Rafael-Napa Highway (Highway 37).
5. 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 180 AUM. Cattle are grazed during the months of January through September in years when ephemeral forage is available. Grazing periods may vary over the term of this lease due to climatic conditions and/or other natural phenomena.
6. The Lessee is 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. The Commission can require Lessee to move cattle 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. Only supplemental feeding of certified weed-free feed is allowed.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under

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Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(1).

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

8. 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 Title 2, California Code of Regulations, section 2954 is not applicable.

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

**AUTHORIZATION:**

Authorize issuance of a General Lease – Grazing Use to Bar CR Cattle Company, beginning July 1, 2006, for a term of 10 years, for cattle grazing and the continued use and maintenance of a barbed wire fence and two water troughs as shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$1,620 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; accept back rent in the amount of \$1,350 for the period of July 1, 2006 to June 30, 2010; and liability insurance in the amount of no less than \$1,000,000.