

MINUTE ITEM

This Calendar Item No. C16 was approved as Minute Item No. 110 by the California State Lands Commission by a vote of 3 to 0 at its 10/6/04 meeting.

**CALENDAR ITEM
C16**

A 1
S 2

10/06/04
PRC 7760 WP 7760.1
S. Young

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Mercer, Fraser Company
P.O. Box 1006
Eureka, CA 95501-1006

AREA, LAND TYPE, AND LOCATION:

0.194 acres, more or less, of sovereign lands in the Eel River, near Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement and removal of a temporary seasonal bridge crossing of the Eel River.

LEASE TERM:

Five years, beginning September 9, 2004

CONSIDERATION:

\$100 per annum, with the State reserving the right to fix a different rental periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$1,000,000.

OTHER PERTINENT INFORMATION:

- On April 6, 1994, the Commission approved a ten-year lease, No. PRC 7760.1, issued to Canevari Timber Company for seasonal placement of a flatcar bridge and approaches at the project location in the bed of the Eel River near Fortuna. The purpose of the bridge is to facilitate truck crossings of a low-flow channel utilized to access seasonal extraction of sand and gravel from river bars next to the Eel River. On May 31, 1996, Canevari Timber Company leased the upland parcel to the Applicant,

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Mercer, Fraser Company. PRC 7760.1 expired on April 5, 2004 and Mercer, Fraser Company is now applying for a new lease.

2. On August 13, 2004, the National Marine Fisheries Service (NOAA Fisheries) published a new biological opinion addressing the new five-year Letter of Permission (LOP) to be issued by the U.S. Army Corps for gravel extraction projects. The new biological opinion found that the activities that would be authorized under the LOP are not likely to jeopardize the continued existence of the threatened salmonid species or result in the destruction or adverse modification of Coho salmon designated critical habitat. Standards limiting the construction of the abutments for bridges and encroachment into the wetted channel are detailed within NOAA Fisheries Biological Opinion for this project.
3. The seasonal bridge crossing shall only be placed in the summer low flow channel of the Eel River bed after June 30 of each year and be removed by October 15th. Trucks and equipment use the bridge crossing during permitted gravel extraction activities in the area. The bridge will be installed with sufficient clearance to provide safe passage for navigation and recreational activities.
4. On September 9, 2004, the California Coastal Commission (CCC) granted Permit No. 1-04-20 for this project under its certified regulatory program (Title 14, California Code of Regulations, Section 15251 (c)).
5. Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of CEQA.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission
Regional Water Quality Control Board

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
County of Humboldt
Department of Fish and Game

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT NO. 1-04-20 WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (C)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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 TO MERCER, FRASER COMPANY OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING SEPTEMBER 9, 2004, FOR A TERM OF FIVE YEARS, FOR PLACEMENT AND REMOVAL OF A TEMPORARY SEASONAL BRIDGE CROSSING ON THE LAND AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE

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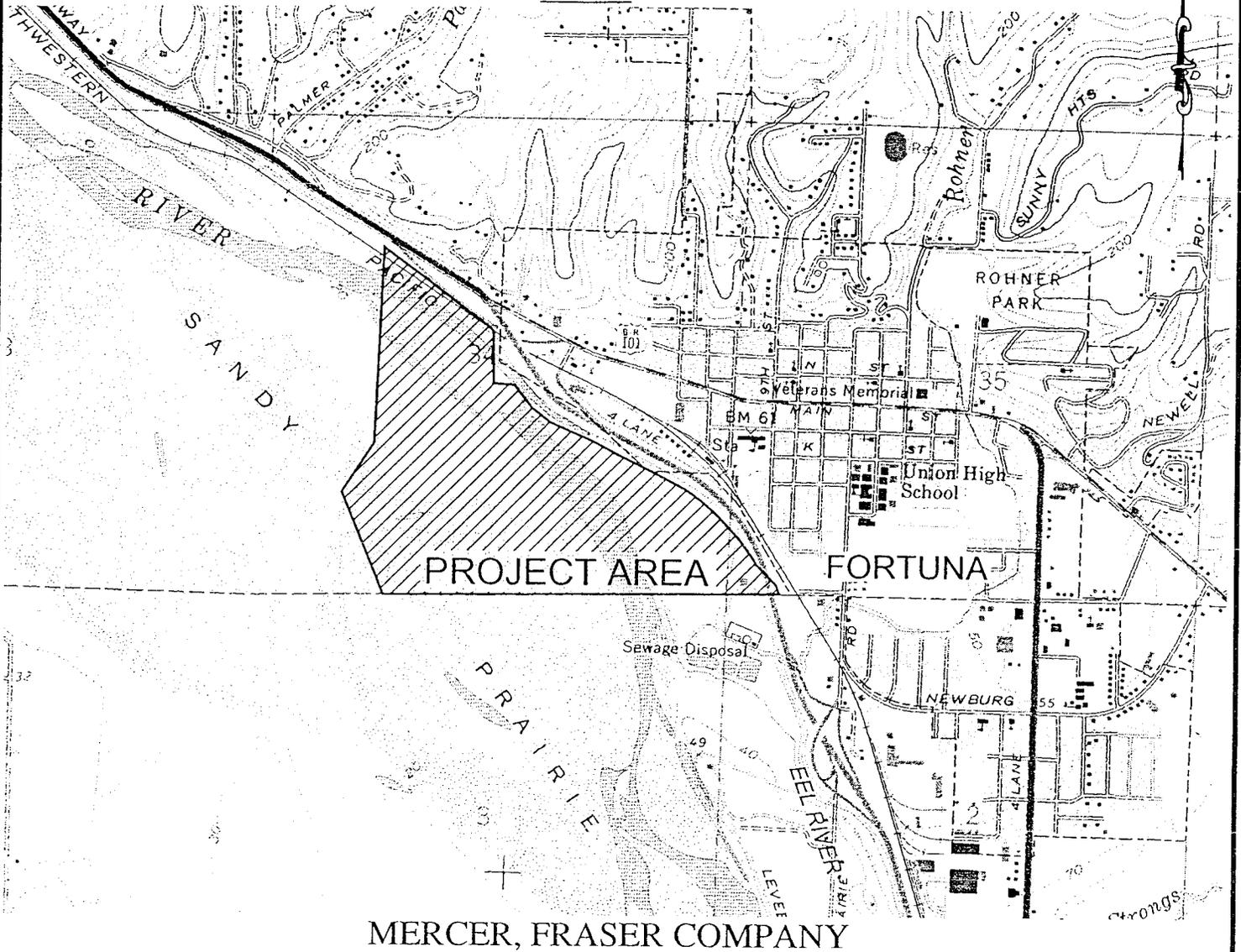
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TERM, AS PROVIDED IN THE LEASE; LIABILITY COVERAGE OF
\$1,000,000.

NO SCALE

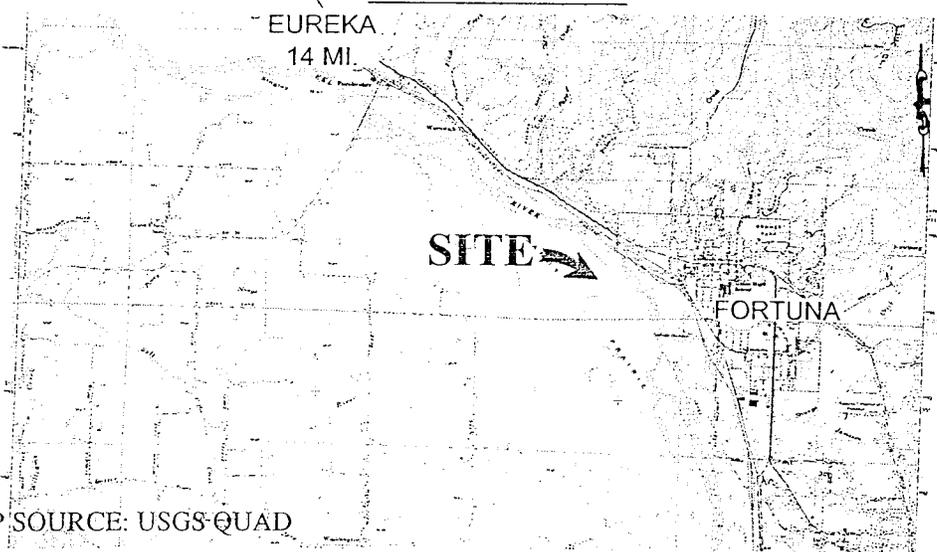
SITE



MERCER, FRASER COMPANY

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.

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Exhibit A

PRC 7760.1
 GENERAL LEASE
 APN 200-341-05
 EEL RIVER
 HUMBOLDT COUNTY

