

**CALENDAR ITEM
C06**

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08/20/10
WP 7989.1
R. Barham

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Leland J. Rock

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Van Duzen River, adjacent to Assessor's Parcel Number 201-261-009, near Alton, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a maximum of two seasonal bridge crossings over the Van Duzen River constructed from railroad flat cars, as shown on the attached Exhibit A. The exact location of the bridge crossings may vary from year to year within the lease premises due to River conditions.

LEASE TERM:

Five years, beginning October 16, 2009 and expiring on October 15, 2014.

CONSIDERATION:

\$100 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:

Insurance:

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

Other:

The lease includes provisions for annual reporting of extraction plans and location of the seasonal bridge crossings.

Hazard Signs:

Applicant will post low bridge warning signs during the period the crossings are in place.

OTHER PERTINENT INFORMATION:

1. Applicant owns, or has the right to use, the uplands adjoining the lease premises.

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2. On October 6, 2004, the Commission authorized a General Lease - Right of Way Use, to Leland Rock. That lease expired on October 15, 2009. Applicant is now applying for a new General Lease - Right of Way Use.
3. The seasonal bridge crossings will be used in conjunction with haul roads to access seasonal extraction of sand and gravel from river bars next to the Van Duzen River. The seasonal bridge crossings shall be installed with sufficient clearance to provide safe passage for navigational and recreational activities. Low bridge warning signs are to be placed during the period the crossings are in place. The crossings will be placed annually no earlier than June 30 and removed annually no later than October 15, in accordance with criteria established in permits issued by the California Coastal Commission, the California Department of Fish and Game, and the U.S. Army Corps of Engineers.
4. On August 2, 2004, NOAA Fisheries issued a biological opinion that the proposed gravel mining is not likely to jeopardize the continued existence of the threatened Southern Oregon/Northern California (SONC) Coho Salmon, threatened Central California Chinook Salmon, or Northern California Steelhead and is not likely to destroy or adversely modify SONC Coho Salmon - designated critical habitat for the next five years. NOAA Fisheries is currently preparing a new biological opinion to replace this one when it expires. It is our current understanding that this new opinion will not differ in any substantial way from the previous one.
5. On September 16, 2009, the California Coastal Commission (CCC) granted Permit #1-09-021 for this project under its Certified Regulatory Program [Title 14, California Code of Regulations, section 15251 (c)]. Staff 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 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.

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APPROVALS OBTAINED:

California Coastal Commission
North Coast Regional Water Quality Control Board
County of Humboldt Extraction Review Team (CHERT)
U.S. Army Corps of Engineers
California Department of Fish and Game

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an environmental analysis document, California Coastal Commission (CCC) permit 1-09-021, was adopted for this Project by the CCC under its certified program [Title 14, California Code of Regulations, section 15251 (c)], and that the California State Lands Commission 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 of a General Lease – Right of Way use to Leland J. Rock beginning October 16, 2009, for a term of five years, for the annual placement and use of a maximum of two seasonal bridge crossings, 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 \$100, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.