

**CALENDAR ITEM
C12**

A 1
S 2

10/06/04
PRC 7989 WP 7989.1
M. Hays

GENERAL LEASE-RIGHT OF WAY USE

APPLICANT:

Leland Rock
56157 Highway 101
Fortuna, CA 95540

AREA, LAND TYPE, AND LOCATION:

0.05 acres more or less, of sovereign lands in the Van Duzen River, near Alton,
Humboldt County.

AUTHORIZED USE:

Placement, use, maintenance and removal of seasonal bridge crossing (s),
previously authorized by the Commission as shown on Exhibit A.

LEASE TERM:

Beginning September 9, 2004, and expiring on October 15, 2009.

CONSIDERATION:

\$100 per annum; 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 PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On August 26, 1997, the Commission authorized the issuance of a
General Lease – Right of Way Use, PRC 7989.1, for the placement of
seasonal bridge crossing(s) over the Van Duzen River. That lease
expired on August 25, 2002. The rent was paid to date at the time the
lease expired.

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3. In 2001, the Applicant submitted an application to renew the lease; however, was unable to proceed during the timeframe between the 2002 lease expiration date and the present due to ongoing federal consultation on threatened salmonid species in the Eel and Van Duzen Rivers. On August 13, 2004, the National Oceanic and Atmospheric Administration (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 of Engineers 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. The Applicant is now applying for a new lease for the placement, use, maintenance and removal of annual seasonal bridge crossing(s), within the lands as depicted on Exhibit A.
4. The seasonal bridge crossing(s) will be installed, annually, on an as-needed basis, in the summer low flow channel of the Van Duzen riverbed, using two railroad flat cars each; no earlier than June 30 and removal no later than October 15. Trucks and equipment use the bridge crossings during permitted gravel extraction activities in the area. The bridge(s) will be installed with sufficient clearance to provide safe passage for navigation and recreational activities. Low bridge warning signs will be placed while the crossing is in place.
5. On September 9, 2004, the California Coastal Commission (CCC) granted Permit # 1-04-045 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).
6. 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 the CEQA.
7. 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.

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APPROVALS OBTAINED:

California Coastal Commission
Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

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

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 1-04-045, 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 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:

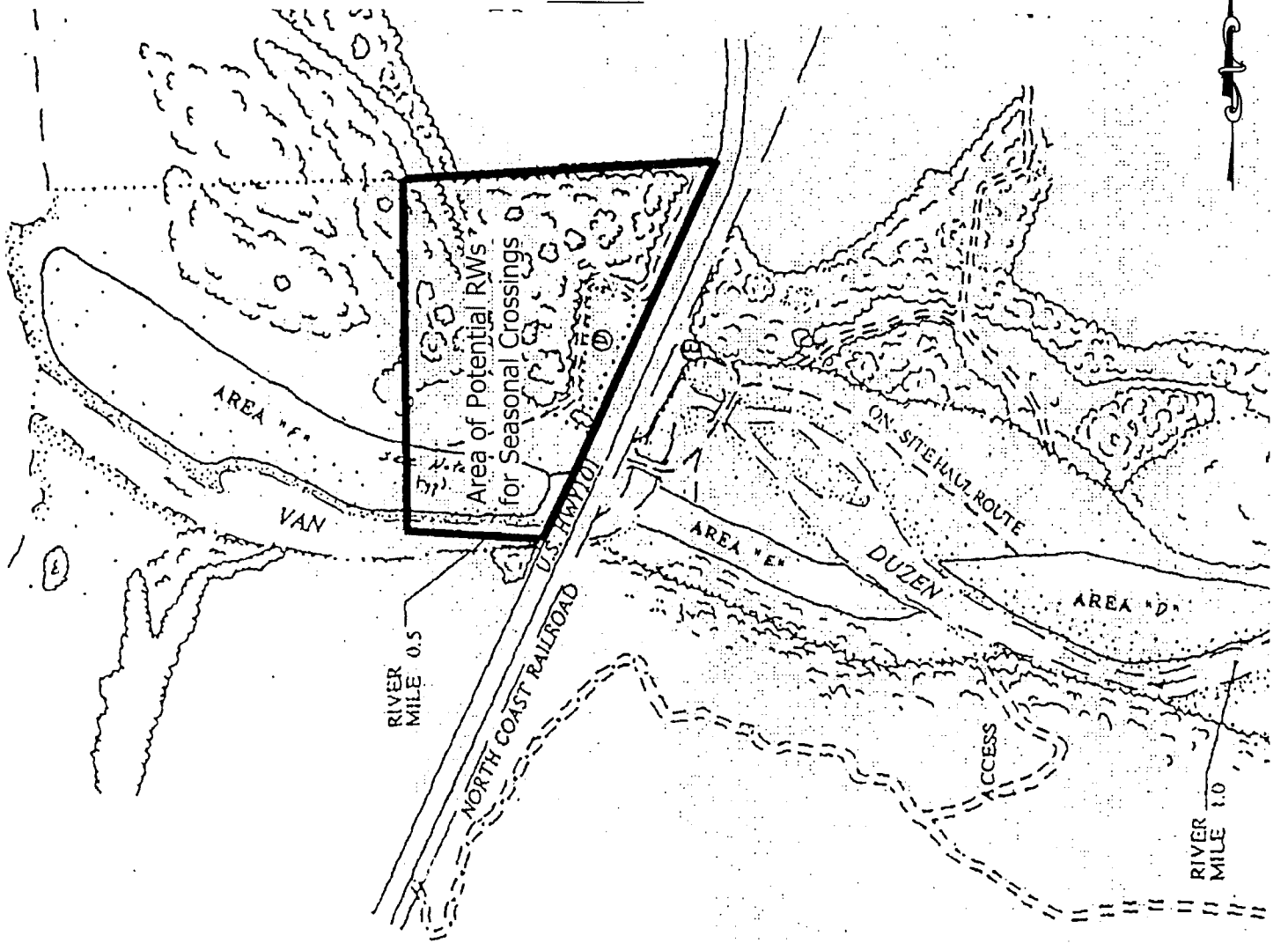
AUTHORIZE ISSUANCE TO LELAND ROCK OF A GENERAL LEASE-RIGHT OF WAY USE, FOR THE TERM BEGINNING SEPTEMBER 9, 2004, AND EXPIRING ON OCTOBER 15, 2009, FOR THE ANNUAL PLACEMENT, USE, MAINTENANCE AND REMOVAL OF SEASONAL BRIDGE CROSSING(S) ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE

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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.

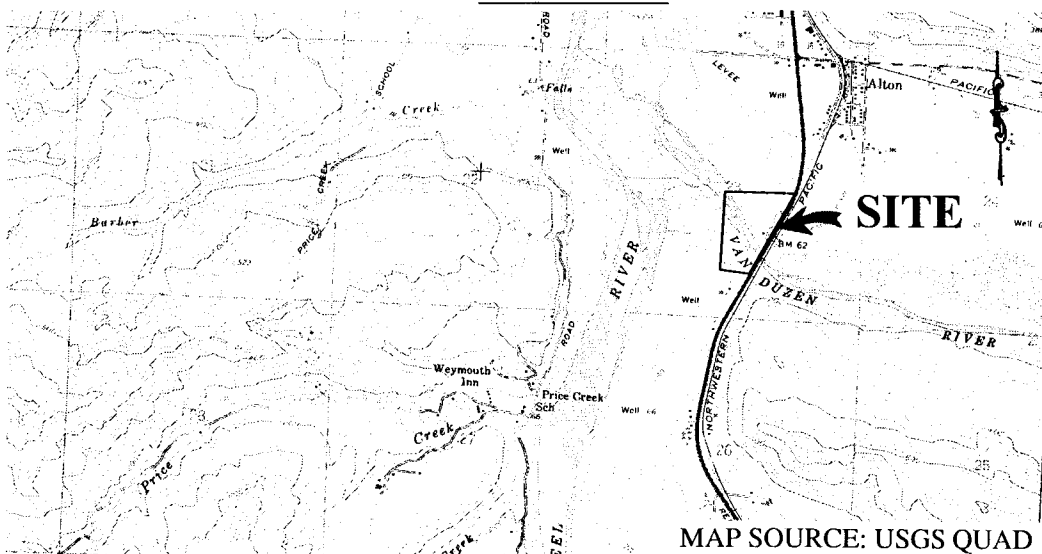
NO SCALE

SITE



VAN DUZEN RIVER, ALTON

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 7989.1
 LELAND ROCK
 APN 201-261-09
 GENERAL LEASE/
 RIGHT OF WAY
 HUMBOLDT COUNTY

SITE



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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