

**CALENDAR ITEM
C08**

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S 2

12/02/13
W 26569
R. Boggiano

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Humboldt Redwood Company, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 205-061-004 and 205-341-019, near the town of Scotia, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a seasonal bridge crossing over the Eel River constructed from a railroad flatcar.

LEASE TERM:

10 years, beginning December 2, 2013.

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:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Applicant is applying for a General Lease – Right-of-Way use for the annual placement of a seasonal bridge crossing the Eel River. The bridge crossing is used to transport gravel removed during the Applicant's annual summer gravel extraction operations that are conducted outside of the active channel of the Eel River. The crossing will be placed annually no earlier than June 30 and removed no later than October 15.
3. The access side abutment will be constructed by placing brow logs and concrete blocks into the edge of the river, followed by filling behind the

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concrete blocks with washed gravel or cobble to an elevation above the water. The far side abutment will be constructed of river-run gravel excavated from the adjacent bar surface. A flatcar measuring 89 feet by 17 feet will be lifted into place with a crane. In cases where flows remain high, up to two railcars may be used to span the river. All materials will be removed and the site will be reclaimed to approximate pre-construction topography upon bridge removal.

4. A Mitigated Negative Declaration, State Clearinghouse No. 96042012, and a Mitigation Monitoring Program were prepared by Humboldt County and adopted on May 23, 1996, for the Eel River Gravel Bars Reclamation Plan. An Addendum to that MND for the renewal of the Reclamation Plan, inclusive of the project, was approved on September 6, 2012. The California State Lands Commission staff has reviewed such documents.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Wildlife
U.S. Army Corps of Engineers
North Coast Regional Water Quality Control Board
National Marine Fisheries Service
County of Humboldt Extraction Review Team

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 96042012, and a Mitigation Monitoring Program were prepared by Humboldt County and adopted on May 23, 1996, and an Addendum to that MND for the renewal of the Reclamation Plan, inclusive of the project, was approved on September 6, 2012, for this project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to Humboldt Redwood Company, LLC, beginning December 2, 2013, for a term of 10 years, for the annual placement and use of a seasonal bridge crossing 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 \$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 in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26569

LAND DESCRIPTION

A strip of submerged land 20 feet wide lying in the bed of the Eel River, adjacent to Section 21, Township 1 North, Range 1 East, HBM, as shown on official government township plat approved February 4, 1871, County of Humboldt, State of California, the centerline of which is described as follows:

BEGINNING at a point which lies distant N 86°10'05" W 9,383.24 feet from NGS monument Y 1401 (PID LV0673), said monument being a metal rod stamped "Y 1401 1988", thence N 51°19'20" E 900.00 feet to the terminus of said centerline.

EXCEPTING THEREFROM any portion lying landward of the Low Water of the left and right banks of the Eel River.

The basis of bearings of this description is CCS83, Zone 1 (2007.00). All distances are grid distances.

END OF DESCRIPTION

Prepared 09/10/2013 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

APN 205-341-019



EEL RIVER

LEASE PARCEL

PROPOSED SEASONAL BRIDGE

APPROXIMATE SHORELINE

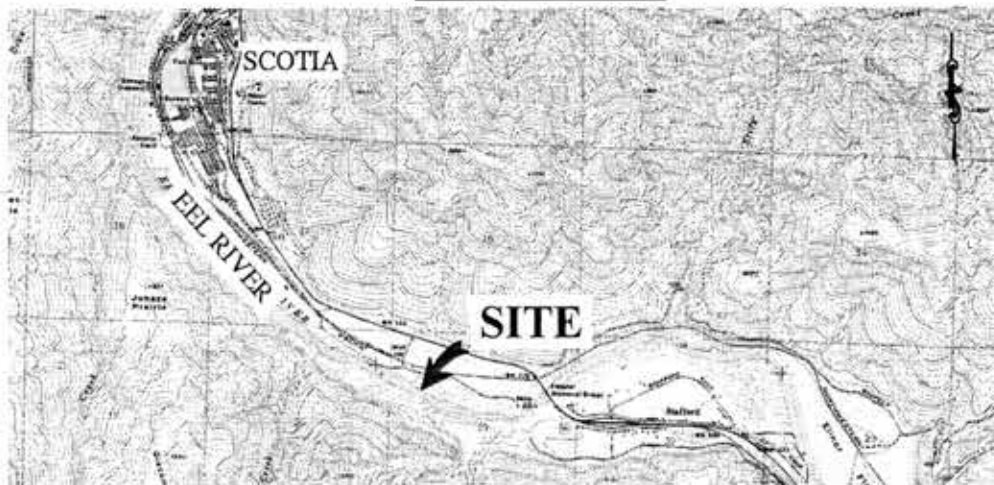
APPROXIMATE SHORELINE

APN 205-061-004

DINNER BAR, EEL RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26569

HUMBOLDT REDWOOD COMPANY, LLC

APN 205-061-004 & 205-341-019

GENERAL LEASE -

RIGHT -OF-WAY USE

HUMBOLDT COUNTY



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.

DJF 09/10/13

Exhibit C: Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Responsible Party	Timing
RECLAM-1: Project must be in compliance with the Surface Mining Act of 1975 (SMARA)	MM RECLAM-1. SMARA Compliance. The Applicant shall restore all mining project areas to pre-project conditions consistent with SMARA.	Gravel Bars	Compliance monitoring	Department of Conservation, Office of Mine Reclamation	Following each mining season.
BIO-1: Reclamation must be inspected to insure compliance	MM BIO-1. Post-Extraction Reclamation Inspection. The post-extraction reclamation of the gravel bar areas, following the last mining season, shall be subject to inspection by the California Department of Fish and Wildlife for manner and extent of completion. This work may involve re-vegetation of any disrupted riparian vegetation on the bar areas.	Gravel Bars	Compliance monitoring	Applicant and CDFW	After initial reclamation activities.
BIO-2: Revegetation must be monitored to insure compliance	MM BIO-2. Monitoring of Revegetation areas. Monitoring of revegetation shall be conducted over a period of five years. Reports are to be prepared by a qualified consulting biologist following inspection of each area after the growing season of each year. Such reports shall be submitted to the Pacific Lumber Company, to the Humboldt County Planning Department, and the California State Lands Commission. In addition, the report shall be incorporated in the "Annual Mine Report" required by the Office of Mines and Reclamation over the five-year period.	Gravel Bars	Monitoring and reporting	Applicant and County	Monitoring for 5 years, after each annual growing season.