

**CALENDAR ITEM
C01**

A 2
S 2

08/15/14
PRC 7760.1
G. Asimakopoulos

AMENDMENT OF LEASE

LESSEE:

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

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Number 200-341-005, near the city of Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement, use, and removal of a seasonal bridge crossing over the Eel River. The exact location of the bridge may vary from year to year within the lease premises due to conditions in the River.

LEASE TERM:

Five years, beginning September 9, 2009.

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 in an amount no less than \$1,000,000.

Other:

The lease includes a provision for annual reporting of extraction plans and location of the seasonal bridge.

Hazard Signs:

Lessee is to post low-bridge warning signs during the period that the crossing is in place.

CALENDAR ITEM NO. **C01** (CONT'D)

PROPOSED AMENDMENT:

Amend the Lease to extend the lease expiration date from September 8, 2014, to October 15, 2014. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On October 22, 2009, the Commission approved a five-year General Lease – Right-of-Way Use with Mercer-Fraser Company for the annual placement, use, and removal of a seasonal bridge crossing over the Eel River. That lease will expire on September 8, 2014.
3. On an annual basis, the seasonal bridge crossing may not be placed on the Lease Premises sooner than June 30 and shall be removed no later than October 15. The placement and removal of the of the seasonal bridge crossing is in accordance with criteria established in authorizations issued by the U.S. Army Corps of Engineers Section 404 Permit, the California Coastal Commission (Coastal Development Permit No. 1-09-022-A1), and the California Department of Fish and Wildlife Section 1603 Streambed Alteration Agreement. Given that these authorizations allow Mercer-Fraser Company to conduct operations until October 15 of each year, Mercer-Fraser Company is now applying to amend the Lease to extend the term from September 8, 2014, to October 15, 2014. Mercer-Fraser Company will then apply for a new lease with a beginning date that will coincide with all agency authorizations.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

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 CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C01** (CONT'D)

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

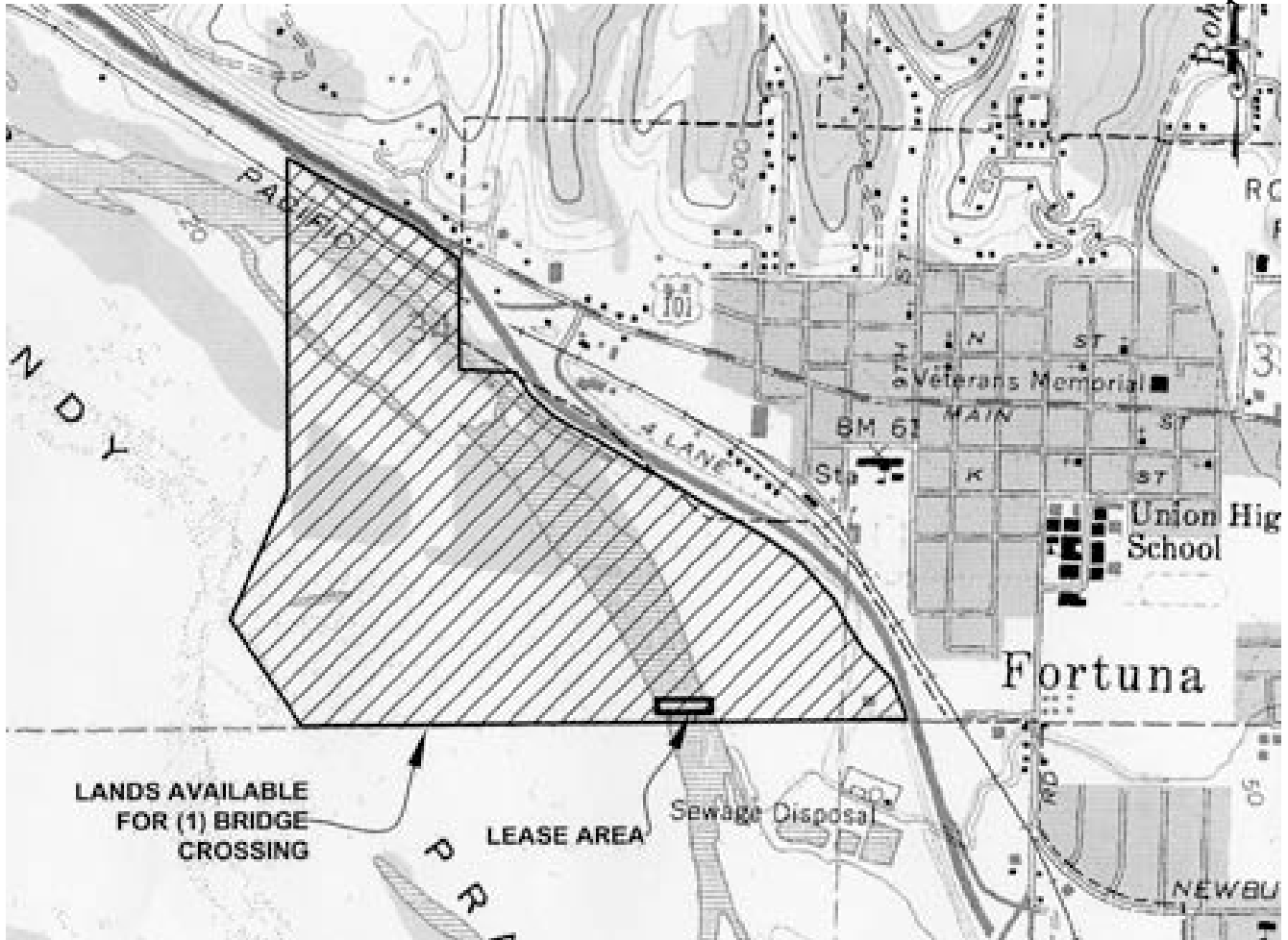
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 7760.1, a General Lease – Right-of-Way Use, effective August 15, 2014, to extend the lease expiration date from September 8, 2014, to October 15, 2014; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

SITE



EEL RIVER SEASONAL FLATCAR BRIDGE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 7760.1
 MERCER-FRASER
 APN 200-341-05
 GENERAL LEASE
 RIGHT-OF-WAY USE
 HUMBOLDT COUNTY



JAK 09/09

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.