

**MINUTE ITEM**

This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 3 to 0 at its 8/26/97 meeting.

**CALENDAR ITEM**

**C50**

A 1

S 2

08/26/97  
PRC7988 W 24898  
B. Young

**GENERAL LEASE - RIGHT OF WAY USE**

**LESSEE:**

Eureka Sand and Gravel Company  
P.O. Box 3568  
Eureka, California 95521

**AREA, LAND TYPE, AND LOCATION:**

0.01 acre more or less, of sovereign lands in the Eel River, Fortuna, Humboldt County.

**AUTHORIZED USE:**

Placement of a seasonal bridge crossing(s) over the Eel River, as shown on the attached Exhibit A.

**LEASE TERM:**

Four years, beginning August 26, 1997

**CONSIDERATION:**

\$100 per annum.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in the amount of \$1,000,000 combined single limit coverage.

**OTHER PERTINENT INFORMATION:**

1. This Lease authorizes the use of sufficient lands for the placement of one or more temporary crossings within the area depicted in Exhibit A to this Lease. All crossing(s) shall be placed and removed in accordance with criteria established in permits issued by the California Department of Fish and Game and the U.S. Army Corps of Engineers and the California Coastal Commission. Only one crossing may be placed and anchored on the right bank of the River. Such anchorage shall be at the foot of Fowler Lane. The destruction and/or removal of vegetation in conjunction with the establishment and removal of the crossing on the right bank is prohibited.

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2. The lease requires the lessee to have ownership or a leasehold interest in all parcels connected by the crossing.
3. An SEIR was prepared and certified for this project by Humboldt County. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency. Findings were made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096).
4. A Statement of Overriding Considerations was made in conformance with the State CEQA Guideline (Title 14, California Code of Regulations, section 15093).
5. 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, United States Army Corps of Engineers, California Department of Fish and Game, County of Humboldt.

**EXHIBITS:**

- A. Site and Location Map
- B. Humboldt County Resolution and Notice of Determination

**PERMIT STREAMLINING ACT DEADLINE:**

September 26, 1997

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

1. FIND THAT AN SEIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY HUMBOLDT COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C50 (CONT'D)

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), ON FILE WITH THE STATE LANDS COMMISSION.
3. ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE WITH THE STATE LANDS COMMISSION.
4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, ON FILE WITH THE CALIFORNIA STATE LANDS COMMISSION.

**SIGNIFICANT LANDS INVENTORY FINDING:**

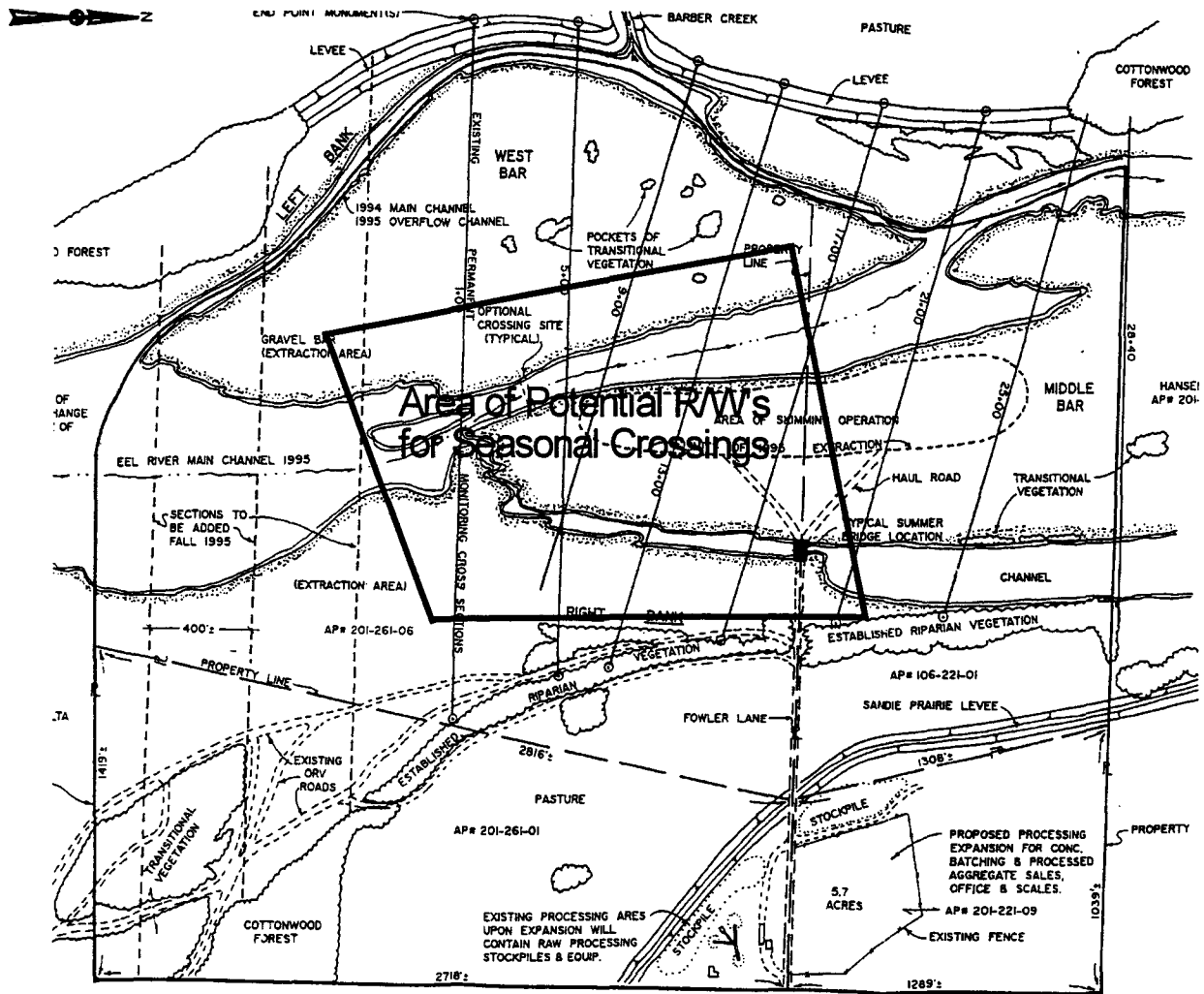
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO EUREKA SAND AND GRAVEL OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING AUGUST 26, 1997, FOR A TERM OF FOUR YEARS, FOR 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; PROVISION OF LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

# SITE MAP



NO SCALE

# LOCATION

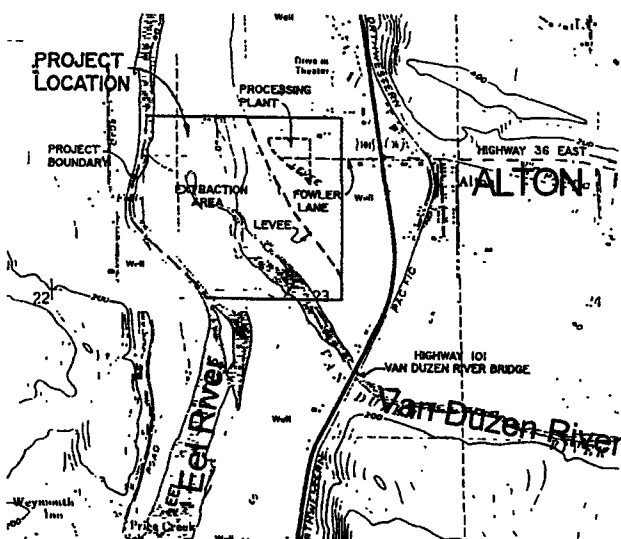
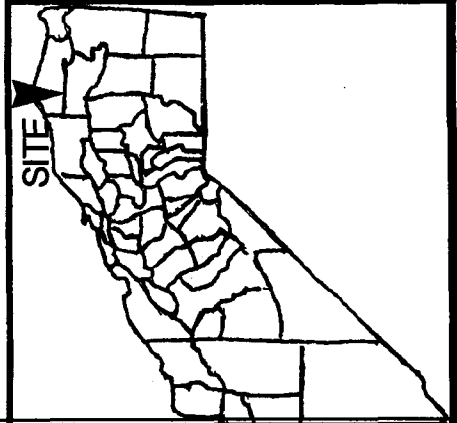


Exhibit A  
W24898

APN 201-261-01,06  
 APN 201-221-09  
 APN 106-221-01  
 Eel River at Alton  
 HUMBOLDT COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, 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.

Resolution No. 2-97

RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT

CERTIFYING THE COMPLETION OF AND MAKING FINDINGS AND  
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AS TO  
THE FINAL SUPPLEMENTAL IMPACT REPORT FOR THE EUREKA SAND  
AND GRAVEL COMPANY SURFACE MINING AND RECLAMATION  
PROJECT AND ADOPTING A MITIGATION AND MONITORING  
PROGRAM FOR THE IMPLEMENTATION OF THE PROPOSED PROJECT

WHEREAS, in 1992 the County of Humboldt prepared and adopted a  
Program Environmental Impact Report (PEIR) for Gravel Removal on the Lower  
Eel River, including the lower Van Duzen River; and

WHEREAS, the County has received and has submitted to the Planning  
Commission of Humboldt County (Planning Commission) an application for the  
proposed Eureka Sand and Gravel Company surface mining and reclamation  
project (Project) for the annual extraction of up to one hundred, fifty thousand  
(150,000) cubic yards of sand, gravel and other aggregate materials from a .75  
mile reach of the Eel River, near its confluence with the Van Duzen River, as  
further described in the Project Application on file with the Humboldt County  
Department of Planning and Building, the PEIR, and as described in the Planning  
Division's staff report; and

WHEREAS, a Final Supplemental Environmental Impact Report (FSEIR)  
on the proposed Project was prepared pursuant to the California Environmental  
Quality Act (Public Resources Code Section 21000 et seq., hereinafter "CEQA")  
and the Guidelines for Interpretation of the California Environmental Quality Act  
(Title 14, California Code of Regulations Section 15000 et seq., hereinafter the  
"State CEQA Guidelines"); and

WHEREAS, a Notice of Preparation for a Draft Supplemental Environmental Impact Report (Draft SEIR) was filed with the State Clearinghouse in the Office of Planning and Research, and was also issued by the County for local agency and public review, with a Public Review Period starting 15 January 1996 and ending 28 February 1996; and

WHEREAS, a Notice of Completion for the Draft SEIR was filed with the State Clearinghouse on 20 December 1996, establishing a Public Review Period for the Draft SEIR beginning 23 December 1996 and ending 5 February 1997; and

WHEREAS, copies of the Draft SEIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the proposed Project, and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, written comments on the Draft SEIR were received during the review period and the Draft SEIR was thereafter revised and supplemented to adopt changes suggested; and

WHEREAS, a public hearing was held by the Planning Commission on 24 July 1997, on the proposed Project and the Final SEIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing desire to comment thereon or object thereto having been heard, and said Final SEIR and all comments and responses thereto having been considered; and

WHEREAS, the Final SEIR consists of the Draft SEIR, as revised, incorporating substantive comments received during the Public Review Period and the response of the Planning Commission thereto as of the date hereof; and

WHEREAS, the Planning Commission has reviewed all environmental documentation comprising the SEIR and has found that the SEIR considers all environmental effects of the proposed Project and is complete and adequate and fully complies with all requirements of CEQA and the Guidelines; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the CEQA Guidelines require that the Planning Commission make one or more of the following findings for each significant effect prior to approval of a project for which an EIR has been completed identifying one or more significant effects of the project, along with a statement of facts supporting each finding:

FINDING 1 - Changes or alterations have been required in, or incorporated into the Project which mitigate or avoid the significant environmental effects thereof as identified in the PEIR and the SEIR,

FINDING 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such findings have been adopted by such other agency or can and should be adopted by such other agency, or

FINDING 3 - Specific economic, social, or other considerations make infeasible certain mitigation measures or other project alternatives identified in the PEIR and SEIR; and

WHEREAS, Section 15093(a) of the Guidelines requires the Planning Commission to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project; and

WHEREAS, Section 15093(b) requires, where the decision of the Planning Commission allows the occurrence of significant affects which are identified in the PEIR and SEIR but are not mitigated to a level of insignificance, the Planning Commission must state in writing the reasons to support its action, based on the

PEIR, SEIR or other information in the record; and

WHEREAS, the Planning Commission has reviewed and considered all of the environmental and other documentation prepared to evaluate the proposed project, including but not limited to, the staff report and all elements of the PEIR and SEIR; and

WHEREAS, the Planning Commission contemplates and directs continuing compliance with CEQA and the Guidelines as necessary in the implementation of the Project; and

WHEREAS, the Planning Commission by this Resolution adopts the Statement of Findings and the Statement of Overriding Considerations as required by Sections 15091 and 15093 of the Guidelines.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission hereby certifies the Final SEIR for the proposed Project as complete and adequate in that it addresses all environmental effects of the proposed Project and fully complies with all requirements of the California Environmental Quality Act, the State CEQA Guidelines, and local procedures adopted by the County of Humboldt pursuant thereto, and that the Planning Commission has reviewed and considered the information contained in the Final SEIR. The Final SEIR is composed of the following elements:

- a. Draft SEIR;
- b. Appendices to the Draft SEIR;



- c. Comments received on the Draft SEIR and responses to those comments;  
and
- d. All attachments, incorporations, and references delineated in a. through c.  
above.

All of the above information has been and will be on file with the Humboldt County Department of Planning and Building Services, 3015 H Street, Eureka, California.

2. The Planning Commission has evaluated all comments, written and oral, received from persons who have reviewed the Draft SEIR.
3. The Planning Commission makes the findings contained in the Statement of Findings with respect to significant effects identified in the Final SEIR and finds that each fact in support of the findings is true and is based upon substantial evidence in the record, including the Final SEIR. The Statement of Findings is attached hereto as Attachment A, and is incorporated herein by this reference.
4. The Planning Commission finds that the facts set forth in the Statement of Overriding Considerations are true and are supported by substantial evidence in the record, including the Final SEIR. The Statement of Overriding Considerations is attached hereto as Attachment B, and is incorporated herein by this reference.
5. The Planning Commission finds that the Final SEIR has identified all significant environmental effects of the proposed Project and that there are no known potential environmental effects not addressed in the Final SEIR.
6. The Planning Commission finds that all significant effects of the proposed Project are set forth in the Statement of Findings and the Final SEIR.

7. The Planning Commission finds that although the Final SEIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects that can be feasibly mitigated or avoided have been reduced to an acceptable level by the imposition of mitigation measures on the approved Project. All mitigation measures shall be incorporated into conditions of approval. The list of mitigation measures, and County monitoring programs for those measures, is attached hereto as Attachment C, and is incorporated herein by this reference.

8. The Planning Commission finds that potential mitigation measures or project alternatives not incorporated into the Project (including the "No Project" alternative) were rejected as infeasible, based upon specific economic, social, or other considerations as set forth in the Statement of Findings and the Final EIR.

9. The Planning Commission finds that many of the unavoidable significant impacts of the Project, as identified in the Statement of Findings, that have been reduced to a level of insignificance have been substantially reduced in their impacts by the imposition of mitigation measures which shall be incorporated into conditions of approval. The Planning Commission finds that the remaining unavoidable significant impacts are clearly outweighed by the economic, social, or other benefits of the Project, as set forth in the Statement of Overriding Considerations.

10. The Planning Commission finds that the Final SEIR has described all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" alternative), even when these alternatives might impede the attainment of Project objectives and might be more costly. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft SEIR, and all reasonable alternatives were considered in the review process of the Final SEIR and ultimate decision on the Project.

NOTICE OF DETERMINATION

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: Planning Division of the  
Humboldt County Planning  
and Building Department  
3015 H Street  
Eureka, CA 95501

County Recorders, County of Humboldt

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: EUREKA SAND AND GRAVEL  
Surface Mining Permit, Reclamation Plan, Conditional Use Permit, Coastal Development Permit, Case Nos. SMP-08-92; RP-07-92; CUP-29-92; and CDP-59-92  
Assessor Parcel Numbers: 201-221-09; 201-261-01; 201-161-06; 106-221-91

State Clearinghouse Number: SCH 96013024  
Lead Agency Contact Person: James R. Baskin, Senior Planner  
Area Code/Telephone/Extension: (707) 445-7541, ext. 24.

Project Location: In Humboldt county in the Alton area at the western terminus of Fowler Lane, approximately 1,500 feet west of the intersection of Fowler Lane with U.S. 101, on property known as the "Hauck Bar".

Project Description: Surface Mining, Coastal Development, and Conditional Use Permits, Reclamation Plan and review of financial assurance cost estimates for the expansion of a recognized vested surface mining operation presently authorized to extract 60,000 cubic yards (yd<sup>3</sup>) annually to allow up to 150,000 yd<sup>3</sup> per year over a 15 year period of river-run aggregate materials from the lower Eel River. The project also involves the stockpiling, processing, and sales of material at an adjacent upland locations, and the placement of a 1,000± square foot modular sales office building. NOTE: The project site is located within the California Coastal Zone

This is to advise that the Humboldt County Planning Commission has approved the above described project on July 24, 1997, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: N/A

 13 AUG 97 Planner  
Signature (Public Agency) Date Title

Date received for filing at OPR Revised October 1989

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