

MINUTE ITEM

This Calendar Item No. 65 was approved as
Minute Item No. 51 by the California State Lands
Commission by a vote of 3 to 0 at its
8/26/97 meeting.

**CALENDAR ITEM
C51**

A 1
S 2

08/26/97
PRC7989 W 25410
B. Young

GENERAL LEASE - RIGHT OF WAY USE

LESSEE:

Leland Rock
56157 Hwy. 101
Fortuna, California 95540

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Placement of 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.
2. The lease requires the lessee to have ownership or a leasehold interest in all parcels connected by the crossing.

CALENDAR ITEM NO. C51 (CONT'D)

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.
2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h) ON FILE WITH THE CALIFORNIA STATE LANDS COMMISSION.

CALENDAR ITEM NO. C51 (CONT'D)

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 STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

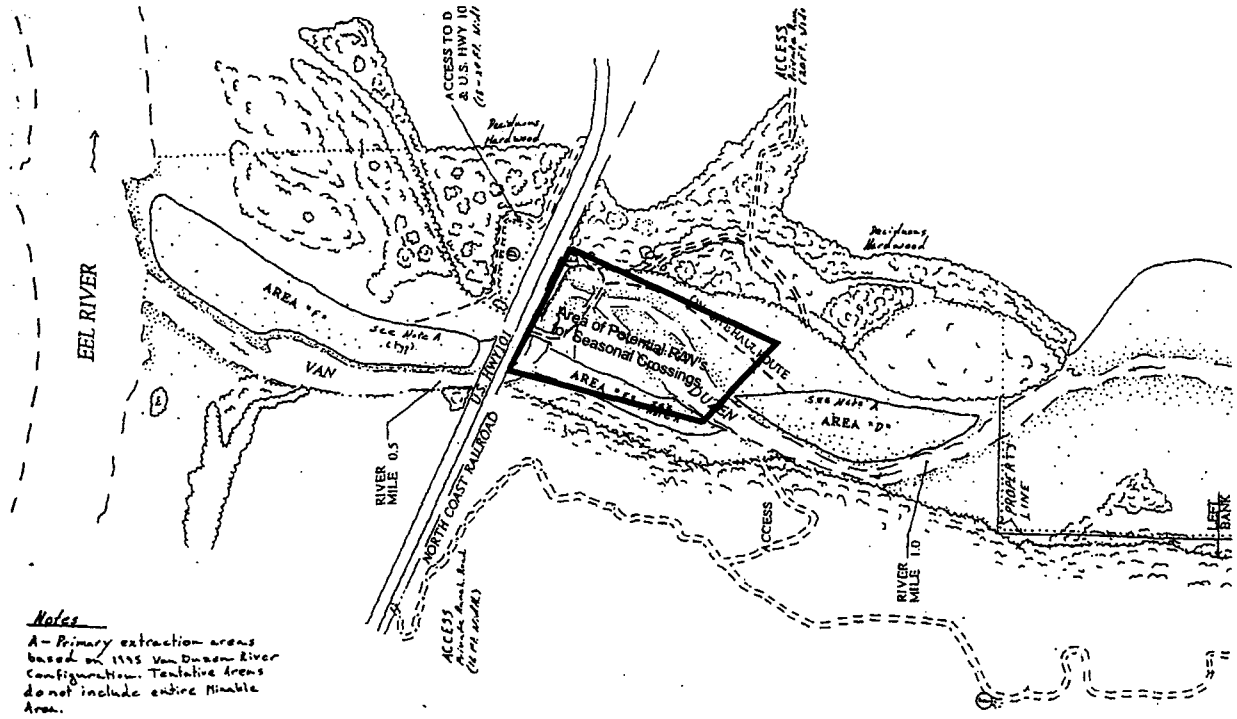
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO LELAND ROCK 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



Notes
 A - Primary extraction areas based on 1995 Van Duzen River Configuration. Tentative areas do not include entire Minable Area.

NO SCALE

LOCATION

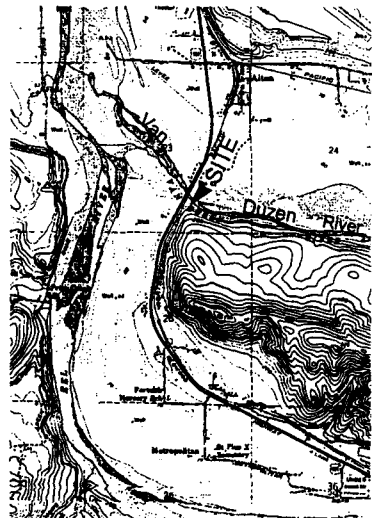


Exhibit A
W25410
 APN 201-261-09
 Van Duzen River
 vic. of Alton
HUMBOLDT COUNTY



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.

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Exhibit B

NOTICE OF DETERMINATION

To: [X] 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

[X] 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: Leland Rock & Earl Nalley, Applicants
Surface Mining Permit Case No. SMP-05-94
Conditional Use Permit Case No. CUP-28-94
Reclamation Plan Case No. RP-05-94
Assessors Parcel Number: 201-262-05

State Clearinghouse Number: 92013033
Lead Agency Contact Person: James R. Baskin, Planner II
Area Code/Telephone/Extension: (707) 445-7541, ext. 41


Project Location: Humboldt County in the Alton area along the lower reaches of the Van Duzen River just upstream of its confluence with the Eel River approximately at the U.S. 101 bridge, on property known as "Rock/Gadberry/Dwelley Land".

Project Description: A Conditional Use Permit, Surface Mining Permit, Reclamation Plan and review of financial assurance cost estimates for an in-stream surface mining operation involving the annual extraction of up to 100,000 cubic yards of river-run material from the Van Duzen River.

This is to advise that the Humboldt County Planning Commission has approved the above described project on August 8, 1996 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 Supplemental Environmental Impact Report 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 the Humboldt County Planning Division, 3015 H Street, Eureka, CA.


Signature: James R. Baskin Date: 28 AUG 96 Title: Planner II

Date received for filing at OPR

Revised October 1989

F	Humboldt County Clerk
E	AUG 28 1996
C	CALENDAR PAGE 247.4
D	MINUTE PAGE 05.19.96

RESOLUTION NO. 12-96

A RESOLUTION OF THE PLANNING COMMISSION
OF HUMBOLDT COUNTY CERTIFYING THE
COMPLETION OF AND MAKING FINDINGS
AS TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT FOR THE LELAND ROCK
AGGREGATE EXTRACTION PROJECT
AND ADOPTING A MITIGATION AND
MONITORING PROGRAM FOR THE
IMPLEMENTATION OF THE PROPOSED PROJECT

WHEREAS, the County has received and has submitted to the Planning Commission of Humboldt County (Planning Commission) an application for the proposed Leland Rock Aggregate Extraction Project which would permit surface mining and reclamation plan activity, as further described in the Project Application on file with the Humboldt County Department of Planning and Building Services, and as described in the Planning Division's staff report; and

WHEREAS, a Final Supplemental Environmental Impact Report (Final SEIR) 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 Implementation of the California Environmental Quality Act (14 California Administrative Code 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 _____ and ending _____; and

WHEREAS, a Notice of Completion for the Draft SEIR was filed with the State Clearinghouse establishing a Public Review Period for the Draft SEIR beginning May 2, 1996 and ending June 17, 1996; 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 SEIR were received during the review period; and

WHEREAS, a public hearing was held by the Planning Commission on August 8, 1996, 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

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WHEREAS, the Final SEIR consists of the Draft SEIR with 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 SEIR 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 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 the mitigation measures or other project alternatives identified in the SEIR; and

WHEREAS, the Planning Commission has reviewed and considered all of the environmental and other documentation prepared to evaluate the proposed project, included but not limited to, the Staff Report and all elements of the 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 as required by Section 15091 and 15092 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. Attachments A and B consisting of the Surface Mining and Reclamation Plans and Biological Assessment;
- c. Appendices to the Draft SEIR;
- d. Comments received on the Draft SEIR and responses to those comments; and
- e. All attachments, incorporations, and references delineated in a. through d. 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 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.
5. The Planning Commission finds that all significant effects of the proposed Project are set forth in the Statement of Findings and the Final SEIR.
6. The Planning Commission finds that all mitigation measures shall be incorporated into conditions of approval of the Project. The list of mitigation measures, and County monitoring programs for those measures, is attached hereto as Attachment B, and is incorporated herein by this reference.
7. 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 environmental, economic, social, or other considerations as set forth in the State of Findings and the Final SEIR.
8. 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.

PASSED AND ADOPTED after review and consideration of all the evidence this 8th day of August, 1996 The Motion was made by Fleschner and seconded by Jeffrey Smith.

AYES: Commissioners: Eitzen, Fleschner, Gearheart, Kirby, Jeffrey Smith, Sorensen
NOES: Commissioners: none
ABSTAIN: Commissioners: none
ABSENT: Commissioners: Garrett Smith

I, Thomas D. Conlon, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above matter by said Commission at a meeting held on the date noted above.

THOMAS D. CONLON, Humboldt County Director of Planning and Building

By: 

Effective Date: 8-23-96