

**CALENDAR ITEM**

**C39**

A 1  
S 4

06/01/09  
WP 7307.9  
N. Lee

**TERMINATION OF GENERAL PERMIT - PUBLIC AGENCY USE AND  
ISSUANCE OF GENERAL LEASE - PUBLIC AGENCY USE**

**PERMITTEE/APPLICANT:**

County of Del Norte  
981 H Street  
Crescent City, CA 95531

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

Sovereign lands in the Klamath River, adjacent to Assessor Parcel Number  
10-060-04, near Klamath, Del Norte County.

**AUTHORIZED USE:**

Removal of an existing public boat launching ramp, construction of a new public  
boat launching ramp, placement of bank protection, revegetation of the bank, and  
the temporary placement of warning buoys during construction, as shown on the  
attached Exhibit A.

**LEASE TERM:**

25 years, beginning June 1, 2009.

**CONSIDERATION:**

The public use and benefit; with the State reserving the right at any time to set a  
monetary rent if the Commission finds such action to be in the State's best  
interest.

**SPECIFIC LEASE PROVISIONS:**

1. At all times while construction activities are taking place in the Klamath  
River, warning signs will be installed on the upland side of the construction  
site, in order to provide notice to the public that construction activities are  
taking place and to exercise caution. Prior to the start of construction,  
warning buoys will be placed in the Klamath River, both upstream and  
downstream of the construction site, indicating the tentative dates that the  
construction will occur.

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2. Construction activities in the Klamath River may only occur between June 15<sup>th</sup> and October 15<sup>th</sup>, and must be completed by October 15, 2010.
3. The lease contains provisions that encourages the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.
4. The lease contains a provision that the Lessee will provide a Land Description that accurately delineates the location of the new public boat launching ramp, placement of bank protection and revegetation of the bank.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On July 10, 1989, the Commission authorized a General Permit – Public Agency Use with the County of Del Norte (County). That permit authorized a concrete boat launching ramp, known as the Old Townsite Ramp, and will expire on April 30, 2038. In addition, on June 7, 2004, the Commission authorized an amendment to the permit for modification of the existing launching ramp, excavation of material from the Klamath River (River), placement of bank protection, and revegetation of the excavated area. However, project funding fell through and these construction activities did not occur.
3. During the winter storms of 2005 through 2006, the existing concrete boat launching ramp was damaged by high water flows. The County is proposing to remove the ramp and construct a new one at an angle to the original footprint. The new ramp will be reoriented 60 degrees downstream on the River and extend an additional 88 feet. In addition, the County will place rip rap for bank protection, and revegetate portions of the bank. The upland parcel is within the Yurok Tribe reservation, but is owned and maintained by the County.
4. Rather than amend the permit, the County has agreed to terminate the permit and has applied for a new General Lease – Public Agency Use for the removal of the existing public boat launching ramp, construction of a

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new public boat launching ramp, placement of bank protection, revegetation of the bank, and temporary placement of warning buoys during construction.

5. Equipment staging and materials storage will be located in the existing paved parking area on the upland parcel. An excavator will be used to place the permanent materials in the River. It is anticipated that the project will be conducted between July 15 and October 15, 2009, to mitigate potential impacts to Coho salmon.
6. **Termination of Existing Permit:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Issuance of New Lease:** A Mitigated Negative Declaration was prepared and adopted for this project by the County of Del Norte on March 4, 2009 (SCH#2009012060). The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by Del Norte County.
8. 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 Department of Fish and Game, Yurok Tribe Water Quality Certification, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and the County of Del Norte

**FURTHER APPROVALS REQUIRED:**

California Coastal Commission and the National Marine Fisheries Service

**EXHIBITS:**

- A. Site and Location Map
- B. Mitigation Monitoring Program

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**PERMIT STREAMLINING ACT DEADLINE:**

September 6, 2009

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF EXISTING PERMIT:** FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**ISSUANCE OF NEW LEASE:** FIND THAT A MITIGATED NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF DEL NORTE ON MARCH 4, 2009 (SCH #2009012060), AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT B 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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE TERMINATION, EFFECTIVE MAY 31, 2009, OF PERMIT NO. PRC 7307.9, A GENERAL PERMIT – PUBLIC AGENCY USE, ISSUED TO THE COUNTY OF DEL NORTE.

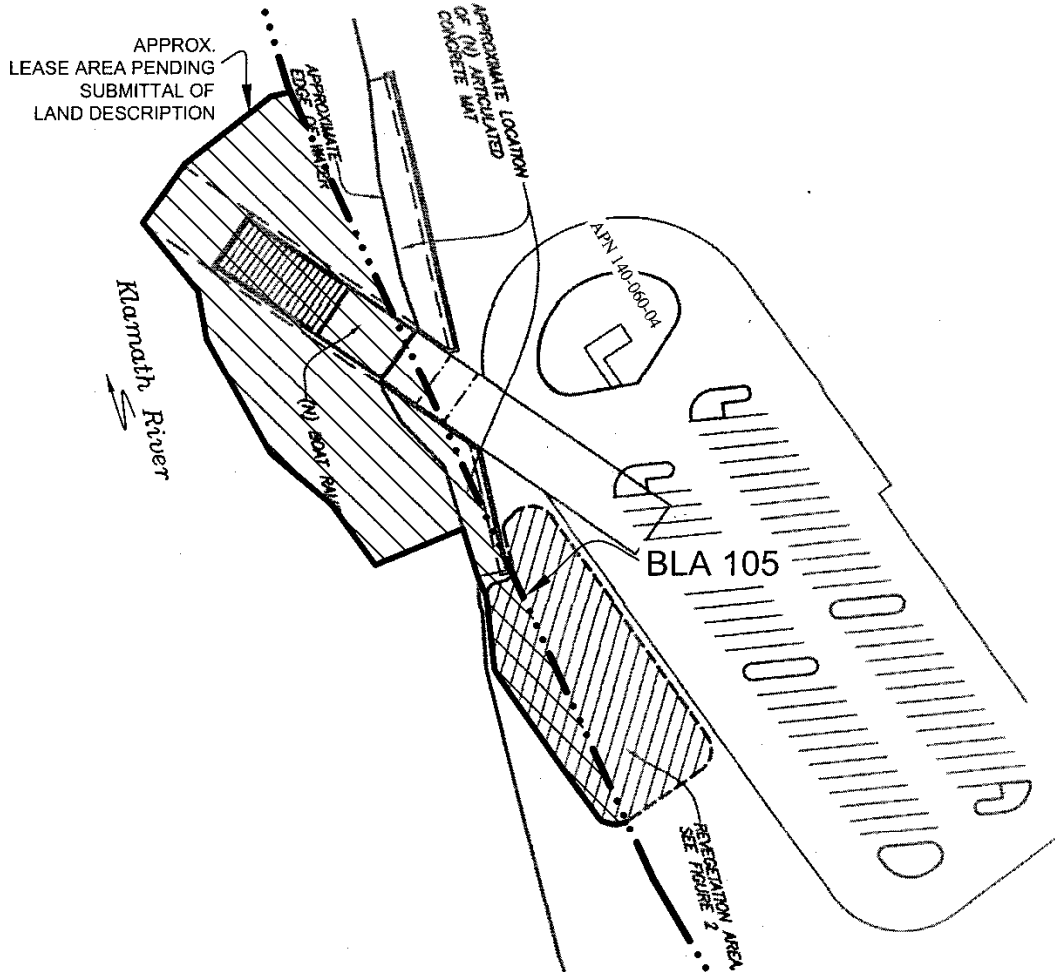
AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE COUNTY OF DEL NORTE BEGINNING JUNE 1, 2009, FOR A TERM OF 25 YEARS, FOR THE REMOVAL OF AN EXISTING PUBLIC BOAT LAUNCHING RAMP, CONSTRUCTION OF A NEW PUBLIC BOAT LAUNCHING RAMP, PLACEMENT OF BANK PROTECTION, REVEGETATION OF THE BANK, AND THE TEMPORARY PLACEMENT OF WARNING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION TO BE THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A

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MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE  
IN THE STATE'S BEST INTEREST.

NO SCALE

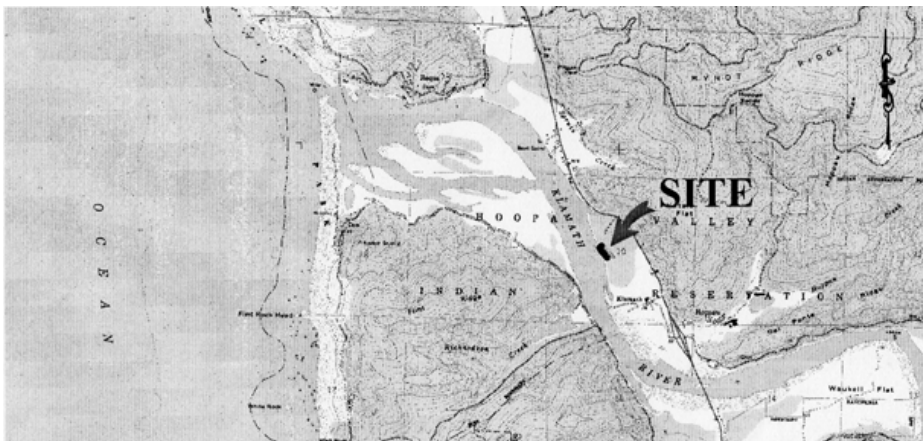
### SITE



### OLD TOWNSITE BOAT RAMP NEAR KLAMATH

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

PRC 7307.9  
 DEL NORTE CO.  
 APN 140-060-04  
 GENERAL LEASE  
 PUBLIC AGENCY USE  
 DEL NORTE 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.

## Proposed Mitigation Measures, Monitoring, and Reporting Program

### Aesthetics

**Mitigation Measure No. 1.** Any and all light poles on the property shall be located and shielded such that no light or glare extends beyond the boat ramp parking lot. In addition, no portion of the illuminated fixture or lens shall extend below or beyond the canister or light shield.

*Timing for Implementation/Compliance:* Throughout life of project

*Person/Agency Responsible for Monitoring:* County of Del Norte

*Monitoring Frequency:* Ongoing throughout project construction and completion

*Evidence of Compliance:* Visual observations

### Air Quality

**Mitigation Measure No. 2.** The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* County of Del Norte and NCUAQMD

*Monitoring Frequency:* Ongoing throughout project construction

*Evidence of Compliance:* Visual observations

### Biological Resources

**Mitigation Measure No. 3.** To mitigate potential impacts to the coho salmon, all construction activities in the Klamath River will be performed between July 1 and October 15 (NMFS 2007) to the satisfaction of CDFG, ACOE, and NMFS.

*Timing for Implementation/Compliance:* Prior to construction

*Person/Agency Responsible for Monitoring:* County of Del Norte, CDFG, ACOE, and NMFS

*Monitoring Frequency:* None required

*Evidence of Compliance:* Construction timing

**Mitigation Measure No. 4.** Prior to the start of construction operations and during work within the Klamath River, avoidance and minimization measures will be implemented as required in Section 4.2 of the biological assessment for NMFS (March 2007). Avoidance and minimization measures include, but are not limited to, equipment staging and materials storage located in the existing paved parking area; equipment access by way of the existing paved access road; use of an excavator to place the riprap and other permanent materials in the river; and work done in the river limited in duration and during low flows, no earlier than July 1 and no later than October 15 to the satisfaction of CDFG, ACOE, and NMFS.

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* County of Del Norte, CDFG, ACOE, and NMFS

*Monitoring Frequency:* On going throughout project construction

*Evidence of Compliance:* Visual observations

**Mitigation Measure No. 5.** To mitigate any impacts to special status species, a qualified biological monitor is to be on site during construction activities related to the project, when appropriate. If special status species are encountered or construction activities are impacting the resources, the biologist will halt work until appropriate mitigation can be achieved to the satisfaction of CDFG.

*Timing for Implementation/Compliance:* Throughout construction  
*Person/Agency Responsible for Monitoring:* County of Del Norte and CDFG  
*Monitoring Frequency:* On going throughout project construction  
*Evidence of Compliance:* Visual observations

**Mitigation Measure No. 6.** Permanent trash receptacle(s) that are animal and vandalism proof will be installed on site. The receptacle(s) may be top loading, such as those that are used at state parks, and will be made from heavy duty materials that are vandalism proof and indestructible from animal attacks. The trash receptacle(s) will be paid for and maintained by Del Norte County to the satisfaction of CDFG.

*Timing for Implementation/Compliance:* Throughout the life of the project  
*Person/Agency Responsible for Monitoring:* County of Del Norte  
*Monitoring Frequency:* During and upon completion of project construction  
*Evidence of Compliance:* Visual observations

**Mitigation Measure No 7.** The project applicant shall retain a qualified biologist to conduct two focused preconstruction surveys for active nest sites of raptors and migratory nesting birds with a focus on the little willow flycatcher. These surveys shall be conducted within 14 days of vegetation removal initiated during the nesting season. In addition, two focused preconstruction surveys shall be conducted within 14 days of grading initiated during the nesting season. If grading immediately follows vegetation removal, two focused preconstruction surveys within 14 days of initiating vegetation removal shall be sufficient. If an active nest is located during the preconstruction surveys, Del Norte County, CDFG, and/or USFWS shall be notified, as appropriate to the species and its status. If active nests are found within the zone of influence (within 300 feet of the limits of work), grading and construction shall be prohibited within an adequate setback, as approved by a qualified biologist in consultation with the CDFG. Work within the setback would have to be delayed until after the young have fledged, as determined during surveys by a qualified biologist.

*Timing for Implementation/Compliance:* Prior to project construction  
*Person/Agency Responsible for Monitoring:* County of Del Norte and CDFG  
*Monitoring Frequency:* Prior to construction  
*Evidence of Compliance:* Visual observations

**Mitigation Measure No. 8.** Prior to the start of construction operations and during work within the Klamath River, conservation measures described in a letter dated April 27, 2007, from FEMA to Del Norte County will be implemented as part of the boat ramp repair, per the USFWS, to the satisfaction of ACOE and NMFS.

*Timing for Implementation/Compliance:* Throughout project construction  
*Person/Agency Responsible for Monitoring:* County of Del Norte, ACOE, and NMFS  
*Monitoring Frequency:* On going throughout project construction  
*Evidence of Compliance:* Visual observations



**Mitigation Measures No. 9.** In order to mitigate impacts to riparian habitat, the upstream area adjacent to the boat ramp will be revegetated with appropriate native species. Willow cuttings will be placed within the one-foot gaps in the cable mat up and downstream of the boat ramp. An appropriate professional with experience in botany and/or vegetation restoration will either install or oversee the implementation of the revegetation plan. The revegetation plan and monitoring will be completed to the satisfaction of CDFG and Del Norte County.

*Timing for Implementation/Compliance:* During the seasonally appropriate planting time

*Person/Agency Responsible for Monitoring:* County of Del Norte and CDFG

*Monitoring Frequency:* May or June for three years

*Evidence of Compliance:* Submittal of annual monitoring report with photo documentation for 3 years

## **Cultural Resources**

**Mitigation Measure No. 10.** If archeological or historical features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the County of Del Norte has contacted the Department of Public Health Environmental Review Unit (ERU) and Yurok Tribe, and the significance of the resource has been evaluated. Any mitigation measures that may be deemed necessary must have the approval of the ERU and Yurok Tribe, and shall be implemented by a qualified archeologist representing the County of Del Norte prior to resumption of construction activities.

If human remains are exposed by project related activity, the County of Del Norte shall comply with California State Health and Safety Code, Section 7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, Section 5097.98.

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* County of Del Norte and Yurok Tribe

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## **Hazards and Hazardous Materials**

**Mitigation Measure No. 11.** The contractor shall be responsible for implementing a Storm Water Pollution Prevention Plan (SWPPP), which will also include a Spill Prevention Control and Countermeasure Plan (SPCCP) in the case of an accidental release of pollutants. The SWPPP will specify that fueling construction equipment shall occur in the parking lot at a minimum of 100 feet from the ordinary high water mark (OHWM). A waste management plan will also be included that specifies how debris from the existing ramp, rock slope protection, and excavated soil would be disposed of following removal from the site, to the satisfaction of County of Del Norte.

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* County of Del Norte

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## Noise

**Mitigation Measure No. 12.** Hours of construction activities shall be limited to daylight hours, Monday through Friday, to the satisfaction of the County of Del Norte.

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* County of Del Norte

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence