

CALENDAR ITEM

C39

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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 15th and October 15th, 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.