

**CALENDAR ITEM
C14**

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10/22/09
WP 7993.1
R. Barham

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Hansen Truck Stop, Inc.
2404 Sandy Prairie Road
Fortuna, CA 95540

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Eel River adjacent to Assessor's Parcel Number 201-211-003, near Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a seasonal bridge crossing over the Eel River as shown on the attached Exhibit A. The exact location of the bridge may vary from year to year within the lease premises due to River conditions.

LEASE TERM:

Five years, beginning October 8, 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 with coverage of no less than \$1,000,000.

Other:

The lease includes provisions for annual reporting of extraction plans and location of the seasonal bridge crossing.

Hazard Signs:

Applicant is to post low bridge warning signs during the period the crossing is in place.

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OTHER PERTINENT INFORMATION:

1. Applicant owns or has the right to use the uplands adjoining the Lease Premises.
2. On October 6, 2004, the Commission authorized the issuance of a General Lease - Right of Way Use to Hansen Truck Stop, Inc., for the placement of a seasonal bridge crossing over the Eel River. That lease will expire October 7, 2009. Applicant is now applying for a new General Lease - Right of Way Use.
3. The seasonal bridge crossing will be used as a haul road to access seasonal extraction of sand and gravel from river bars next to the Eel River. The seasonal bridge crossing shall be installed with sufficient clearance to provide safe passage for navigational and recreational activities. Low bridge warning signs are to be placed during the period the crossing is in place. The crossing shall be placed annually no earlier than June 30 and removed annually no later than October 15 in accordance with criteria established in permits issued by the California Coastal Commission, the California Department of Fish and Game, and the U.S. Army Corps of Engineers.
4. On August 2, 2004, NOAA Fisheries issued a biological opinion that the proposed gravel mining is not likely to jeopardize the continued existence of the threatened Southern Oregon/Northern California (SONC) Coho Salmon, threatened Central California Chinook Salmon, or Northern California Steelhead and is not likely to destroy or adversely modify SONC Coho Salmon - designated critical habitat for the next five years. NOAA Fisheries is currently preparing a new biological opinion to replace this one when it expires. It is our current understanding that this new opinion will not differ in any substantial way from the previous one.
5. On August 13, 2009, the California Coastal Commission (CCC) granted Permit #1-09-011 for this project under its Certified Regulatory Program (Title 14, California Code of Regulations, section 15251 (c)). Staff reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Mitigated Negative Declaration equivalent in order to comply with the requirements of the CEQA.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such

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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
North Coast Regional Water Quality Control Board
County of Humboldt Extraction Review Team (CHERT)
U.S. Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #1-09-011, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c) ON AUGUST 13, 2009, AND THAT THE CALIFORNIA STATE LANDS COMMISSION REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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 OF A GENERAL LEASE – RIGHT OF WAY USE, TO HANSEN TRUCK STOP, INC., BEGINNING OCTOBER 8, 2009, FOR A TERM OF FIVE YEARS, FOR THE ANNUAL PLACEMENT AND USE OF A SEASONAL BRIDGE CROSSING AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING \$100 PER ANNUM, WITH THE

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STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.