

**CALENDAR ITEM
C36**

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S 2

10/22/09
WP 7760.1
N. Lee

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Mercer-Fraser Company
77 West Second Street
Eureka, CA 95501

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Eel River, adjacent to Assessor Parcel Number 200-341-005, near Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a seasonal bridge crossing over the Eel River constructed from a railroad flat car, 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 September 9, 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.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.

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2. On October 6, 2004, the Commission authorized a General Lease – Right of Way Use, with Mercer-Fraser Company. That lease expired on September 8, 2009. Applicant is now applying for a new General Lease – Right of Way Use, for the seasonal bridge crossing.
3. The placement of the seasonal bridge crossing is used to transport gravel removed during the Applicant's annual summer gravel extraction operations that are conducted outside of the active channel of the Eel River. The crossing will be placed annually no earlier than June 30 and removed no later than October 15.
4. On August 13, 2009, the California Coastal Commission (CCC) granted Permit #1-09-022 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.
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
North Coast Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

County of Humboldt Extraction Review Team (CHERT)
California Department of Fish and Game
U.S. Army Corps of Engineers

EXHIBITS:

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

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #1-09-022, WAS ADOPTED ON AUGUST 13, 2009, FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)], AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS 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 MERCER-FRASER COMPANY BEGINNING SEPTEMBER 9, 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; ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE 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.