

**CALENDAR ITEM
C94**

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06/23/11
WP 8463.2
J. Porter

AMENDMENT AND APPROVAL OF SUBLEASE

LESSEE/SUBLESSOR:

Wesley L. Boyd and Joan E. Blades, as Trustees of the Wesley Boyd and Joan Blades Family Trust dated May 24, 1993
1141 Walnut Street
Berkeley, CA 94707

SUBLEESSEE:

The Wilderness Land Trust, a Colorado Non-Profit Corporation
P.O. Box 1420
Carbondale, CO 81623

AREA, LAND TYPE, AND LOCATION:

Approximately 2,265 linear feet of unpaved road across a portion of Section 25, Township 19 North, Range 12 West, MDM, east of Willits, Mendocino County.

PROPOSED LEASE AMENDMENT:

Revise Section 1, Basic Provisions, Authorized Improvements and Existing Improvements from approximately 2,265 linear feet of unpaved road to approximately 2,323 linear feet of unpaved road; delete in its entirety the Land Description contained in Section 3 of the lease and replace it with the Land Description as shown on Exhibit A and as described on Exhibit B; all other terms and conditions of the lease shall remain in full force and effect without amendment.

AUTHORIZED USE:

LEASE: Non-exclusive right-of-way use of an existing unpaved road for domestic access purposes only. The use of the road for any commercial purpose, including but not limited to timber hauling, is prohibited.

SUBLEASE: Non-exclusive right-of-way use of an existing unpaved road for domestic access purposes only. The use of the road for any

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commercial purpose, including but not limited to timber hauling, is prohibited.

TERM:

LEASE: 25 years, beginning July 1, 2003, ending June 30, 2028.

SUBLEASE: Beginning upon full execution of the sublease, ending June 30, 2028, unless terminated sooner as provided in the sublease.

OTHER PERTINENT INFORMATION:

1. At its meeting of June 2, 2003, the Commission authorized the issuance of Lease No. PRC 8463.2, a General Lease, Right-of-Way Use, to Wesley L. Boyd and Joan E. Blades, as Trustees of the Wesley Boyd and Joan Blades Family Trust dated May 24, 1993 (Lessee/Sublessor). The lease has a 25-year term and expires on June 30, 2028.
2. The lease authorizes the Lessee/Sublessor to use and maintain an existing unpaved access road that the Lessee/Sublessor uses to access property that the Lessee/Sublessor owns adjacent to the State parcel. The Lessee/Sublessor desires to sell a portion of their property to The Wilderness Land Trust (Sublessee), who then intends to donate the property to the United States Forest Service for inclusion in the Sanhedrin Wilderness for permanent protection of forest habitat of the northern spotted owl. Before the donation can be completed, the Sublessee must demonstrate proof of legal access to the property. The Lessee/Sublessor will continue to utilize the road for access to the remainder of their property after the donation for the Sublessee to the United States Forest Service is completed.
3. In the course of processing the sublease application, through the use of improved mapping resources, staff determined that the land description contained in the lease does not conform to current standards and that the estimated length of the roadway should be revised. Lessee/Sublessor and staff have agreed to amend the lease to more accurately reflect the lease premises and the length of the roadway. Under the proposed lease amendment, Section 1, Basic Provisions, Authorized Improvements and Existing Improvements, the length of the roadway will be revised from approximately 2,265 linear feet to approximately 2,323 linear feet and Section 3, Land Description, shall be deleted in its entirety and replaced by the Land Description as shown on Exhibit B. All other terms and conditions of the lease shall remain in full force and effect without amendment. The Sublease to the Sublessee will contain the revised Land Description.

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4. **Lease Amendment:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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.

5. **Sublease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code Sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:

N/A.

EXHIBITS:

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

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PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

1. **Lease Amendment:** Find that the activity is not subject to the requirements of 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

2. **Sublease:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

AUTHORIZATION:

Authorize an amendment to Lease No. PRC 8463.2, a General Lease, Right-of-Way Use, to amend Section 1, Basic Provisions, Authorized Improvements and Existing Improvements, to revise the length of the existing unpaved roadway from approximately 2,265 linear feet to approximately 2,323 linear feet; Section 3, Land Description, shall be deleted in its entirety and replaced by the Land Description as shown on Exhibit A (for reference purposes only) and as described on Exhibit B, both attached and by this reference made a part hereof; all other terms and conditions of the lease shall remain in full force and effect without amendment; authorize a sublease from Wesley L. Boyd and Joan E. Blades, as Trustees of the Wesley Boyd and Joan Blades Family Trust dated May 24, 1993, to The Wilderness Land Trust, a Colorado Non-Profit Corporation, of a portion of Lease No. PRC 8463.2, more particularly shown on Exhibit A (for reference purposes only) and described on Exhibit B, both attached and by this reference made a part hereof, effective upon the full execution of the sublease, and ending June 30, 2028, unless terminated sooner as provided in the sublease.