

**CALENDAR ITEM
C11**

A 1
S 2

03/29/12
WP 5961.9
R. Boggiano

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

Jo Ann V. Dewey, Trustee of the Edith F. Fearrien GST Trust, and Andrea L. Proett.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Quill Slough, adjacent to Assessor's Parcel Number 310-021-005, near the town of Loleta, Humboldt County

AUTHORIZED USE:

Continued use and maintenance of an existing tidegate and rock riprap.

LEASE TERM:

10 years, beginning February 1, 2011.

CONSIDERATION:

Public use and benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the best interest of the State.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On March 5, 1981, the Commission authorized a General Permit – Protective Structure Use to Fred J. and Edith Fearrien. That lease expired on January 31, 2011. Ownership of the property has since transferred to Jo Ann V. Dewey, Trustee of the Edith F. Fearrien GST Trust, and Andrea L. Proett. The Applicants are now applying for a new General Lease – Protective Structure Use.
3. The rock riprap protects the dike along the bank of Quill Slough from erosion and the tide gate allows for drainage into the Slough from the

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adjoining property, a designated farmed wetland per the U.S. Fish and Wildlife Service. The rock riprap and tidegate mutually benefit both the public and the Applicants. The bank of Quill Slough will have additional protection from wave action provided at no cost to the public.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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

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 section 6370 et seq.

CALENDAR ITEM NO. **C11** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to Jo Ann V. Dewey, Trustee of the Edith F. Fearrien GST Trust, and Andrea L. Proett beginning February 1, 2011, for a term of 10 years, for an existing tidegate and rock riprap as described in Exhibit A and shown on Exhibit B (for reference purposes only) 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 monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5961.9

LAND DESCRIPTION

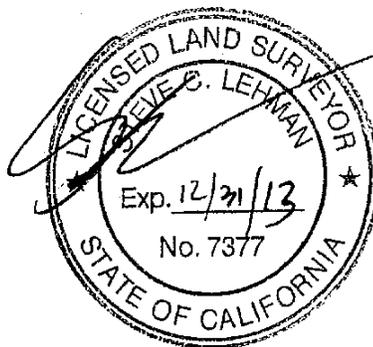
A parcel of tide and submerged land situate in the bed of the Quill Slough, lying adjacent to Swamp and Overflowed Land Survey 1185, patented September 26, 1881, Humboldt County, State of California and more particularly described as follows:

A Parcel of land bounded on the north by the prolongation of the north line of Parcel One described in Grand Deed, recorded February 2, 2010 in Document Number 2010-2280-3 in Official Records of Humboldt County; bounded on the south by the prolongation of the north line of the south half of the southwest quarter of Section 11, Township 3 North, Range 2 West, Humboldt Meridian; bounded on the west by the ordinary high water mark of the left bank of Quill Slough; bounded on the east by a line parallel with ordinary high water mark and lying 30 feet measured perpendicular therefrom.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said slough.

END OF DESCRIPTION

Prepared 02/21/12 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

APN 310-021-002

EXISTING 45'X3' CMP
AND TIDEGATE

APN 310-021-005

LEASE AREA

ROCK RIPRAP

QUILL SLOUGH

QUILL SLOUGH

APN 310-051-008

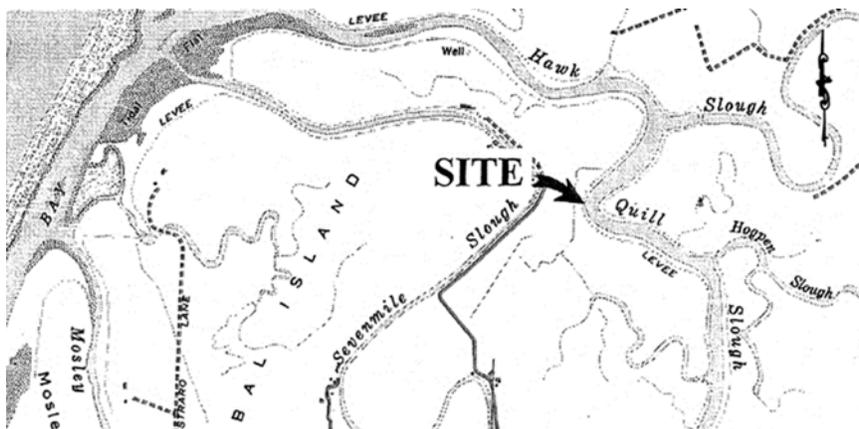
APN 310-051-007

QUILL SLOUGH



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5961.9
JOANN DEWEY
APN 310-021-005
GENERAL LEASE-
PROTECTIVE STRUCTURE USE
HUMBOLDT 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.

TS 02/21/12