

**CALENDAR ITEM
C33**

A 1
S 2

06/19/14
PRC 9081.9
J. Sampson

AMENDMENT OF LEASE

LESSEE:

City of Rio Dell

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers (APN) 052-061-053 and 205-111-039, in the city of Rio Dell, Humboldt County.

AUTHORIZED USE:

Installation, use, maintenance, and operation of a 14-inch diameter high density polyethylene (HDPE) effluent pipeline installed using horizontal directional drilling (HDD) beneath the bed of the Eel River.

LEASE TERM:

25 years, beginning August 23, 2013.

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.

PROPOSED AMENDMENT:

Amend Lease No. PRC 9081.9 to:

1. Replace the existing Exhibit A, Land Description, with the attached Exhibit A, Land Description.
2. Replace the existing Exhibit B, Site and Location Map with the attached Exhibit B, Site and Location Map.

All other terms and conditions of the lease shall remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. The upland parcel located on the south side of the Eel River, APN 052-061-053, is owned by the California Department of Transportation (Caltrans). Caltrans granted the Applicant an encroachment permit for the use of their land. The upland parcel located on the north side of the Eel River, APN 205-111-039, is owned by the City of Rio Dell (City).
2. On September 20, 2013, the Commission authorized a General Lease – Public Agency Use to the City for the installation, use, maintenance, and operation of a 14-inch diameter HDPE effluent pipeline installed using HDD beneath the bed of the Eel River. That lease will expire on August 22, 2038.
3. As-built documents indicate that the pipeline was not situated within the previously authorized leased premises under the bed of the Eel River. The lessee is now applying to amend the lease to include a new Exhibit A, Land Description and Exhibit B, Site and Location Map to identify the pipeline's exact location in reference to the leased premises under the bed of the Eel River.
4. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section

CALENDAR ITEM NO. **C33** (CONT'D)

15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9081.9, a General Lease – Public Agency Use, effective June 19, 2014, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9081.9

LAND DESCRIPTION

A 50 foot wide strip of State owned submerged land lying in the bed of the Eel River, adjacent to Lots 2 and 6 of fractional Section 36, Township 2 North, Range 1 West, HBM, as shown on official government township plat approved April 20, 1857, County of Humboldt, State of California, the centerline of which is described as follows:

BEGINNING at a point having CCS83, Zone 1, (2010.00) coordinates of North (Y) = 2,075,576.97 feet and East (X) = 5,972,388.97 feet, said point lying distant N 68°43'09" W 3483.09 feet from NGS Monument 101 HUM 53.32 (PID DH6338) having CCS83, Zone 1, (2010.00) coordinates of North (Y) = 2,074,312.82 feet and East (X) = 5,975,634.56 feet; thence N 68°07'57" W 590.48 feet to the beginning of a curve to the right having a radius of 1400.00 feet; thence along said curve through a central angle of 27°53'36" an arc distance of 681.57 feet; thence N 40°11'12" W 723.81 feet to the terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the left and right banks of the Eel River.

The BASIS OF BEARINGS for this description is CCS83, Zone 1 (2010.00). All distances are grid distances.

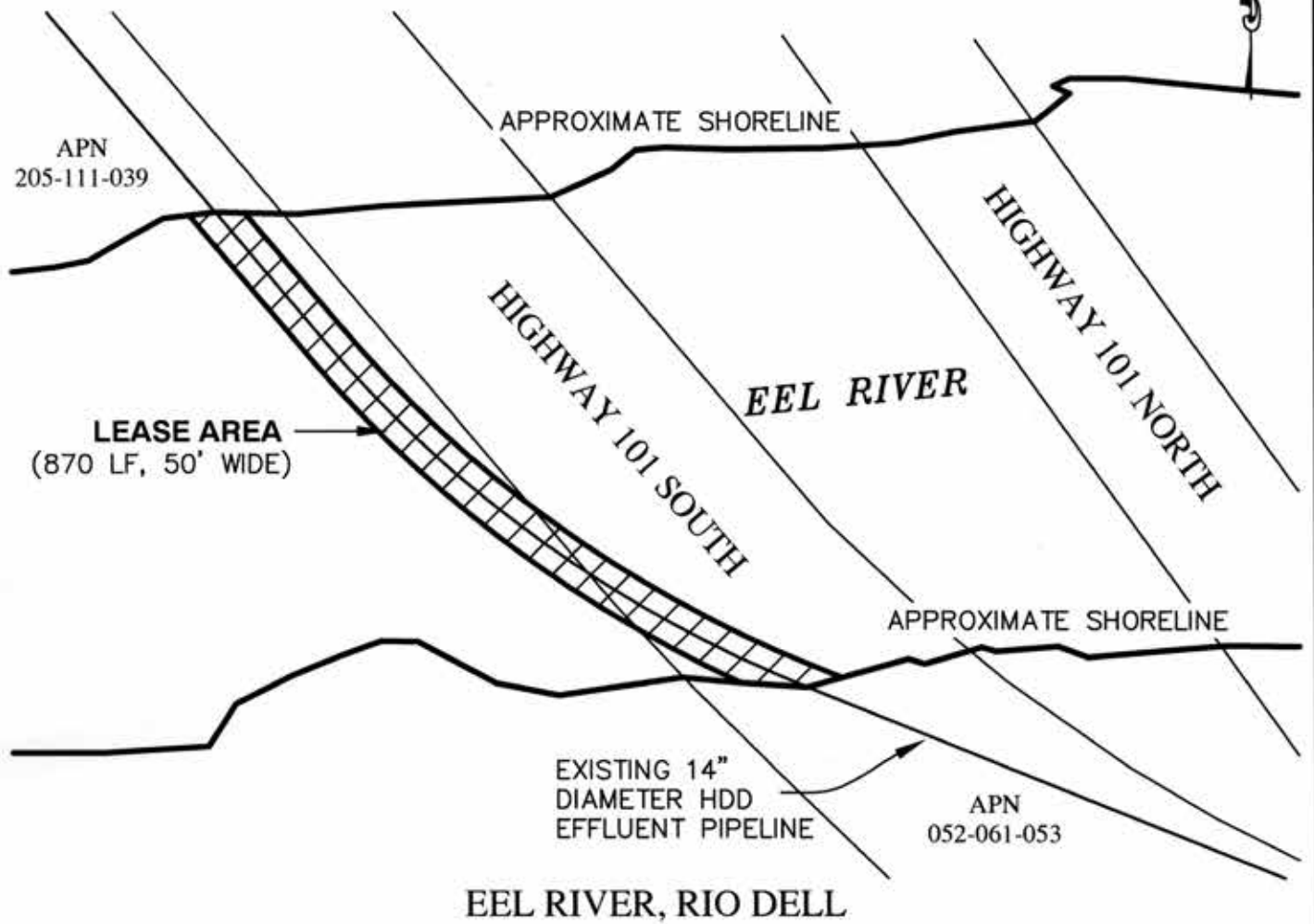
END OF DESCRIPTION

Revised 04/08/2014 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



NO SCALE

LOCATION

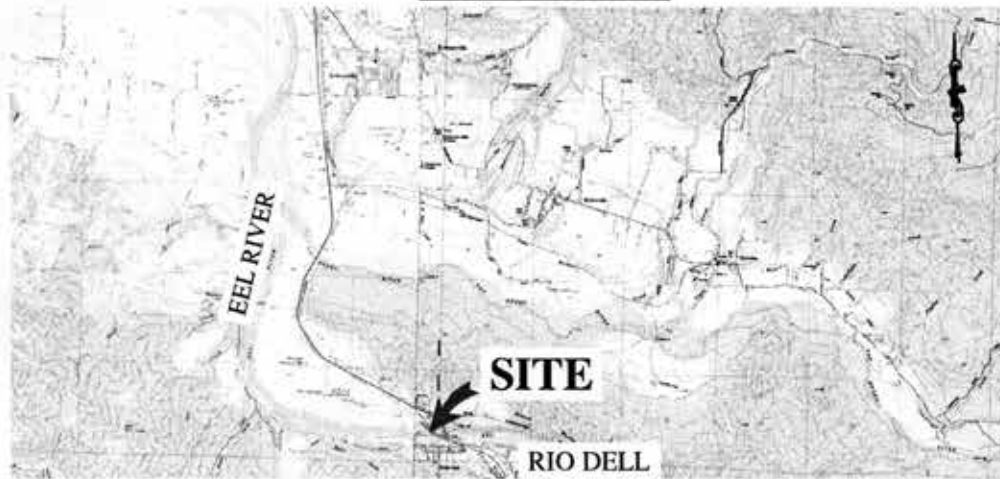


Exhibit B

PRC 9081.9
 CITY OF RIO DELL
 APN 205-111-039 & 052-061-053
 GENERAL LEASE -
 RIGHT - OF - WAY 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.