

**CALENDAR ITEM  
C49**

A 2  
S 2

06/19/14  
W 26621  
B. Terry

**GENERAL LEASE – OTHER**

**APPLICANT:**

Yurok Tribe  
P.O. Box 1027  
Klamath, CA 95548

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the lower Waukell Creek, tributary to the Klamath River estuary, adjacent to Assessor's Parcel Number 140-130-13, near Crescent City, Del Norte County.

**AUTHORIZED USE:**

Proposed construction and monitoring of approximately 10 constructed wood jams (CWJs) and planting of native conifers for the purpose of restoring the natural formation of mainstream and off-channel rearing and spawning habitats for native and protected fish.

**LEASE TERM:**

10 years, beginning June 19, 2014.

**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.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.
2. The Yurok Tribal Fisheries Program (YTFFP) is coordinating a large-scale effort to restore the Klamath River estuary and associated habitats and has received funding from the U.S. Environmental Protection Agency to

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rehabilitate portions of Waukell Creek, a tributary to the Klamath River estuary.

3. The Yurok Tribe has submitted an application for the proposed Lower Waukell Creek Salmonid Habitat Enhancement Project (Project). The Project will extend within the Yurok Reservation on the Klamath River floodplain, in lower Waukell Creek, west of Redwood Highway 101 north of Klamath Beach Road. Lower Waukell Creek, at the Project location, is State-owned sovereign land.
4. The Klamath River estuary is comprised of mainstream, slough, and wetland habitats as well as off-estuary tributary streams. These areas provide critical and essential nursery and staging habitat for several state and federal protected fish species. Anthropogenic activities over the past century have degraded aquatic and riparian habitat throughout the watershed, resulting in substantial declines of Klamath River fish runs.

Although the Waukell Creek watershed is greatly impaired, the lower Waukell Creek and its tributaries (Saugep Creek and Junior Creek) support spawning populations of coastal cutthroat trout, steelhead, and coho salmon, as well as provide critical rearing habitat for a significant number of juvenile salmonids, especially coho salmon.

There is a critical need to improve salmonid survival and productivity in Waukell Creek by: 1) increasing juvenile rearing capacity year-round (i.e., increase quantity/quality of slow velocity and refugia habitats; increase number, volume, and complexity of pools); and 2) improving conditions for spawning/migrating adults (i.e., more hiding places during both high and low flow events; well-sorted spawning beds; increased refugia habitat).

5. The YTFB worked with a California licensed geologist to design the proposed Project. The proposed Project is to construct and install approximately 10 CWJs and plant native conifers. The CWJs are constructed by using mechanically driven logs, riparian trees, stumps, and other landforms to create a series of interlocking logs and/or whole trees that provide the necessary elements for maintaining stability and function under a variety of water flows. The CWJs mobilize/sort channel-stored sediment and slow the delivery of sediment to downstream habitats. These CWJ's are similar in function to naturally occurring log jam complexes, in and adjacent to the stream channel. In addition to the construction of the CWJs structures, native riparian conifer trees and shrubs will be planted in all disturbed areas.

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6. Projects using similar techniques have resulted in positive outcomes for spawning fish. These restorative measures are identified as high priority Coho salmon recovery measures in the State's Recovery Strategy for California Coho Salmon and the National Oceanic and Atmospheric Administration's (NOAA's) Recovery Plan for the Evolutionarily Significant Unit of Southern Oregon/Northern California Coast Coho Salmon.
7. The primary objective of the proposed Project is to facilitate the natural formation and maintenance of complex mainstream and off-channel rearing and spawning habitats for native fish, specifically salmonids such as protected Coho salmon. The construction of the CWJs and planting is anticipated to be completed by the end of October 2014. However, the Project will require ongoing monitoring activities to ensure that the Project meets its goals and objectives. Therefore, staff recommends issuance of a lease with a term of 10 years.
8. The Yurok Tribe provided evidence of authorization by the upland owners granting access across their property to the proposed Project site for the construction and monitoring of the Project.
9. The proposed Project is also anticipated to extend in the stream reach above Klamath Beach Road on property owned by the California Department of Fish and Wildlife in the near future. This portion of the Project does not take place on State-owned sovereign land; and therefore, is not required to be part of the Lease Premises.
10. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The Project is exempt under Class 33, Small Habitat Restoration Projects; California Code of Regulations, Title 14, section 15333.

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

11. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 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 section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the

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use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

**APPROVALS OBTAINED:**

Yurok Tribe Environmental Program  
California Department of Fish and Wildlife  
National Oceanic and Atmospheric Administration  
U.S. Army Corps of Engineers

**APPROVALS REQUIRED:**

County of Del Norte

**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 33, Small Habitat Restoration Projects; California Code of Regulations, Title 14, section 15333.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Other to the Yurok Tribe beginning June 19, 2014, for a term of 10 years, for the proposed construction and monitoring of approximately 10 constructed wood jams and planting of native conifers for the purpose of restoring the natural formation of mainstream and off-channel rearing and spawning habitats for native and protected fish as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 best interest of the State; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

W 26621

### LAND DESCRIPTION

A parcel of state owned sovereign land, situate in the bed of the Waukell Creek, former historic bed of the Klamath River, lying adjacent to Sections 14 and 15, Township 13 North, Range 1 East, Humboldt Meridian as shown on the Official U.S. Government Township Plat approved July 30, 1889, Del Norte County, State of California, being particularly described as follows:

All those lands bounded by on the west by a line bearing North 10° 47' 30" West approximately 230 feet from a point having the following approximate Geographic Coordinates of 41° 30' 46.8" North Latitude and 124° 02' 09.6" West Longitude; bounded on the east by a line bearing North 35° 53' 54" East approximately 195 feet from a point having the following approximate Geographic Coordinates 41° 30' 43.2" North Latitude and 124° 01' 48.0" West Longitude; bounded on the north and south by the ordinary high water mark of the right and left banks of Waukell Creek.

### END OF DESCRIPTION

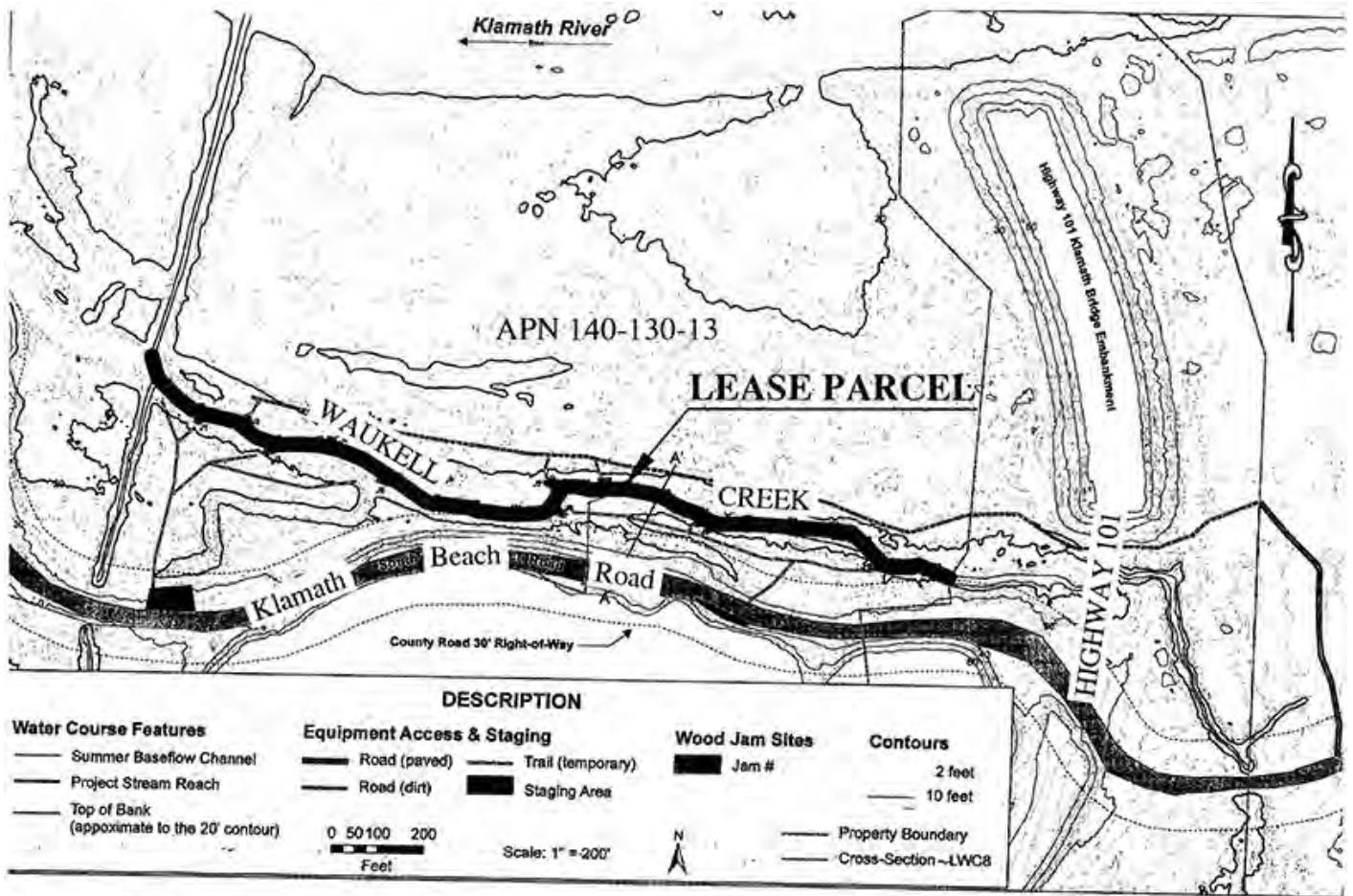
The North American Datum 1983 Geographic Coordinates provided by Yurok Tribe.

Prepared 04/28/14 by the California State Lands Commission Boundary Unit



NO SCALE

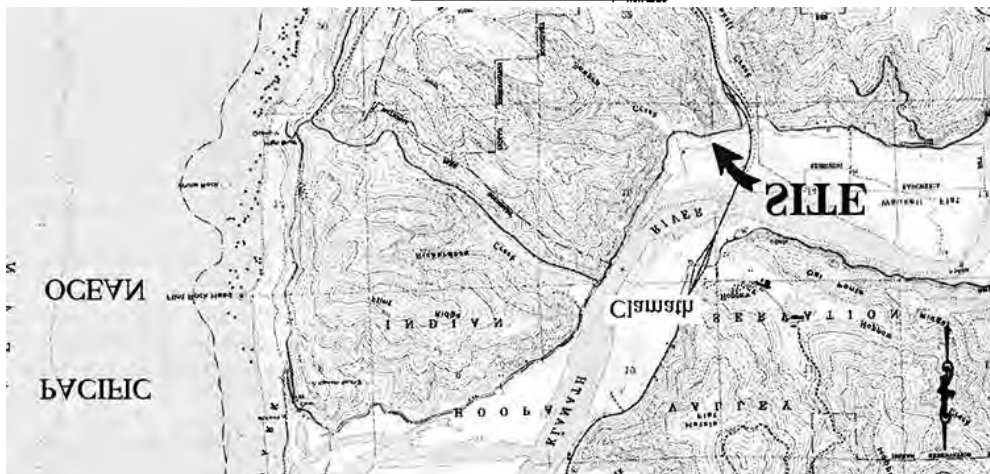
# SITE



## WATER CHANNEL OF WAUKELL CREEK, NEAR KLAMATH

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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.

# Exhibit B

W 26621  
YUROK TRIBE  
APN 140-130-13  
GENERAL LEASE -  
OTHER  
DEL NORTE COUNTY



TS 04/28/14