

**CALENDAR ITEM
C36**

A 1
S 2

08/19/15
PRC 7760.1
B. Terry

GENERAL LEASE – RIGHT-OF-WAY

APPLICANT:

Mercer-Fraser Company
P.O. Box 1006
Eureka, CA 95501

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River (River), adjacent to Assessor's Parcel Number 200-341-005, near Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement, use, and removal of a seasonal bridge crossing over the River. The exact location of the bridge may vary from year to year within the lease premises due to conditions in the River.

LEASE TERM:

Four years, four months, and 11 days, beginning August 19, 2015.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The lease includes a provision for annual reporting of extraction plans and location of the seasonal bridge.

Hazard Signs:

Lessee is to post low-bridge warning signs during the period that the crossing is in place.

OTHER PERTINENT INFORMATION:

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

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2. On October 22, 2009, the Commission authorized a five-year General Lease – Right-of-Way Use with Mercer-Fraser Company for the annual placement, use, and removal of a seasonal bridge crossing over the River. The lease expired on October 15, 2014. The Applicant has now applied for a General Lease – Right-of-Way Use.
3. A temporary bridge crossing is constructed annually over the River within the Lease Premises to access gravel bars for the extraction of sand and gravel removed during the Applicant's annual summer gravel extraction operations. The bridge consists of a railroad flat car supported on precast concrete block abutments and is placed no earlier than June 30 and removed no later than October 15 of each year.
4. The California Coastal Commission's (CCC) permit has an expiration date of December 31, 2019. To stay in accordance with criteria established in the authorization issued by the CCC, staff recommends issuance of a lease for a term of four years, four months, and 11 days.
5. The CCC prepared an environmental document (environmental document) pursuant to its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and granted Coastal Development Permit No. 1-15-0277 for this Project on August 13, 2015.

Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use this document for its compliance with the California Environmental Quality Act (CEQA).

6. 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.

APPROVALS OBTAINED:

California Coastal Commission
North Coast Regional Water Quality Control Board
California Department of Fish and Wildlife
County of Humboldt

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
National Marine Fisheries Service

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that California Coastal Commission (CCC) environmental document prepared for Coastal Development Permit No. 1-15-0277 adopted on August 13, 2015, by the CCC pursuant to its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), is a substitute document as provided by the California Code of Regulations, Title 14, section 15252, subdivision (a), and that the California State Lands Commission has reviewed and considered the information therein.

Find that the conditions described in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the California State Lands Commission, acting as a responsible agency, to use the environmental document to comply with the requirements of the California Environmental Quality Act. (Cal. Code Regs., tit. 14, § 15096.)

Determine that the Project, as approved, will not have a significant effect on the environment.

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.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to Mercer-Fraser Company beginning August 19, 2015, for a term of four years, four months, and 11 days, for annual placement, use, and removal of a seasonal bridge crossing as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$450, with an annual Consumer Price Index adjustment; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7760.1

LAND DESCRIPTION

A 40 foot wide by 230 foot long, more or less, strip of submerged lands lying in the bed of the Eel River situate adjacent to Section 34, Township 3 North, Range 1 West, Humboldt Base and Meridian, as shown on U.S. Governmental Plat approved January 19, 1856, County of Humboldt, State of California, the location of said strip to be within the following described lands:

Said strip lying with the exterior boundaries of that parcel of land described in that Corporation Grant Deed recorded February 23, 1971 in Volume 1077 of Official Records of said county, Page 356, TOGETHER WITH that parcel of land described in that Individual Grant Deed recorded February 25, 1981 in Volume 1636 of Official Records of said county, Page 616.

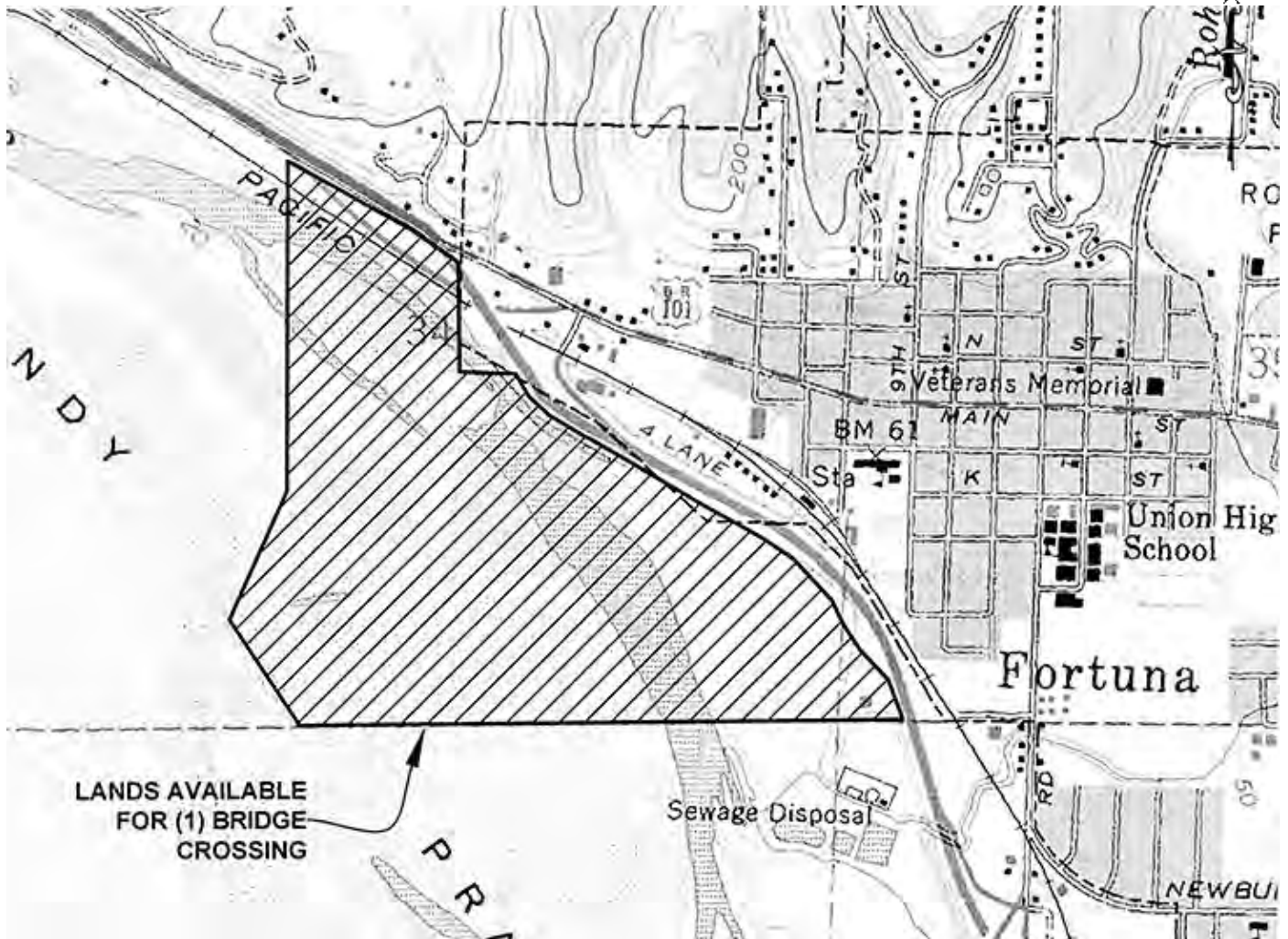
END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit September 28, 2009.



NO SCALE

SITE



EEL RIVER SEASONAL FLATCAR BRIDGE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7760.1

MERCER-FRASER CO

APN 200-341-005

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.