

MINUTE ITEM
This Calendar Item No. C45 was approved as
Minute Item No. 45 by the California State Lands
Commission by a vote of 3 to 0 at its
10-06-04 meeting.

**CALENDAR ITEM
C45**

A 1
S 2

10/06/04
PRC 7988 WP 7988.1
B. Young

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Eureka Ready Mix Concrete Company, Inc.
P.O. Box 3568
Eureka, CA 95501

AREA, LAND TYPE, AND LOCATION:

0.01 acres, more or less, of sovereign lands in the Eel River near Fortuna,
Humboldt County.

AUTHORIZED USE:

Placement of a seasonal bridge crossing over the Eel River as shown on the
attached Exhibit A. The exact location of the bridge may vary from year to year
within the lease premises due to river conditions.

LEASE TERM:

Five years, beginning September 9, 2004.

CONSIDERATION:

\$100 per annum; with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. The crossing shall be placed annually no earlier than June 30 and
removed annually no later than October 15, in accordance with criteria
established in permits issued by the California Coastal Commission, the
California Department of Fish and Game and the U.S. Army Corps of
Engineers.

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2. The seasonal bridge crossing will be used as a haul road to access seasonal extraction of sand and gravel from river bars next to the Eel River. The seasonal bridge crossing shall be installed with sufficient clearance to provide safe passage for navigational and recreational activities. Low bridge warning signs are to be placed during the period the crossing is in place.
3. Humboldt County has prepared and adopted FEIR and Supplemental EIR (SCH #96013024) for this project. Subsequent to this EIR, on August 2, 2004, National Oceanic and Atmospheric Administration (NOAA) Fisheries issued a biological opinion that the proposed gravel mining extraction is not likely to jeopardize the continued existence of threatened Southern Oregon/Northern California (SONC) Coho Salmon, threatened Central California Chinook Salmon, or Northern California Steelhead and is not likely to destroy or adversely modify SONC Coho Salmon designated critical habitat over the next five years.
4. On September 9, 2004, the California Coastal Commission (CCC) granted Permit # 1-04-11 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)).
5. Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a (Negative Declaration) (EIR) equivalent in order to comply with the requirements of the CEQA.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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, California Water Quality Control Board, North Coast Region

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, U.S. Army Corps of Engineers, County of Humboldt

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EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

October 12, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 1-04-11, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO EUREKA READY MIX CONCRETE COMPANY, INC., OF A GENERAL LEASE – RIGHT OF WAY USE, BEGINNING SEPTEMBER 9, 2004, FOR A TERM OF FIVE YEARS FOR THE ANNUAL PLACEMENT AND REMOVAL OF A SEASONAL BRIDGE CROSSING ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING \$100 PER ANNUM; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

