

**CALENDAR ITEM
C23**

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04/09/09
WP 5428.9
N. Lee

**TERMINATION OF GENERAL PERMIT - PUBLIC AGENCY USE AND
ISSUANCE OF GENERAL LEASE - PUBLIC AGENCY USE**

PERMITTEE/APPLICANT:

County of Del Norte
981 H Street
Crescent City, CA 95531

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Klamath River, adjacent to Assessor Parcel Number 141-150-01, near Klamath Glen, Del Norte County.

AUTHORIZED USE:

Continued use and maintenance of an existing concrete boat launching ramp, retention of existing bank protection, and installation of a new seasonal floating dock with floating gangway, as shown on the attached Exhibit A.

LEASE TERM:

25 years, beginning April 9, 2009.

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:

1. At all times while construction activities are taking place in the Klamath River, Lessee shall install warning signs on the upland side of the construction site, in order to provide notice to the public that construction activities are taking place and to exercise caution. At least two weeks prior to the start of construction, Lessee shall post signs and publications indicating the tentative dates that the construction will occur. No fill material will be taken from the active river channel and public navigation will not be interrupted.

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2. Construction activities in the Klamath River may only occur between June 15th and October 15th, and must be completed by October 15, 2010.
3. The lease contains provisions that the Lessee must encourage the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On January 26, 1978, the Commission authorized a General Permit – Public Agency Use with the County of Del Norte – Department of Public Works (County). That permit authorized a concrete boat launching ramp and boarding float, known as the Roy Rook Boat Ramp, and will expire on May 31, 2027. Rather than amend the permit, the County has agreed to terminate the permit and has applied for a new General Lease – Public Agency Use for the continued use and maintenance of an existing concrete boat launching ramp, retention of existing bank protection, and installation of a new seasonal floating dock with floating gangway.
3. During the winter storms of 2005 through 2006, the existing concrete boat launching ramp and associated bank protection were damaged by high water flows. The boarding float originally authorized by the Commission in 1978 washed away several years ago. The County is proposing to repair the ramp and bank protection within the original footprint of these improvements. In addition, the County is proposing to install a seasonal floating boat dock upstream of the ramp. This boat dock will consist of two connected seasonal platforms and will be secured to permanent structures in the water, which will include a concrete bulkhead and gangway support near the shoreline and a pre-cast concrete anchor. The upland parcel is within the Yurok Tribe reservation, but is owned and maintained by the County.
4. Equipment staging and materials storage will be located in the existing paved parking area on the upland parcel. An excavator will be used to place the permanent bulkhead and anchor. It is anticipated that the project will be conducted between July 1 and October 15, 2009, to mitigate potential impacts to the coho salmon.

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5. **Termination of Existing Permit:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

6. **Issuance of New Lease:** A Mitigated Negative Declaration was prepared and adopted for this project by the County of Del Norte on May 7, 2008. The California State Lands Commission's staff has reviewed such document.
7. 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 Department of Fish and Game, Yurok Tribe Water Quality Certification, U.S. Environmental Protection Agency, and the County of Del Norte

FURTHER APPROVALS REQUIRED:

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

EXHIBITS:

- A. Site and Location Map
- B. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

April 13, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING PERMIT: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS

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DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: FIND THAT A MITIGATED NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF DEL NORTE ON MAY 7, 2008, AND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C ATTACHED HERETO.

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.

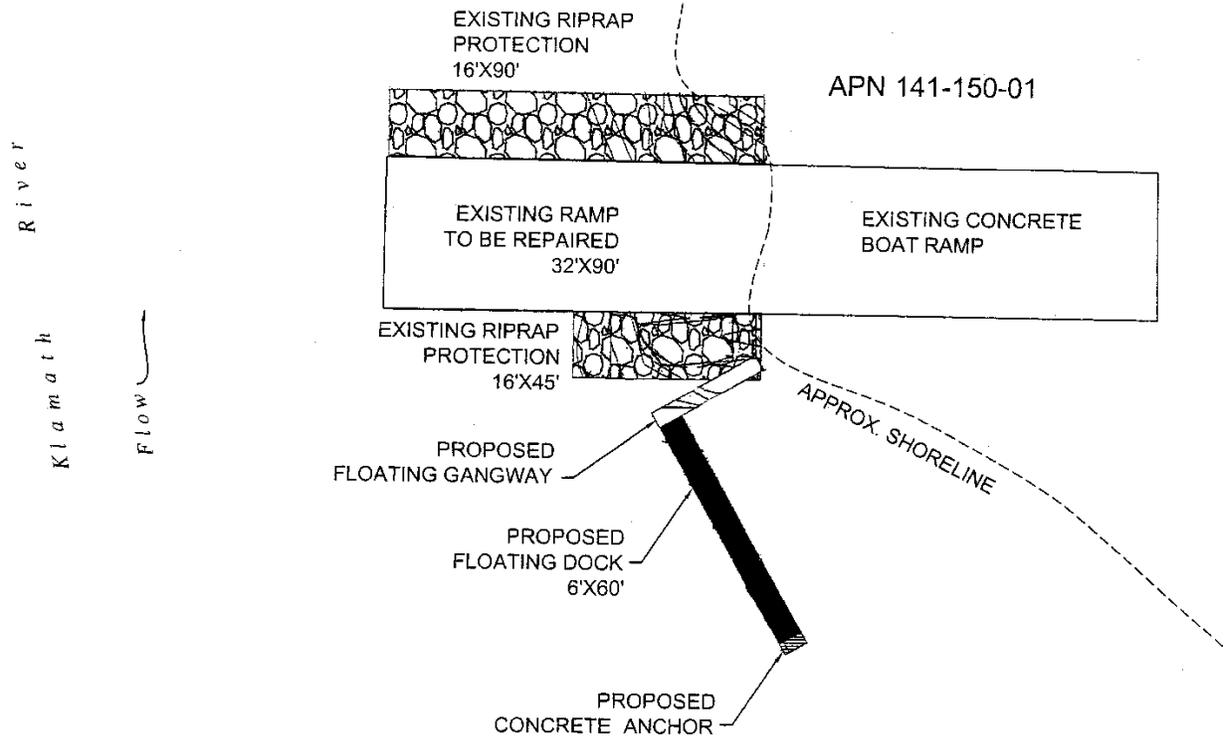
AUTHORIZATION:

AUTHORIZE TERMINATION, EFFECTIVE APRIL 8, 2009, OF PERMIT NO. PRC 5428.9, A GENERAL PERMIT – PUBLIC AGENCY USE, ISSUED TO THE COUNTY OF DEL NORTE – DEPARTMENT OF PUBLIC WORKS.

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE COUNTY OF DEL NORTE BEGINNING APRIL 9, 2009, FOR A TERM OF 25 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING CONCRETE BOAT LAUNCHING RAMP, RETENTION OF EXISTING BANK PROTECTION, AND INSTALLATION OF A NEW SEASONAL FLOATING DOCK WITH FLOATING GANGWAY, AS SHOWN ON EXHIBIT A 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 RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

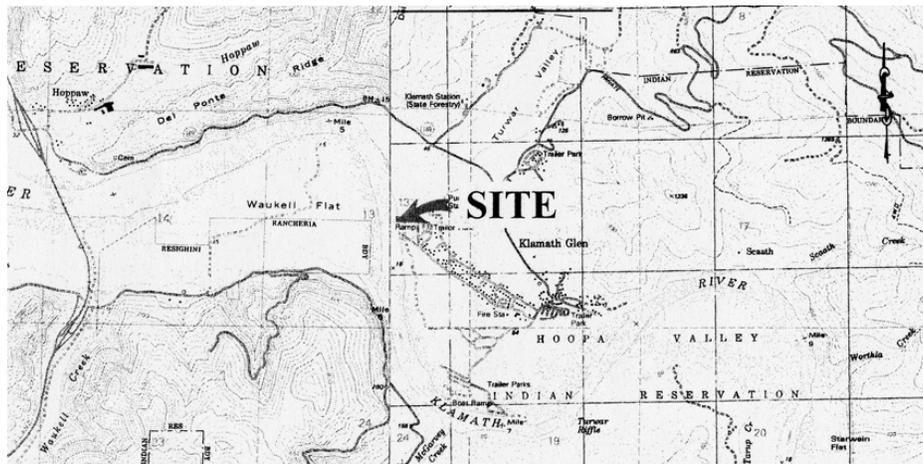
SITE



SECTION 13, T13N, R1E, HBM, IN KLAMATH GLEN

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 5428.9

ROY ROOK BOAT RAMP
 GENERAL LEASE
 PUBLIC AGENCY USE
 DEL NORTE COUNTY



MJJ/12-08

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.

Proposed Mitigation Measures, Monitoring, and Reporting Program

Air Quality

Mitigation Measure No. 1. The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

Timing for Implementation/Compliance: Throughout project construction
Person/Agency Responsible for Monitoring: County of Del Norte and NCUAQMD
Monitoring Frequency: Ongoing throughout project construction
Evidence of Compliance: Visual observations

Biological Resources

Mitigation Measure No. 2. To mitigate potential impacts to the coho salmon, all construction activities in the Klamath River will be performed between June 15th and October 15th.

Timing for Implementation/Compliance: Prior to construction
Person/Agency Responsible for Monitoring: County of Del Norte
Monitoring Frequency: None required
Evidence of Compliance: Construction timing

Mitigation Measure No. 3. Prior to the start of construction operations and during work within the Klamath River, avoidance and minimization measures will be implemented as required in Section 4.2 of the final biological assessment for NMFS (November 2007). Avoidance and minimization measures include, but are not limited to, equipment staging and materials storage located in the existing paved parking area; equipment access by way of the existing paved access road; use of an excavator to place the riprap and other permanent materials in the river; and work done in the river limited in duration and during low flows, no earlier than June 15th and no later than October 15th.

Timing for Implementation/Compliance: Throughout project construction
Person/Agency Responsible for Monitoring: County of Del Norte
Monitoring Frequency: On going throughout project construction
Evidence of Compliance: Visual observations

Mitigation Measure No 4. To minimize impacts to special status species, a qualified biologist will conduct a brief survey two weeks prior to construction, with a focus on the little willow flycatcher. If special status species are encountered, a mitigation plan will be implemented to the satisfaction of CDFG.

Timing for Implementation/Compliance: Prior to construction
Person/Agency Responsible for Monitoring: County of Del Norte
Monitoring Frequency: Once prior to project construction
Evidence of Compliance: Visual observations

Mitigation Measure No. 5. To mitigate any impacts to special status species, a qualified biological monitor is to be on site during all activities related to the project. If special status species are encountered or construction activities are impacting the resources, the biologist will halt work until appropriate mitigation can be achieved to the satisfaction of CDFG.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: County of Del Norte

Monitoring Frequency: Throughout project construction

Evidence of Compliance: Visual observations

Mitigation Measure No. 6. Prior to the start of construction operations and during work within the Klamath River, conservation measures described in a letter dated September 4, 2007, from FEMA to Del Norte County will be implemented as part of the boat ramp repair, per the USFWS.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: County of Del Norte

Monitoring Frequency: On going throughout project construction

Evidence of Compliance: Visual observations

Cultural Resources

Mitigation Measure No. 7. If archeological features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the County of Del Norte has contacted the Department of Public Health Environmental Review Unit (ERU), and the significance of the resource has been evaluated. Any mitigation measures that may be deemed necessary must have the approval of the ERU, and shall be implemented by a qualified archeologist representing the County of Del Norte prior to resumption of construction activities. If human remains are exposed by project related activity, the County of Del Norte shall comply with California State Health and Safety Code, Section 7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, Section 5097.98.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: County of Del Norte

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

Hazards and Hazardous Materials

Mitigation Measure No. 8. The contractor shall be responsible for developing and implementing a stormwater pollution prevention plan (SWPPP) which will also include a spill prevention control and countermeasure plan (SPCCP) in the case of an accidental release of pollutants, to the satisfaction of County of Del Norte and the Yurok Tribe.

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: County of Del Norte and Yurok Tribe

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

Noise

Mitigation Measure No. 9. Hours of construction activities shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday, to the satisfaction of the County of Del Norte.

Timing for Implementation/Compliance: Throughout project construction
Person/Agency Responsible for Monitoring: County of Del Norte
Monitoring Frequency: Throughout construction
Evidence of Compliance: Visible evidence