

**CALENDAR ITEM
C20**

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06/01/09
WP 1956.9
R. Barham

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Humboldt Bay Harbor, Recreation, and Conservation District
P.O. Box 1030
Eureka, CA 95502

AREA, LAND TYPE, AND LOCATION:

290 acres, more or less, of sovereign lands in the Pacific Ocean, adjacent to Assessor Parcel Number 108-171-023, near Shelter Cove, Humboldt County.

AUTHORIZED USE:

Continued use and maintenance of an existing small craft public launching facility, designated anchorage area, maintenance dredge a maximum of 10,000 cubic yards of material during the term of the lease, rehabilitation of an existing breakwater and the temporary placement of warning buoys, as shown on the attached Exhibit A.

LEASE TERM:

25 years, beginning June 1, 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. The dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

1. At all times while construction activities are taking place on the Lease Premises, Applicant shall install warning signs on the bluff near the driveway entrance to the launching facility and place warning buoys in the water 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, the Applicant shall post signs and publications indicating tentative dates that the construction will occur.

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2. The lease contains provisions that the Applicant 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. Applicant shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Applicant 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 or or has the right to use the uplands adjoining the lease premises.
2. On July 17, 1979, the Commission authorized the issuance of a General Permit - Public Agency Use to the Humboldt Bay Harbor, Recreation, and Conservation District (District) for the construction of a small craft launching facility; and the use and maintenance of an existing anchor mooring area and rock mound breakwater. That lease expired on May 31, 2004. The District has now applied for a new General Lease - Public Agency Use for the continued use and maintenance of the previously authorized improvements and uses, to conduct maintenance dredging activities, rehabilitation of the breakwater and the temporary placement of warning buoys.
3. The District is responsible for maintaining and improving the Shelter Cove boat launching facility including the breakwater. Shelter Cove is very popular for sport fishing and is the only harbor of refuge between Noyo Harbor at Fort Bragg and Humboldt Bay. The rock breakwater was constructed in the late 1970's and since then rocks have become dislodged and the breakwater is now largely under water at high tide and its effectiveness at protecting the boat launching facility has been greatly compromised. This has increased the difficulty and risk associated with launching boats. The District proposes to repair the breakwater and once it is repaired, it will have a slightly larger footprint than the original breakwater by approximately 4,400 sq. ft. The increased size will provide a more stable and adequate protective breakwater based on an Engineering Feasibility Study prepared for the project. The project will be funded by a grant from the Department of Boating and Waterways and is scheduled to begin in September 2009 and is anticipated to be completed by May 2010. The work on the breakwater will be timed to avoid peak ramp usage by the public which occurs on weekends in June, July and August. Buoys will be placed to warn the public that construction activities are taking place and to exercise caution.

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4. All construction materials, equipment and staging area will be located on the uplands. The breakwater will be built out incrementally from the uplands because the wave climate is too rough for construction from a barge.
5. Work on the breakwater will be conducted during low tides and may include conducting work at night when low tide conditions exist. The project also includes repairing damaged portions of the launch ramp and repaving the launching area access road which will be accomplished after breakwater rehabilitation is completed.
6. The proposed maintenance dredging will be occasional and sporadic and will take place when ocean conditions create an accumulation of sediment on the northeast side of the breakwater. The District anticipates that maintenance dredging activities may occur every five years. The maintenance dredging would be conducted during low tide when the submerged areas are exposed and the accumulated sediment could be removed by scraping the area with an excavator or front loader. The dredged material would be placed on an adjacent area of sandy beach where it would gradually be picked up by high tides and transported offshore in the currents. The lease includes a provision requiring the District to provide an annual report of maintenance dredging activities. The dredged material may not be sold.
7. The anchorage area is designated for the temporary anchoring of boats while using the launching facilities. No permanent fixed moorings exist in this area and none are authorized.
8. An EIR was prepared and certified for this project by the Humboldt Bay Harbor, Recreation, and Conservation District, SCH# 2005042024, on November 9, 2006. California State Lands Commission staff has reviewed such document and Mitigation Monitoring program adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the Sacramento Office of the California State Lands Commission. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code Section 21081.6).

A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section

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15093) is on file in the Sacramento Office of the California State Lands Commission.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion, that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Humboldt Bay Harbor, Recreation, and Conservation District

APPROVALS REQUIRED:

Humboldt County Division of Environmental Health, California Coastal Commission, North Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife, and NOAA Fisheries

EXHIBITS:

- A. Site and Location Map
- B. Breakwater Detail
- C. Land Description

PERMIT STREAMLING ACT DEADLINE:

October 12, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, SCH# 2005042024, ON NOVEMBER 9, 2006, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION

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 OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, BEGINNING JUNE 1, 2009, FOR A TERM OF 25 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING SMALL CRAFT PUBLIC LAUNCHING FACILITY, DESIGNATED ANCHORAGE AREA, MAINTENANCE DREDGE A MAXIMUM OF 10,000 CUBIC YARDS OF MATERIAL DURING THE TERM OF THE LEASE, REHABILITATION OF AN EXISTING BREAKWATER AND TEMPORARY PLACEMENT OF WARNING BUOYS AS SHOWN ON EXHIBITS A AND B (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT C, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING 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; THE DREDGED MATERIAL MAY NOT BE SOLD.