

**CALENDAR ITEM
C15**

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10/22/09
WP 7988.1
R. Barham

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Eureka Ready Mix Concrete Company, Inc.
1955 Hilfiker Lane
Eureka, CA 95503

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Eel River, adjacent to Assessor's Parcel Numbers 201-221-009, 201-261-005, and 106-221-001, near Fortuna, Humboldt County.

AUTHORIZED USE:

Annual placement and use 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, 2009.

CONSIDERATION:

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

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The lease includes provisions for annual reporting of extraction plans and location of the authorized improvements.

Hazard Signs:

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

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On October 6, 2004, the Commission authorized the issuance of a General Lease - Right-of-Way Use, to Eureka Ready Mix Concrete Company, Inc. for the placement of a seasonal bridge crossing over the Eel River. That lease expired on September 8, 2009. Applicant is now applying for a new General Lease - Right of Way Use.
3. 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 which is no earlier than June 30 annually and removed no later than October 15.
4. On August 13, 2009, the California Coastal Commission (CCC) granted Permit # 1-09-006 for this project under its Certified Regulatory Program (Title 14, California Code of Regulations, section 15251 (c)). Staff 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 Mitigated Negative Declaration equivalent in order to comply with the requirements for the CEQA.
5. 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 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
U.S. Army Corps of Engineers
County of Humboldt Extraction Review Team (CHERT)

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game

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EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT #1-09-006, WAS ADOPTED FOR THIS PROJECT BY THE CCC ON AUGUST 13, 2009, UNDER ITS CERTIFIED REGULATORY PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c), AND THAT THE CALIFORNIA STATE LANDS COMMISSION 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 OF A GENERAL LEASE – RIGHT OF WAY USE, TO EUREKA READY MIX CONCRETE COMPANY, INC., BEGINNING SEPTEMBER 9, 2009, FOR A TERM OF FIVE YEARS, FOR THE ANNUAL PLACEMENT AND USE OF A SEASONAL BRIDGE CROSSING AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100 PER YEAR, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.