

**CALENDAR ITEM
C31**

A 1
S 2

06/23/11
WP 7171.1
R. Barham

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Humboldt Redwood Company, LLC, a Delaware Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

0.11 acres, more or less, of sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 205-351-018 and 205-061-002, near Scotia, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a seasonal bridge crossing over the Eel River constructed from log stringers or a railroad flat car, as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning June 1, 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.

Hazard Signs:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns or has the right to use the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a General Lease – Right-of-Way Use to Pacific Lumber Company. That lease expired on

CALENDAR ITEM NO. **C31** (CONT'D)

May 31, 2009. On July 30, 2008, title to the upland property was transferred to Humboldt Redwood Company, LLC, a Delaware Limited Liability Company. 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 transport timber harvest across the Eel River and will be installed with sufficient clearance to provide safe passage for navigational and recreational activities. Low bridge warning signs will be placed during the period the crossing is in place. The crossing will be placed annually no earlier than June 30 and removed annually no later than November 15, in accordance with criteria established in permits issued by the California Department of Forestry and Fire Protection (CDF), the California Department of Fish and Game, and the U.S. Army Corps of Engineers.
4. On January 28, 2009, CDF granted Permit THP#1-03-003HUM for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (a)). 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 CDF as a Negative Declaration equivalent in order to comply with the requirements of CEQA.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 Department of Forestry and Fire Protection
California Department of Fish and Game
U.S. Army Corps of Engineers

EXHIBITS:

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

CALENDAR ITEM NO. **C31** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that that an environmental analysis document, California Department of Forestry and Fire Protection (CDF) permit THP#1-03-003HUM, was adopted for this Project by the CDF under its certified program (Title 14, California Code of Regulations, section 15251 (a)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in the CDF'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 Humboldt Redwood Company, LLC, a Delaware Limited Liability Company, beginning June 1, 2009, for a term of 10 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, 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.