

**CALENDAR ITEM
C05**

A 1
S 2

03/29/12
WP 2760.1
R. Barham

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

Humboldt Redwood Company, LLC, a Delaware Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

0.26 acre, more or less, of sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 211-141-003 and 211-132-007, near the town of Dyerville, Humboldt County.

AUTHORIZED USE:

Annual placement and use of a seasonal bridge crossing over the Eel River constructed from a railroad flat car previously authorized by the Commission.

LEASE TERM:

10 years, beginning July 28, 2011.

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.

Surety:

Surety bond or other security in the amount of \$5,000.

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.

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2. On September 29, 1981, the Commission authorized a General Lease – Right-of-Way Use to The Pacific Lumber Company. That lease expired on July 27, 2011. 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 15 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#1-10-049 HUM for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251 subdivision (a)). Staff has reviewed the document and determined that the conditions, as specified in California Code of Regulations, Title 14, section 15253 subdivision (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 section 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
California Regional Water Quality Control Board

EXHIBITS:

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

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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#1-10-049 HUM, was adopted for this Project by the CDF under its certified program (Cal. Code of Regs., tit. 14, § 15251, subdivision (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 July 28, 2011, for a term of 10 years, for the annual placement and use of a seasonal bridge crossing described in Exhibit A and shown on Exhibit B (for reference purposes only) 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; and surety in the amount of \$5,000.

EXHIBIT A

PRC 2760.1

LAND DESCRIPTION

A strip of submerged land 250 feet in length and 75 feet in width lying in the bed of the Eel River situate adjacent to Section 26, Township 1 South, Range 2 East, HBM., as shown on U.S. Government Township Plat approved January 9, 1885, County of Humboldt, State of California, the location of said strip is to be adjacent to the following described lands:

Government Lot 3 and Lot 6 of the North $\frac{1}{2}$, of the Southeast $\frac{1}{4}$, of said Section 26.

EXCEPTING THEREFROM any portion of said strip lying landward of the ordinary low water mark of the right and left bank of the Eel River.

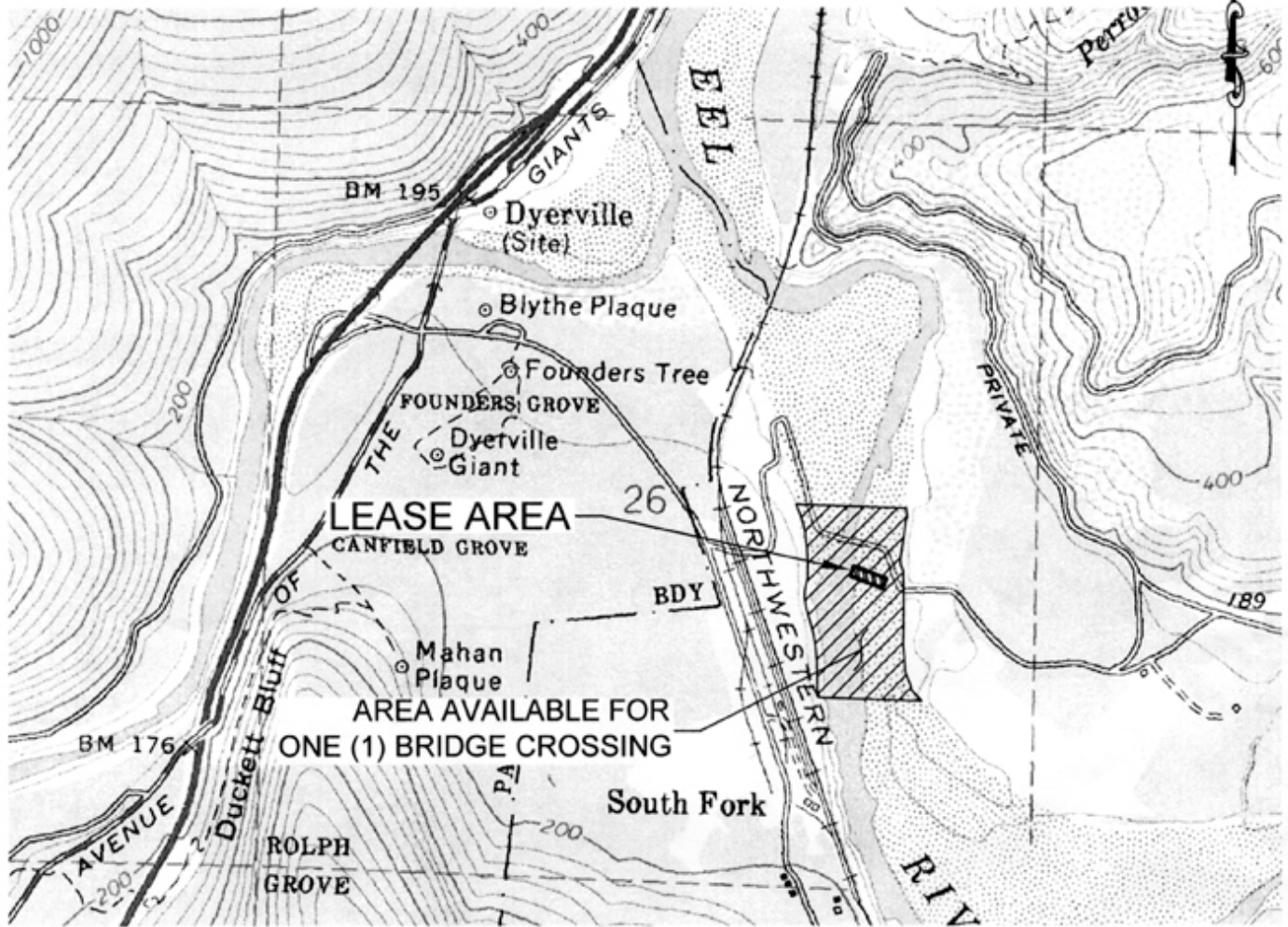
END OF DESCRIPTION

Prepared July 25, 2011 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



N1/2, SE1/4, SEC 26, T1S, R2E, HBM.
 SEASONAL BRIDGE CROSSING NEAR DYERVILLE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2760.1
 HUMBOLDT REDWOOD
 CO. LLC.
 APN 211-132-07, 211-141-03
 GL - RIGHT-OF-WAY USE
 HUMBOLDT COUNTY



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.

JAK 07/22/11