

**CALENDAR ITEM
C29**

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S 17

12/17/14
W 26794
W. Hall

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Scott Creek and the Pacific Ocean, adjacent to Highway 1, near the town of Davenport, Santa Cruz County.

AUTHORIZED USE:

Maximum of eight sandbar breaches of Scott Creek to create an outlet channel and hydraulic connection between Scott Creek and the Pacific Ocean for the restoration of coho salmon spawning and migration habitat.

LEASE TERM:

10 years, beginning December 17, 2014.

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 interests.

OTHER PERTINENT INFORMATION:

1. Santa Cruz County owns the uplands and has granted the Applicant the right to access the uplands adjoining the lease premises.
2. The Applicant proposes to implement up to a maximum of eight breaches over a 10-year period, to create a channel from Scott Creek to the Pacific Ocean to facilitate the migration of Central California Coast (CCC) coho salmon adults into the Scott Creek watershed, and of CCC coho salmon smolts out to the Pacific Ocean. The Applicant is applying for a General Lease – Public Agency Use.

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3. Breach events, when necessary, will occur between January 20th and February 25th to facilitate adult migration, and between May 1st and May 30th to facilitate smolt migration. Each breach will take approximately two days and excavate up to 700 linear feet per event. Breaching would be achieved by use of mechanical equipment such as a bulldozer with excavator or backhoe, and/or a shovel crew. Staging and storage areas will be located outside the creek's normal high water mark and above ocean high tide lines. The breaching activities will be conducted when necessary (i.e., when the sandbar does not naturally breach) over a 10-year period ending May 30, 2025.
4. NOAA is conducting the proposed activities in cooperation with the California Department of Fish and Wildlife (CDFW) and pursuant to the CCC Coho Salmon Recovery Plan and the Scott Creek Coho Salmon Drought Contingency Plan.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301, example (i), as a minor alteration of a topographical feature to maintain a stream channel, and Class 7, Actions by Regulatory Agencies for Protection of Natural Resources; California Code of Regulations, Title 14, section 15307.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.
6. 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:

CDFW (California Endangered Species Act Memorandum of Understanding)
Central Coast Regional Water Quality Control Board (Cert. #34414WQ05)
County of Santa Cruz

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
California Coastal Commission

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301, example (i), and Class 7, Actions by Regulatory Agencies for Protection of Natural Resources; California Code of Regulations, Title 14, section 15307.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), beginning December 17, 2014, for a maximum of eight sandbar breaches of Scott Creek to create an outlet channel and hydraulic connection between Scott Creek and the Pacific Ocean for the restoration of Central California Coast coho salmon spawning and migration habitat, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no consideration will be charged as the project will result in a public 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 interests.

EXHIBIT A

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LAND DESCRIPTION

A parcel of tide and submerged land situate in the Pacific Ocean lying adjacent to Rancho Aqua Puerca y Las Trancas patented March 1, 1867 and approximately two miles northwest of the Town of Davenport, County of Santa Cruz, State of California, more particularly described as follows:

Bounded on the southwest by a line hereinafter referred to as "Line A", beginning at a point having NAD 83 Geographic Coordinates of 37° 02' 27.04" North Latitude and 122° 13' 59.74" West Longitude and terminating at a point having NAD 83 Geographic Coordinates of 37° 02' 12.20" North Latitude and 122° 13' 49.93" West Longitude;

Bounded on the northeast by the OHWM of said Pacific Ocean;

Bounded on the northwest by a line perpendicular to the above described "Line A" at its northwesterly beginning;

Bounded on the southeast by a line perpendicular to the above described "Line A" at its southeasterly termination.

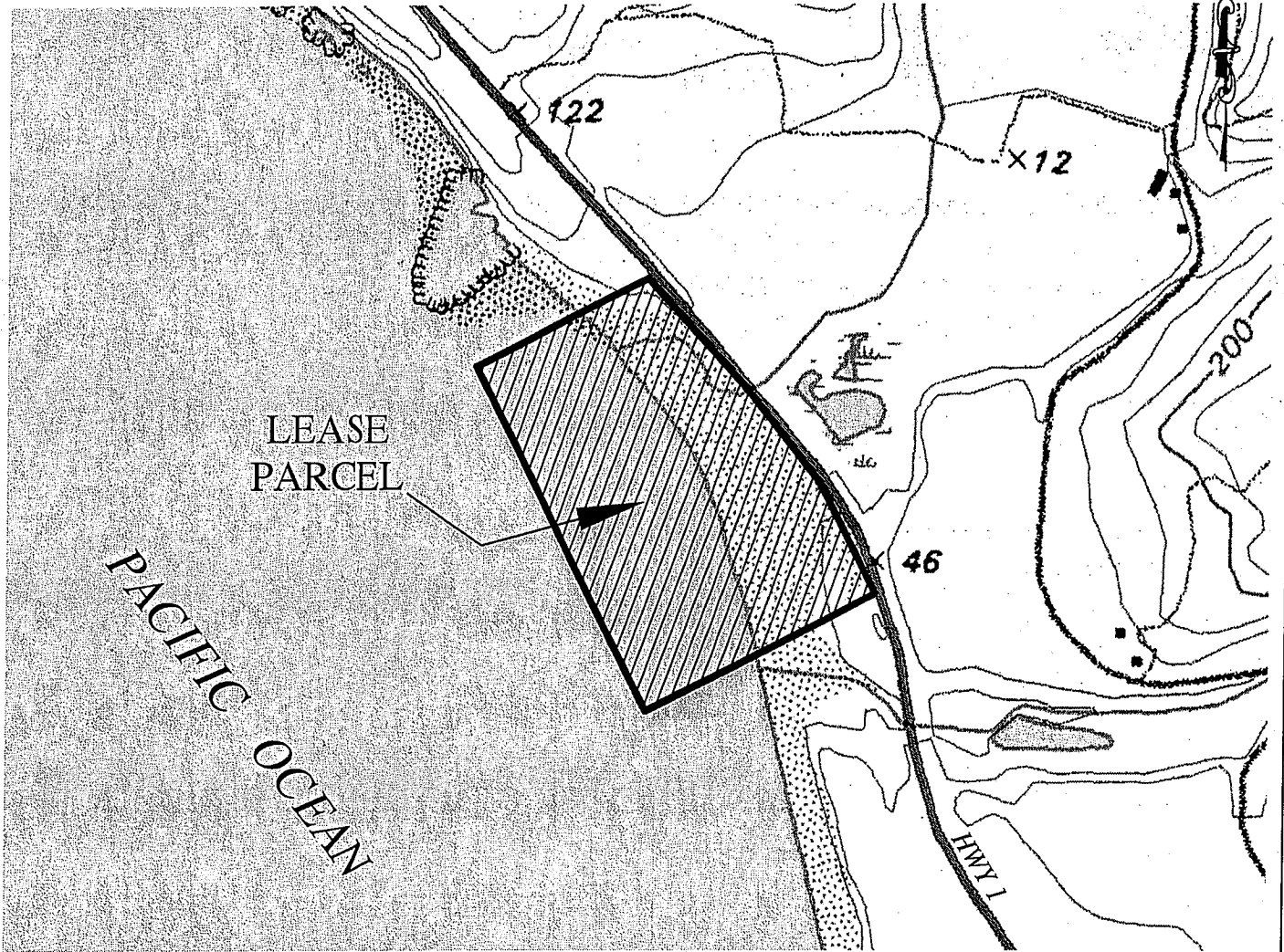
END OF DESCRIPTION

Prepare 11/04/2014 by California State Lands Commission Boundary Unit



NO SCALE

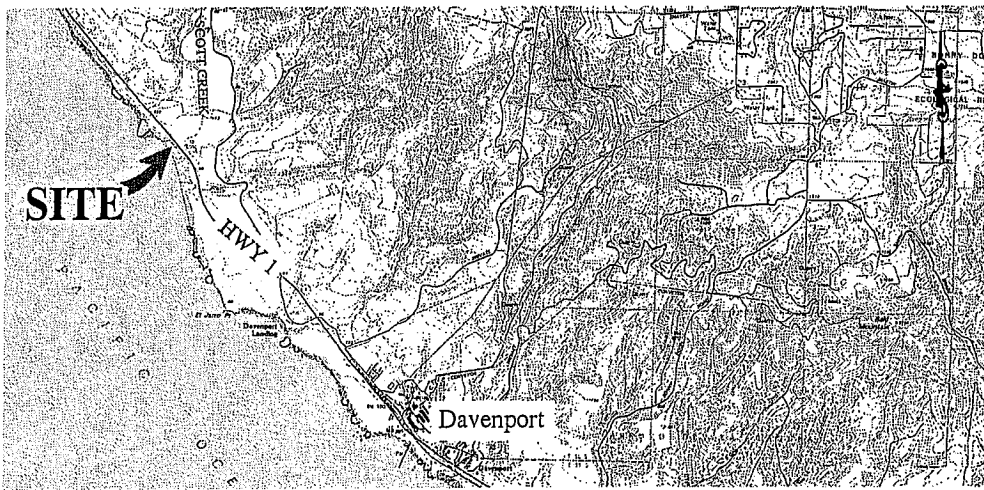
SITE



SCOTT CREEK AT THE PACIFIC OCEAN, NEAR TOWN OF DAVENPORT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

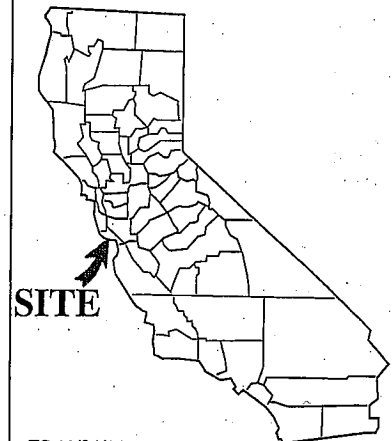
Exhibit B

W 26794

US DEPARTMENT OF
COMMERCE, NOAA

APN 057-151-09

GENERAL LEASE -
PUBLIC AGENCY USE
SANTA CRUZ 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.