

MINUTE ITEM NO. 1

APPROVED 12/1/75

MINUTE ITEM

12/1/75
MVB

1. BOUNDARY LINE AGREEMENT AND RECREATIONAL LEASE; SOUTH HUMBOLDT BAY, NEAR FIELDS LANDING; HUMBOLDT COUNTY; JACK WYNN; ALBERT J. LaTORRE, ET AL.; W 9176; BLA 140.

During consideration of Calendar Item 1 attached, Mr. William F. Northrop, Executive Officer, briefly explained the background of the item to the Commission.

Mr. N. Gregory Taylor of the Attorney General's Office, clarified that the quitclaim by the applicant would be to both the State and the District, and that the resolution should reflect such.

After consideration of Calendar Item 1 attached, and upon motion duly made and carried, the following resolution was adopted as amended:

THE COMMISSION:

1. AUTHORIZES THE EXECUTION OF THE BOUNDARY LINE AGREEMENT (BLA NO. 140) BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION; HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT; EUREKA SHIP BUILDERS, INC.; PACIFIC GAS & ELECTRIC COMPANY; JACK WYNN; ARNOLD J. LaTORRE; AND THOSE OTHER PARTIES WHICH MAY EXECUTE SAID AGREEMENT; SAID AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. AUTHORIZES THE STATE LANDS DIVISION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE TRANSACTION INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDING BROUGHT CONCERNING THE ABOVE TRANSACTION.
3. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER CAL. ADM. CODE TITLE 2, DIVISION 3, SECTION 2904 AND SECTIONS 15060 AND 15104 OF THE CEQA GUIDELINES.
4. AUTHORIZES THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION TO ACCEPT THE CONVEYANCE OF THE QUIT CLAIM OF THE APPLICANT WHICH IS MADE PURSUANT TO THE ABOVE AGREEMENT.

Attachment:

Calendar Item 1 (3 pages)

A 1
S 1

CALENDAR ITEM

12/75
MVB
W 9176

1.

BOUNDARY LINE AGREEMENT AND RECREATIONAL LEASE
SOUTH HUMBOLDT BAY, NEAR FIELDS LANDING;
HUMBOLDT COUNTY

BACKGROUND:

On February 16, 1970, Mr. Donald Brewer made application to the State Lands Commission for a dredging and spoils disposal permit involving lands identified as Tide Land Survey 102, Humboldt County and Lot 1 of Fractional Section 7, T 4 N, R 1 W, HBM (see Exhibit "A"). Mr. Brewer has been succeeded in the application by Jack Wynn, and Arnold J. LaTorre. Upon review of the application, it was found that serious title problems existed, and solution of these was necessary prior to any permit being issued.

The California State Department of Commerce and the Humboldt Development Association asked the State Lands Division to give the matter high priority in that the project would add significantly to the economic base of the county.

During the ensuing period, intensive study of the area, including examination of land titles and factors affecting title such as accretion, avulsion, manmade works and land surveys, has been concluded.

The interest of the State in the subject lands has been granted by the State Legislature to the Humboldt Bay Harbor, Recreation and Conservation District with the exception of the mineral interest which was retained by the State.

FACTUAL SITUATION:

As a result of the study, the following pertinent facts have been established:

1. Subject lands have been affected by natural influences as well as works of man.
2. The present physical configuration of the subject lands no longer has any resemblance to conditions existing at the time California was admitted to the Union or at the time of the issuance of a patent by the State for Tide Land Survey No. 102.
3. The uplands (U.S. Lot 1, Fractional Section 7, T 4 N, R 1 W, HBM) separating the lands described in Tide Land Survey No. 102 from direct exposure to the mouth of Humboldt Bay have disappeared either by erosion or avulsive action or both, or have migrated in a southeasterly direction, creating considerable uncertainty and dispute as to the location and extent of public and private title in the subject lands.

CALENDAR ITEM NO. 1. (CONTD)

4. The physical conditions of the subject lands for many years have been to some extent artificially controlled and fixed by works of man, including installation of jetties at the Humboldt Bay entrance and rip-rapping the shore immediately easterly of subject lands. Further, substantial and repeated dredging of ship channels for navigation by ocean-going vessels westerly of the subject lands may also have contributed to man's control of the physical conditions.
5. Although there is no agreement as to the precise time that conditions last existed in a natural state, the parties to the proposed agreement are satisfied that the boundary to be agreed upon is a reasonable location of the ordinary low water mark boundary of the State Tide Land Survey 102.
6. That an agreement as to the location of a portion of the boundaries of the tideland patent is necessary, desirable and in the best interests of the State and the District to clarify and perfect public rights and is also necessary and desirable for clarification of private interests.

THE PROPOSAL:

Based on independent study by the Division, review of data presented by the applicant, and negotiations over the past several years, an agreement has been reached which is on file in the office of the Commission, and which agreement is incorporated herein and made a part hereof by reference. The agreement would:

1. Permanently fix a certain portion of the boundaries of State Tide Land Survey 102 as agreed upon and surveyed.
2. Confirm fee ownership of the applicants to 25.179 acres lying landward of said agreed boundary, subject to the tideland easement retained by the State for commerce, navigation and fisheries.
3. The applicants will quitclaim to the District as trust grantee of the State all of their right, title and interest bayward of said agreed boundary; including all of Lot 1 in fractional Section 7, T 4 N, R 1 W, HBM and that portion of Tide Land Survey 102, Humboldt County, northerly and westerly of the agreed ordinary low water mark as described in the subject agreement. This agreement will clear the title of the State and District to a significant area of land presently beneath waters of Humboldt Bay bayward of the agreed boundary, permanently insuring public use of this water area.
4. The applicants will provide adequate and convenient easements for public access to the agreed ordinary low water mark.

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5. The applicants will maintain a public beach on 5.576 acres of land confirmed in the ownership of the District as trust grantee of the State.
6. As a part of the Boundary Line Agreement and settlement in connection therewith, the District will issue a recreational lease to the applicants, providing for a 25-year lease of 5.576 acres of sovereign land immediately adjacent to the agreed boundary line, which shall be a public beach.

Section 6008 of the Public Resources Code, generally prohibiting leases of land in this area, by its terms, is not applicable to settlements of title and boundary problems in Humboldt Bay. This transaction is exempted from CEQA by Section 2904 of the Commission's regulations; Sections 15060 and 15104 of the CEQA Guidelines.

Environmental statements will be prepared in the process of obtaining necessary permits and approvals required by the aforementioned governmental agencies.

The transaction has been reviewed and approved by the Office of the Attorney General.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

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