

MINUTE ITEM

This Calendar Item No. 17
was approved by the Minute Item
No. 17 of the State Lands
Commission by a vote of 2 CALENDAR ITEM
to 2 at its 11/30/77
meeting.

17.

GENERAL LEASE
COMMERCIAL USE

11/77
W 20241
Reese
PRC 5414

APPLICANT: Northern Headlands
(a partnership)
P. O. Box 218
Albion, California 95410

AREA, TYPE LAND AND LOCATION:
An 0.634 acre parcel of tide and submerged
land in the Albion River, Mendocino County.

LAND USE: Commercial Marina.

TERMS OF PROPOSED LEASE:

Initial Period: 15 years from August 1,
1977.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$2,000.

Public liability insurance: Combined single
limit coverage of \$300,000.

CONSIDERATION: \$225 per annum with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

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CALENDAR ITEM NO. 17. (CONTD)

OTHER PERTINENT INFORMATION:

1. A final Environmental Impact Report was prepared by the Division pursuant to CEQA and implementing regulations.
2. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

3. The preparation of the EIR and application of the lease was extensively coordinated with the Coastal Zone Commission, Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers, and U.S. Fish and Wildlife. All concerned agencies have finally reached consensus that development on the Albion River will be limited to existing areas and Albion Flat, because of the estuarine value of the waterway.
4. The processing of this transaction has been delayed since 1972, due to the inability of governmental agencies to agree on developmental and environmental policies to be applied to the Albion estuary.

During this time, the applicant has been extremely patient and cooperative. Staff does not feel that the applicant should be penalized for the inability of governmental agencies to agree among themselves and that in light of his

CALENDAR ITEM NO. 17. (CONTD)

cooperation the lease has not been back dated and back rental is not being assessed.

EXHIBITS: A. Land Description. B. Location Map.
 C. Environmental Impact Report.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT #205 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2, OF THE CALIFORNIA ADMINISTRATIVE CODE.
5. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PERMANENT PROTECTION OF THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
6. AUTHORIZE ISSUANCE TO NORTHERN HEADLANDS, A PARTNERSHIP OF A 15 YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 1, 1977, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20241

Two parcels of tide and submerged land in the bed of Albion River, situated in Section 21, T16N, R17W, N.D.M., Mendocino County, California, said parcels more particularly described as follows:

PARCEL 1

A rectangular parcel of land, 228 feet by 110 feet, the westerly edge of said parcel being parallel with and ten (10) feet westerly of the westerly edge of a 90 feet by 12 feet section of an existing docking structure and the southerly edge of said parcel being perpendicular to the above mentioned westerly edge of said parcel and ten feet southerly of the southerly edge of a 58 feet by four feet section of the above mentioned docking structure, said docking structure being adjacent to and northwesterly of that land described as "Parcel 2" on the Grant Deed recorded March 22, 1971 in Book 843, page 264, Mendocino County Records.

EXCEPTING THEREFROM any portion lying landward of the present high water line of the Albion River.

PARCEL 2

A rectangular parcel of land, 300 feet by 60 feet, the southerly edge of said rectangular parcel being parallel with and ten feet southerly of the most southerly edge of a 280 feet by three feet floating dock and the westerly edge of said rectangular parcel being perpendicular to the abovementioned southerly edge of said parcel and ten feet westerly of the most westerly edge of said 280 feet by three feet floating dock, said floating dock being adjacent to and southerly of that land described as "Parcel 1" on the Grant Deed recorded March 22, 1974 in Book 956, page 721, Mendocino County Records.

EXCEPTING THEREFROM any portion lying landward of the present high water line of the Albion River.

END OF DESCRIPTION

Prepared

M. J. Baker

Checked

J. K. King

Reviewed

W. J. Kinnick

Date

1/20/77

WJS

1289