

**MINUTE ITEM**

This Calendar Item No. C05  
was approved as Minute Item  
No. 05 by the State Lands  
Commission by a vote of 2  
to 0 at its 4/2/91  
meeting.

**CALENDAR ITEM**

**C 0 5**

04/02/91  
PRC 1584  
J. Ludlow

A 1  
S 4

**TERMINATE GENERAL LEASE - COMMERCIAL USE PRC 1584  
AND APPROVE A GENERAL LEASE - COMMERCIAL USE**

**APPLICANT:**

Ned Burgess and Mary Burgess  
dba Salmon Harbor Resort  
200 Salmon Harbor Road  
Smith River, California 95567

**AREA, TYPE LAND AND LOCATION:**

A 0.33-acre parcel of submerged land located in the Smith  
River near the town of Smith River, Del Norte County.

**LAND USE:**

Use and maintenance of existing docking facilities and a  
rock jetty.

**TERMS OF PROPOSED LEASE:**

Initial period:  
Ten (10) years beginning April 10, 1990.

Surety bond:  
\$2,000.

Public liability insurance:  
Combined single limit coverage of \$500,000.

**CONSIDERATION:**

\$350 minimum annual rental against five percent of gross  
income derived from the rental of the boat dock, with the  
State reserving the right to fix a different rental on each  
fifth anniversary of the lease.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

CALENDAR ITEM NO. C 0 5 (CONT'D)

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 684:**

N/A

**OTHER PERTINENT INFORMATION:**

1. As to the termination of the existing lease, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

2. As to the new lease, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that his activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facility, 2 Cal. Code Regs. 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

3. The Applicants, Mary and Ned Burgess, purchased the upland property consisting of an existing mobile home and RV park in April 1990. The previous owners, Emory E. and Mary Kaltenborn, could not be located by staff for the purpose of executing a quitclaim deed back to the State of California.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and

CALENDAR ITEM NO. C 0 5 (CONT'D)

through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

5. All rent is current.

**APPROVALS OBTAINED:**

All approvals previously obtained.

**FURTHER APPROVALS REQUIRED:**

None.

**EXHIBITS:**

- A. Land Description  
B. Location Map

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. AS TO THE TERMINATION OF THE EXISTING PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
3. TERMINATE LEASE PRC 1584, ISSUED TO EMORY E. AND MARY KALTENBORN, EFFECTIVE APRIL 9, 1990.
4. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
5. AUTHORIZE ISSUANCE TO NED AND MARY BURGESS, DBA SALMON HARBOR RESORT, OF A TEN-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING APRIL 10, 1990; IN CONSIDERATION OF \$350 MINIMUM ANNUAL RENTAL AGAINST FIVE PERCENT OF GROSS INCOME DERIVED FROM THE RENTAL OF THE BOAT DOCK 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 FOR COMBINED SINGLE

CALENDAR ITEM NO. C 0 5 (CONT'D)

LIMIT COVERAGE OF \$500,000; FOR THE USE AND MAINTENANCE OF EXISTING DOCKING FACILITIES AND A ROCK JETTY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

PRC 1584.1

**LAND DESCRIPTION**

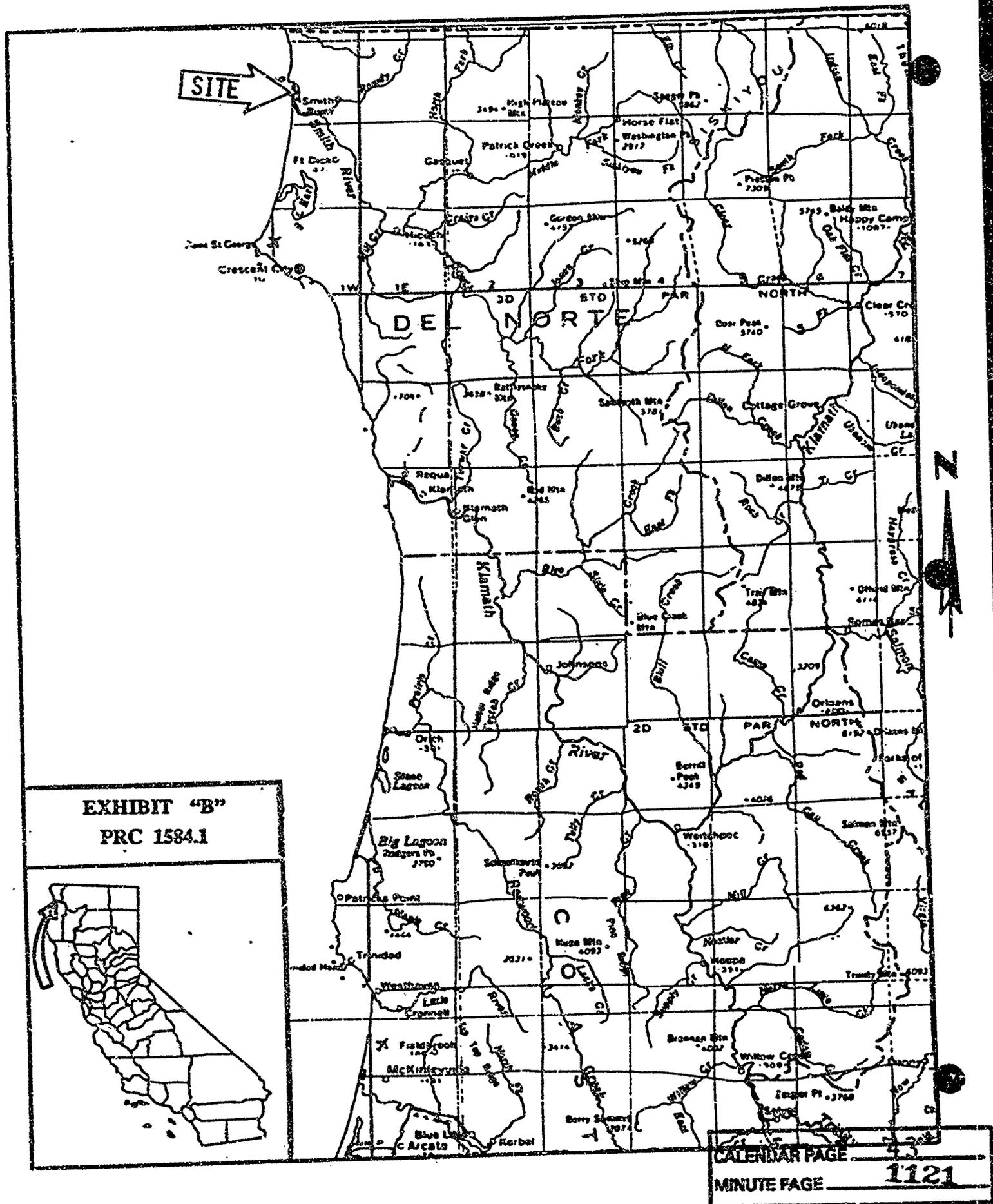
A parcel of tide and submerged land at the mouth of the Smith River in fractional Section 17, T18N, R1W, HM, Del Norte County, California, said parcel being waterward of that parcel of land described in the Grant Deed recorded July 15, 1985, in Book 301, Page 156, Official Records of Del Norte County, and more particularly described as follows:

**BEGINNING** at a point on the ordinary high water mark of the Smith River from which the N 1/4 corner of said Section 17 bears N 14° 15' 58" W, 4973.40 feet; thence S 15° 45' 00" W, 115.00 feet; thence N 74° 15' 00" W, 140.00 feet; thence N 15° 45' 00" W, 105.00 feet to a point on said ordinary high water mark to the point of beginning

**END OF DESCRIPTION**

REVIEWED NOVEMBER, 1990 BY LLB.

CALENDAR PAGE	42
MINUTE PAGE	1120



**SITE** →



**CALENDAR PAGE**  
**MINUTE PAGE 1121**