

MINUTE ITEM
This Calendar Item No. C21 was approved as
Minute Item No. 21 by the California State Lands
Commission by a vote of 3 to 0 at its
2-21-03 meeting.

**CALENDAR ITEM
C21**

A	1	02/21/03
		G04-02
S	2	J. Frey
		G.Kato

**CONSISTENCY DETERMINATION UNDER CHAPTER 1086, STATUTES OF 1970
CONCERNING A LEASE BETWEEN THE CITY OF EUREKA
AND HUMBOLDT STATE UNIVERSITY**

LESSOR:

City of Eureka
531 K Street
Eureka, California 95501

LESSEE:

Humboldt State University
Intercollegiate Athletics
Forbes Complex
Arcata, California 95521

AREA, LAND TYPE, LOCATION AND KEY LEASE TERMS

LOCATION: Approximately 1 acre of granted sovereign lands located on First Street between F and Eye Street, city of Eureka (see site map attached).

LAND USE: Boating Instruction and Safety Center

TERMS: Duration: 49 years from the commencement date (commencement date is the first day of the month following CSLC approval of the lease)

Rental: The consideration for the lease of the premises is \$1.00 per year, amounting to forty-nine dollars (\$49.00) for the entire term of the lease. The entire forty-nine dollars (\$49.00) is due and payable on the first day of the first full month after the Effective Date, subject to refund on a pro-rated unexpired basis if the Lease is terminated prior to the expiration of the full forty-nine year term hereof.

PROPOSED ACTION:

The city of Eureka, acting as trustee of the lands granted to the City under Chapter 1086, Statutes of 1970, and as amended, and pursuant to Public Resources Code Section 6701, et. seq., has submitted an application requesting that the

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Commission determine that the lease of granted lands to Humboldt State University for a boating safety and instruction center, is in the State's best interest.

Section 3 of Chapter 1095, Statutes of 1978 requires the City to obtain the prior approval of the Commission for all leases in excess of one year. Under the statute the Commission must act within 60 days of receiving all requested documents or the lease is deemed approved.

The lease will allow for the construction of a new Boating Instruction and Safety Center comprising 16,500 gsf. The two-story building will consist of boat storage bays, reception/entry, training rooms, conference rooms, locker/shower/restrooms, laundry, multi-purpose room with kitchen, director's office, storage and equipment rooms. Site work includes a boat operations area, parking lot, walkways, and landscaping.

OTHER PERTINANT INFORMATION:

1. In order for the Commission to determine whether the lease is in the best interest of the State, the California Code of Regulations, Section 2802 states that a lease must meet the following conditions:
 - A. Consistent with current Commission policies, practices and procedures used for administering lands within the CSLC jurisdiction;
 - B. Economically viable, necessary and desirable;
 - C. Appropriate for developmental mix;
 - D. Conducive to public access;
 - E. Consistent with environmental protection;
 - F. Otherwise in the best interest of the State

The operation of the Boating Instruction and Safety Center will provide a program of boating and water safety instruction and other educational uses to students, faculty and staff of Humboldt State University and boating and water safety instruction to the general public, as well as, recreational services. The project is being funded by the State Department of Boating and Waterways, will be designed and constructed by the State Department of General Services and operated by the California State University System. The City considers the project a key element in its attempts to redevelop the City's waterfront. Project facilities will be open to the general public and a public walkway will allow access along Humboldt Bay. Income from the lease will be deposited in the Humboldt Bay Trust Fund. For these reasons, Commission staff believes the lease is in the best interest of the State and recommends approval.

2. Pursuant to the Commission's delegation of authority and the State CEQA guidelines [Title 14, California Code of Regulations, section 5060(c)(3)], the staff has determined that his activity is not subject to the provisions of the CEQA

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because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

3. The proposed construction of the Boating Instruction and Safety Center within the Grant to the city of Eureka is subject to further considerations by the City, including, but not limited to, its review under the provisions of the California Environmental Quality Act (CEQA). Commission staff will participate in the CEQA evaluation of the proposed project as a Trustee Agency. It will also be necessary for the proposed facility to obtain all other required public agency permits and authorizations.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.
2. 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.
3. FIND THAT AS THE ADMINISTRATOR OF LANDS GRANTED IN TRUST TO THE CITY OF EUREKA, PURSUANT TO CHAPTER 1086, STATUTES OF 1970, AND AS AMENDED, THE CITY IS AUTHORIZED TO ENTER INTO LEASES THAT CONFORM WITH THE TERMS OF THE GRANT.
4. FIND THAT THE CITY OF EUREKA HAS REQUESTED THE STATE LANDS COMMISSION DETERMINE THAT THE LEASE BETWEEN THE CITY OF EUREKA, ACTING AS TIDELANDS TRUSTEE, AND HUMBOLDT STATE UNIVERSITY MEETS THE REQUIREMENTS OF CHAPTER 1086, STATUTES OF 1970, AND AS AMENDED, AND PUBLIC RESOURCES CODE SECTION 6702.
5. DETERMINE, PURSUANT TO CHAPTER 1086, STATUTES OF 1970, AND AS AMENDED, AND PUBLIC RESOURCES CODE SECTION 6702, THAT THE LEASE BETWEEN THE CITY OF EUREKA, ACTING AS TIDELANDS TRUSTEE, AND HUMBOLDT STATE UNIVERSITY IS IN ACCORDANCE

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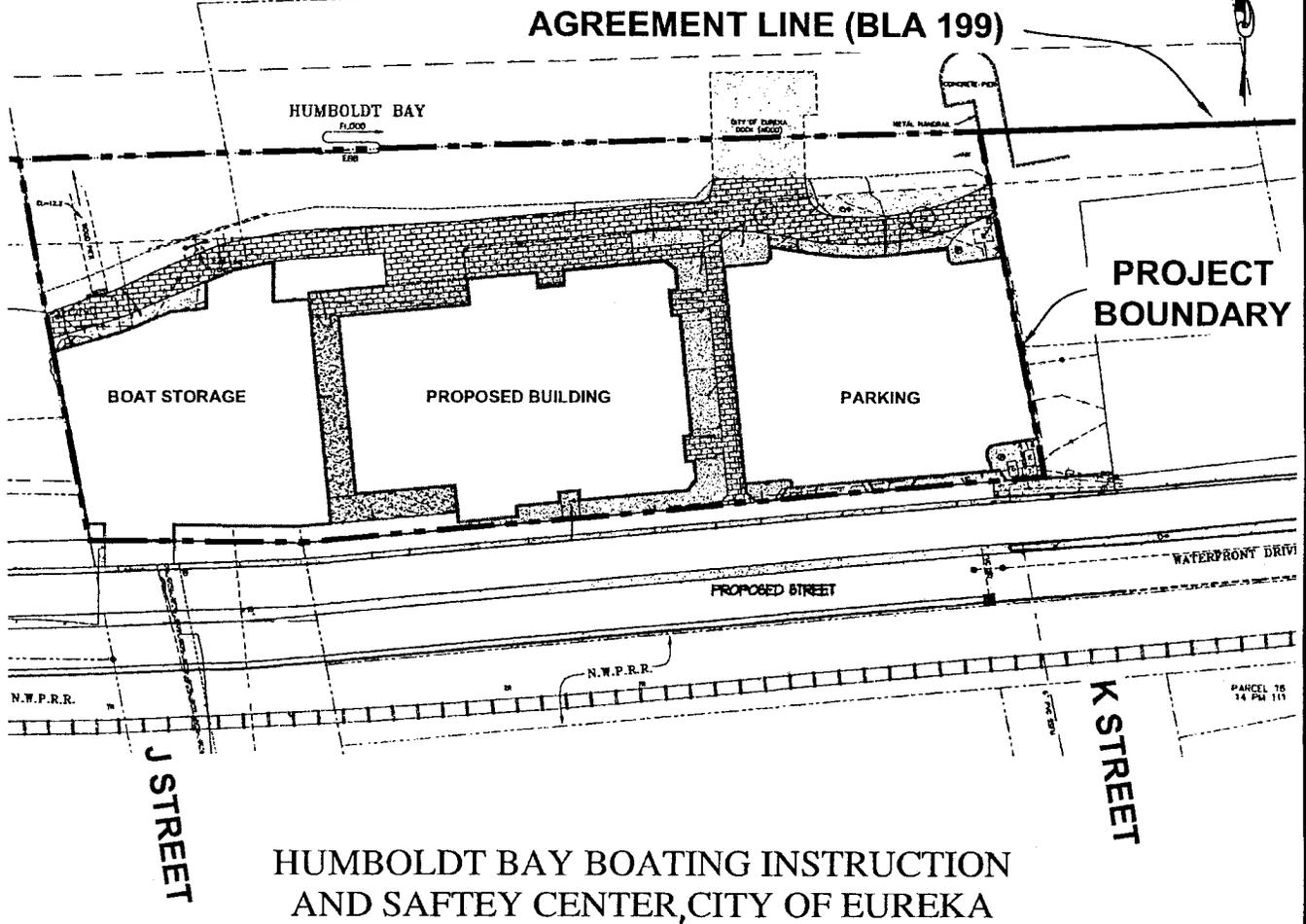
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WITH THE PUBLIC TRUST AND THE TERMS OF THE GRANT UNDER WHICH TITLE TO THE TIDE AND SUBMERGED LANDS IS HELD AND THAT THE LEASE IS IN THE BEST INTEREST OF THE STATE.

NO SCALE

SITE



HUMBOLDT BAY BOATING INSTRUCTION AND SAFETY CENTER, CITY OF EUREKA

NO SCALE

LOCATION

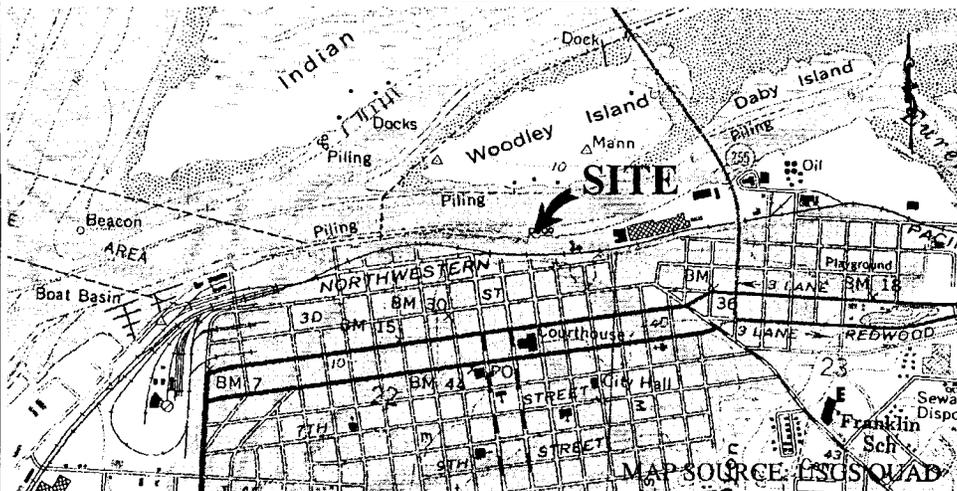


Exhibit A

LEASE BETWEEN CITY OF EUREKA AND HUMBOLDT STATE UNIVERSITY 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.

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