CALENDAR ITEM
C28

A 1 — 10/16/08
WP 1584.1
S 4 — B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:
Ned Burgess and Mary Burgess

AREA, LAND TYPE, AND LOCATION:
Sovereign lands located in the Smith River, adjacent to 200 Salmon Harbor Road, near the Town of Smith River, Del Norte County.

AUTHORIZED USE:
Continued use and maintenance of an existing boat ramp, rock jetty with fish cleaning station, and six existing concrete pilings as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning October 16, 2008.

CONSIDERATION:
$50 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance in the amount of no less than $1,000,000.
Other:
The lease contains a provision that commercial use of the improvements is prohibited and no income shall be generated from the use of the improvements.

OTHER PERTINENT INFORMATION:
1. Applicants own the uplands adjoining the lease premises.

2. On April 2, 1991, the Commission authorized a ten-year General Lease – Commercial Use, with Ned Burgess and Mary Burgess dba Salmon Harbor Resort. That lease expired on April 9, 2000.

3. The Applicants have not used the facilities for commercial purposes since the mid-1990's and do not plan any commercial use in the future. The ramp and fish cleaning station located on the jetty are now used only occasionally by local fishermen. The upland resort includes a restaurant and several camp sites. Ned and Mary Burgess are now applying for a new General Lease – Recreational Use.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

A**.** Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

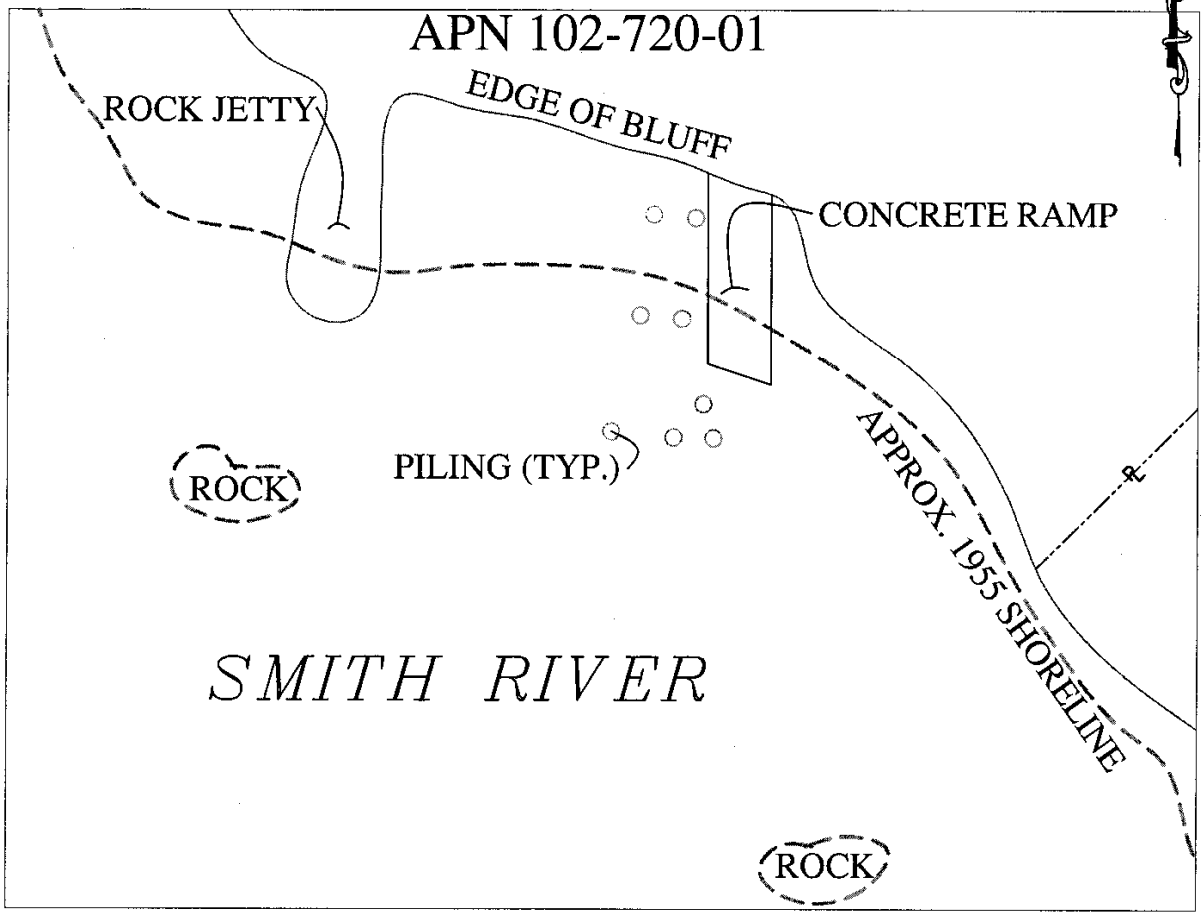
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO NED BURGESS AND MARY BURGESS BEGINNING OCTOBER 16, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT RAMP, ROCK JETTY WITH FISH CLEANING STATION AND SIX EXISTING CONCRETE PILINGS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $50 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

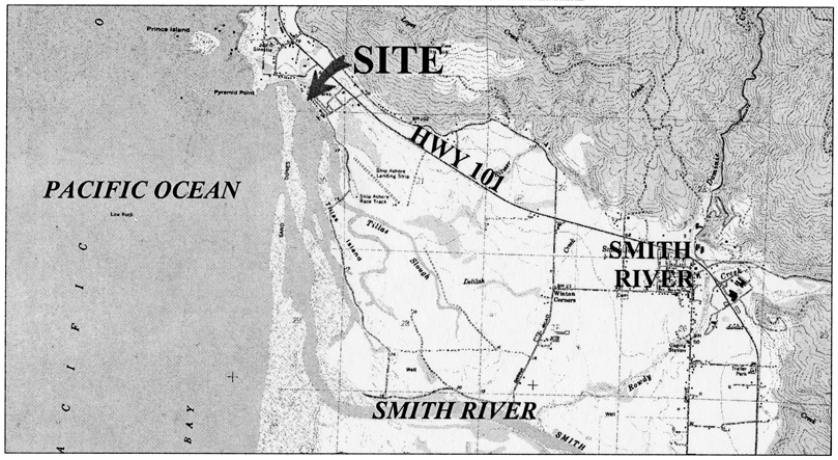
SITE



200 Salmon Harbor Road, Smith River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

PRC 1584.1
BURGESS
APN:102-720-01
GENERAL LEASE
RECREATIONAL USE
DEL NORTE COUNTY

MJF 12/26/07