

MINUTE ITEM

8/30/73
EWC

9. AMENDMENT TO INDUSTRIAL LEASE PRC 4728.1, TIDE AND SUBMERGED LAND IN HUMBOLDT BAY, HUMBOLDT COUNTY; NORTH COAST EXPORT COMPANY - W 20295, PRC 4728.1.

After consideration of Calendar Item 7 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 84 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT TO LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO NORTH COAST EXPORT CO., EFFECTIVE SEPTEMBER 1, 1973, OF AN AMENDMENT TO LEASE PRC 4728.1 WHICH WILL:
 - A. REPLACE THE LEGAL DESCRIPTION IN SAID LEASE PRC 4728.1 WITH THAT IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND
 - B. CHANGE THE RENTAL FROM \$10,725 PER ANNUM TO \$13,800 PER ANNUM;

ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment: Calendar Item 7 (3 pages)

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7.

AMENDMENT TO INDUSTRIAL LEASE PRC 4728.1

APPLICANT: North Coast Export Company.

LOCATION: An 18.04-acre parcel of tide and submerged land in Humboldt Bay, Humboldt County.

LAND USE: The construction of additional mooring dolphins appurtenant to a chip loading facility.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from February 1, 1973.

Renewal options: 2 additional periods of 10 years each.

Surety bond: \$50,000.

Public liability insurance:
\$500,000/\$1,000,000 for personal injury and
\$250,000 for property damage.

Consideration: Originally \$10,725 per annum with the State reserving the right to review and reset a reasonable rental on each fifth anniversary.

Royalty: \$0.10/cu. yd.

Special: Lessee shall remove existing fill and dolphins.

TERMS OF PROPOSED AMENDMENT:

The legal description of the lease will be changed to that in Exhibit "A".

The rental will be increased to \$13,800 per annum.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1 and 2.

OTHER PERTINENT INFORMATION:

1. The lessee's original plan included these dolphins, and both the USCE permit and EIR 84 (based upon the USCE

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public notice drawings) included them. The initial lease did not include these end dolphins due to their planned location beyond extended boundaries of the lessee's upland property. The lessee has now purchased additional land and has obtained the necessary permission for these locations.

2. EIR 84, prepared for and adopted in the Commission's approval of the initial lease, covers these end dolphins and no revision is necessary.
3. The applicant has also agreed to obtain, and has applied for, the permission of the Humboldt Bay Harbor, Recreation and Conservation District. Unless it can be determined that the District's assent is not necessary in this case, the assent will be obtained before the amendment is executed on behalf of the State.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 84 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT TO LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
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- ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20295

Those parcels of tide and submerged land lying in Humboldt Bay, Humboldt County, State of California, more particularly described as follows:

PARCEL A:

COMMENCING at U.S. Monument No. 20 on the U.S. Harbor Base Line and running thence N 18° 06' 47" E along said Harbor Base Line 277.75 feet to the north line of the Town of Fairhaven according to the map thereof filed in the office of the County Recorder of said County in Book 1 of Maps at page 21; thence along said north line S 71° 53' 13" E, 438.14 feet more or less to the east line of Tideland Survey No. 75, said Survey being patented November 29, 1871, by the State of California to George M. and Nathan Fay, and the TRUE POINT OF BEGINNING of the herein-described parcel; thence from said true point of beginning along the east line of said Tideland Survey No. 75, S 10° 18' 47" W, 280 feet to the southeast corner of Lot 2 of Block 1 of said Town of Fairhaven referred to above; thence S 73° 51' 35" E at right angles to the U.S. Pierhead line 540 feet to a point which is 120 feet easterly of said Pierhead line; thence N 16° 08' 25" E parallel with and 120 feet easterly of, measured at right angles, said Pierhead Line 1290 feet to a point which bears S 73° 51' 35" E from the most northeasterly corner of North Coast Export, Inc., lands; thence N 73° 51' 35" W, 600 feet to said northeast corner and the east line of Tideland Survey No. 75; thence S 26° 03' 47" W, 171.5 feet along said Tideland Survey to an angle point thereon; thence S 10° 18' 47" W, 837.22 feet to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

The basis of bearings of these descriptions are based on the U.S. Army Corps of Engineers "Map of Harbor Lines of Humboldt Bay, August 1, 1957".

END OF DESCRIPTION