

MINUTE ITEM

This Calendar Item No. 37  
was approved as Minute Item  
No. 29 by the State Lands  
Commission by a vote of 3  
to 0 at its 4/28/77  
meeting.

CALENDAR ITEM

39.

4/77  
W 287..81  
DR

COMMERCIAL LEASE

PRC 5284

APPLICANT: Henry Westbrook III and  
Robert L. Westbrook  
dba: Ship Ashore Resort  
P. O. Box 75  
Smith River, California 95567

AREA, TYPE LAND AND LOCATION:  
A 4.0-acre parcel of tide and submerged  
land near the mouth of the Smith River,  
Del Norte County.

LAND USE: Construction and maintenance of two boat  
docks and a breakwater; maintenance of an  
existing boat dock.

TERMS OF PROPOSED LEASE:  
Initial period: 15 years from October 1, 1976.  
Renewal options: 3 successive periods of 10  
years each.  
Surety bond: \$5,000.  
Public liability insurance: Combined single  
limit \$400,000.

CONSIDERATION: \$800 per annum. Royalty \$0.25/cu. yd. with  
the State reserving the right to fix a  
different rental on each fifth anniversary  
of the lease.

BASIS FOR CONSIDERATION:  
8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.

Filing fee, processing costs, and environmental  
costs have 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, 6.5, 10 & 11

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OTHER PERTINENT INFORMATION:

1. A final environmental impact report was prepared by the County of Del Norte, pursuant to CEQA and implementing regulations in 1973. Additionally, the California Coastal Zone Conservation Commission, North Coast Region reevaluated the project in April, 1976 before granting approval.
2. A Notice of Determination has been received.
3. 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 A which authorizes Restricted Use.

This project was coordinated with the California Department of Fish and Game, who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE COUNTY OF DEL NORTE.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT BY THE COUNTY OF DEL NORTE HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
5. DETERMINE THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE REQUIREMENTS OF ARTICLE 6.5 OF TITLE 2 OF THE CALIFORNIA ADMINISTRATIVE CODE.
6. AUTHORIZE ISSUANCE TO HENRY WESTBROOK III AND ROBERT L. WESTBROOK, DBA: SHIP ASHORE RESORT, OF A 15-YEAR COMMERCIAL LEASE FROM OCTOBER 1, 1976, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$800 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON

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EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE COMBINED SINGLE LIMIT IN THE AMOUNT OF \$400,000; FOR CONSTRUCTION AND MAINTENANCE OF 2 BOAT DOCKS AND A BREAKWATER; ROYALTY OF \$0.25 PER YARD FOR APPROXIMATELY 14,000 YARDS, AMOUNTING TO A ONE TIME PAYMENT OF \$3,500; MAINTENANCE OF AN EXISTING BOAT DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 287.81

A parcel of tide and submerged land lying waterward of the right bank of the State owned bed of the Smith River, and situated adjacent to that parcel of land recorded in Book 100, Pages 177-179, Official Records of Del Norte County, State of California, more particularly described as follows:

BEGINNING at a point from which the concrete monument marking the north one-quarter corner of Section 17, T 18 N, R 1 W, H.B.M. bears N 14° 51' 35" W, 5654.09 feet; thence S 43° E, 1085 feet more or less, to the ordinary high water mark of the right bank of Smith River; thence northerly along said ordinary high water mark 1200 feet, more or less, to a point from which the point of beginning bears S 47° W; thence S 47° W, 177 feet, more or less, to the point of beginning.

The basis of bearings for this description is the true meridian based on solar observation.

END OF DESCRIPTION

Prepared *M. D. Stahl* (Checked *W. Hoff*

Reviewed *A. H. Runnecke* Date *7/13/76*

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