

EXHIBIT ITEM NO. 7
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CALENDAR ITEM

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CONSIDERATION OF SUBSTANTIAL COMPLIANCE

GRANTEE/TRUSTEE:

Noyo Harbor District
P.O. Box 612
Fort Bragg, California

LOCATION:

Lands granted by Chapter 555, Statutes of 1961, as said lands are shown on a 'Plat of the Grant to Noyo Harbor District' prepared and approved by the State Lands Commission on July 1, 1963, and recorded in the records of Mendocino County at "Map Case" 2, Drawer 2, page 52 on July 17, 1963.

PURPOSE:

To determine whether the Noyo Harbor District has substantially complied with the terms of Chapter 555, Statutes of 1961.

Section 1 (g) provides that if the lands granted are not substantially improved within 10 years as required by the statute, all right, title, and interest of the District in and to all lands granted shall cease and the lands shall revert to the State.

Section 1 (a) requires that the lands shall be held in trust for the establishment, improvement, and conduct of a harbor, and for the construction maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation.

REPORT OF INVESTIGATION:

In March, 1972, the State Lands Division began a study of the improvements made to the tide and submerged lands granted by the Legislature in trust to the Noyo Harbor District. The District had just completed its tenth year as trustee for the State lands, which comprised approximately 121 acres and 8.1 shore miles at Noyo Harbor and along Noyo River, south of the City of Fort Bragg.

The District submitted a comprehensive report and Division staff viewed and photographed improvements on the site in June 1974.

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CALENDAR ITEM NO. 7. (CONTD)

FACTS SUPPORTING SUBSTANTIAL COMPLIANCE:

Improvements made on the granted lands include water carrying and sanitation lines under the river and constructing facilities for a Coast Guard vessel. The first launching ramp for small boats was built half on, half off the grant. A 335 berth small craft harbor was built adjacent to the granted lands. This freed the Noyo River for commercial navigation and so this construction had substantial impact on use of the river. Prior to this, congestion was so bad that passage, on occasion was nearly impossible and no room was available for transient vessels in one of the few havens of refuge in the north coast. In the opinion of staff counsel, consideration can be given to improvements adjacent to granted lands in high impact situations such as this. A beach recreation area with sanitation facilities was also created adjacent to the river to provide free public access to the granted lands and to balance the large proportion of restricted access in the commercial area.

Review of the District financial report indicates that between 1962 and 1967 engineering, and survey, dredging, roadways and sanitation accounted for \$66,300. In 1967, the District paid \$275,000 for dry land and swampy areas for development. Additional expenditures of more than \$1.5 million are recorded for the period 1968 to 1971. This includes all expenditures, whether lands are on the grant or adjoining it. Since the harbor district is a single purpose agency, accounts are not segregated so that it is not possible to determine exactly how much money was spent exclusively on the granted lands.

Photo exhibits and other data collected during and after the Substantial Compliance investigation are on file with the State Lands Division.

EXHIBIT: A. Map of the Granted Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE NOYO HARBOR DISTRICT HAS SUBSTANTIALLY IMPROVED THE LANDS GRANTED TO IT AS REQUIRED BY SECTION 1 (g) OF CHAPTER 555, STATUTES OF 1961.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE NOYO HARBOR DISTRICT, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE NOYO HARBOR DISTRICT HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF SECTION 1 (g), CHAPTER 555, STATUTES OF 1961.