

## CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
FAX (415) 904-5400  
TDD (415) 597-5885



# Th9.1, 9.2, & 9.3

**CCC-22-CD-02, CCC-22-RO-01, and CCC-22-AP3-01 (Reservation Ranch)**

**July 14, 2022**

### **EXHIBITS**

- Exhibit 1 Region Maps
- Exhibit 2 Property Photos
- Exhibit 3 Photos of Levee Crossings to be Removed
- Exhibit 4 Photos of Unpermitted Development
- Exhibit 5 Proposed Public Access Map
- Exhibit 6 Proposed Mitigation Map
- Exhibit 7 Proposed Fish Passages Map
- Exhibit 8 Photos of Proposed Areas of Public Access and Mitigation
- Exhibit 9 Photos of Proposed 10+ Acre Riverfront Public Access Easement
- Exhibit 10 Photos of Proposed 14 Acre Riverfront Forest Dedication
- Exhibit 11 Photos of Proposed Oceanfront Blufftop Land Dedication
- Exhibit 12 September 1, 2017 Notice of Intent
- Exhibit 13 Notice of Violation Recorded October 28, 2017

# Region Map

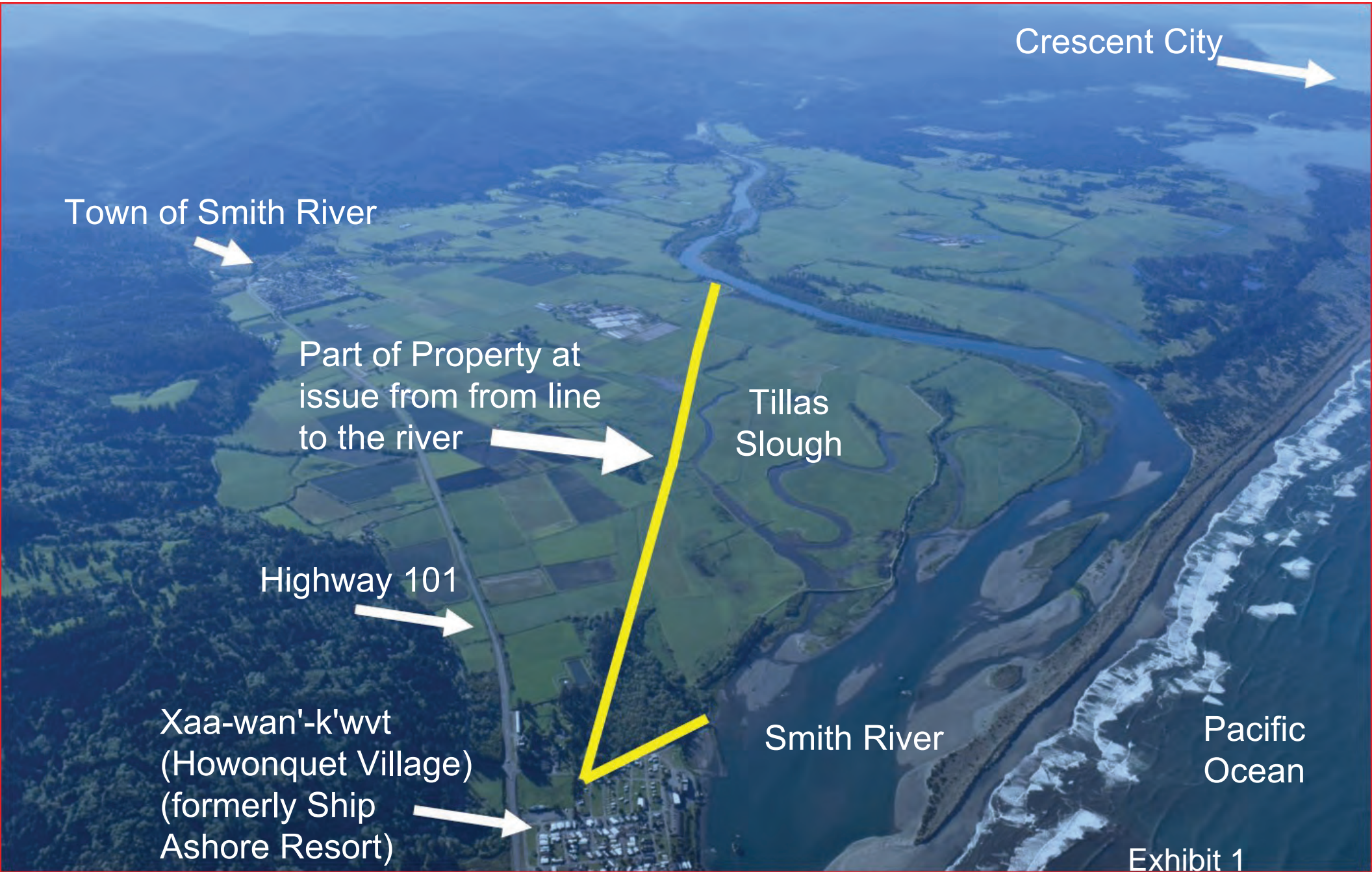
Oregon Border

Approximate  
Area of the  
Property



Crescent City

Exhibit 1



Crescent City



Town of Smith River



Part of Property at issue from from line to the river



Tillas Slough

Highway 101



Xaa-wan'-k'wvt (Howonquet Village) (formerly Ship Ashore Resort)



Smith River

Pacific Ocean

Exhibit 1



Mouth of Smith River (right)  
and Mouth of Tillas Slough flowing through the Property (center)



05.17.2017 12:10  
Exhibit 2

Looking east towards Tillas Slough  
flowing through the Property



05.17.2017 12:09  
Exhibit 2

Tillas Slough curving through the Property



05.17.2017 12:09  
Exhibit 2

Tillas Slough flowing through the Property



05.17.2017 12:13  
Exhibit 2

Looking north at the Property and Tillas Slough



05.17.2017 12:11  
Exhibit 2



# Tillas Slough



# Tillas Slough



# Tillas Slough



Two of the Three Pre-Coastal Initiative  
Levee Crossings to be Removed



05.17.2017 12:14

Largest Pre-Coastal Initiative  
Levee Crossing to be  
removed at Mouth of Tillas Slough



Largest Pre-Coastal Initiative  
Levee Crossing to be  
removed at Mouth of Tillas Slough



View east from  
Largest Pre-Coastal Initiative  
Levee Crossing to be  
removed at Mouth of Tillas Slough



View west from Largest Pre-Coastal Initiative  
Levee Crossing to be  
removed at Mouth of Tillas Slough





# Second Pre-Coastal Initiative Levee Crossing to be Removed at Tillas Slough



Pre-Coastal Initiative Levee Crossing  
to be removed at Spruce Creek  
(Riverfront Forest Dedication Area)



View of Smith River from Spruce Creek  
Pre-Coastal Initiative  
Levee Crossing to be Removed



Illustration of  
Unpermitted Fill of Slough  
(Part of Unpermitted Road)



05.17.2017 12:09  
Exhibit 4

# Unpermitted Fill of Slough (Part of Unpermitted Road)



Exhibit 4



General Location of  
Unpermitted Manure Fill  
in wetlands

05.17.2017 12:09  
Exhibit 4

# Unpermitted Manure Fill in wetlands



Unpermitted Pump  
without adequate fish screen  
on Smith River



Exhibit 4



Unpermitted Pump used for  
unpermitted seasonal damming of  
part of Tillas Slough for use as  
an irrigation pond



Exhibit 4

# Unpermitted Junk Piles



## Proposed Public Access

Dark Blue: Existing Boat and Wading Access

Light Blue: Over 3 miles of Proposed Boat and Wading Access

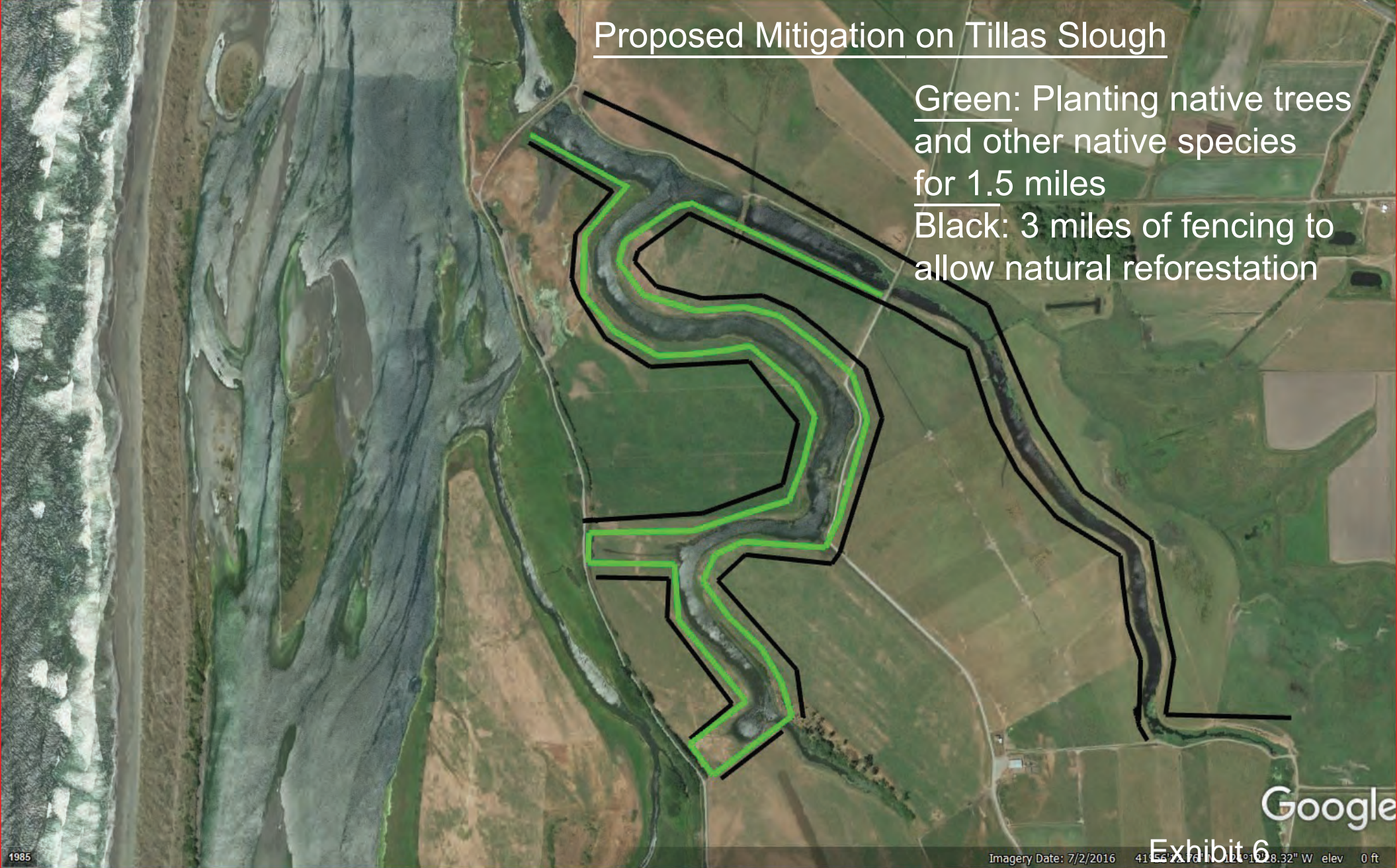
White: 10+ Acre Proposed Riverfront Land Public Access Easement



Proposed Mitigation on Tillas Slough

Green: Planting native trees and other native species for 1.5 miles

Black: 3 miles of fencing to allow natural reforestation



Google

Exhibit 6

Proposed Fish Passages at Key Locations  
in Pre-Coastal Initiative Levees



View of Tillas Slough to be reforested and opened to the public, as well as opened to natural tidal flows and natural fish passage



05.17.2017 12:13 Exhibit 8

View of Tillas Slough to be planted with native trees and other native species and opened to the public, as well as opened to natural tidal flows and natural fish passage

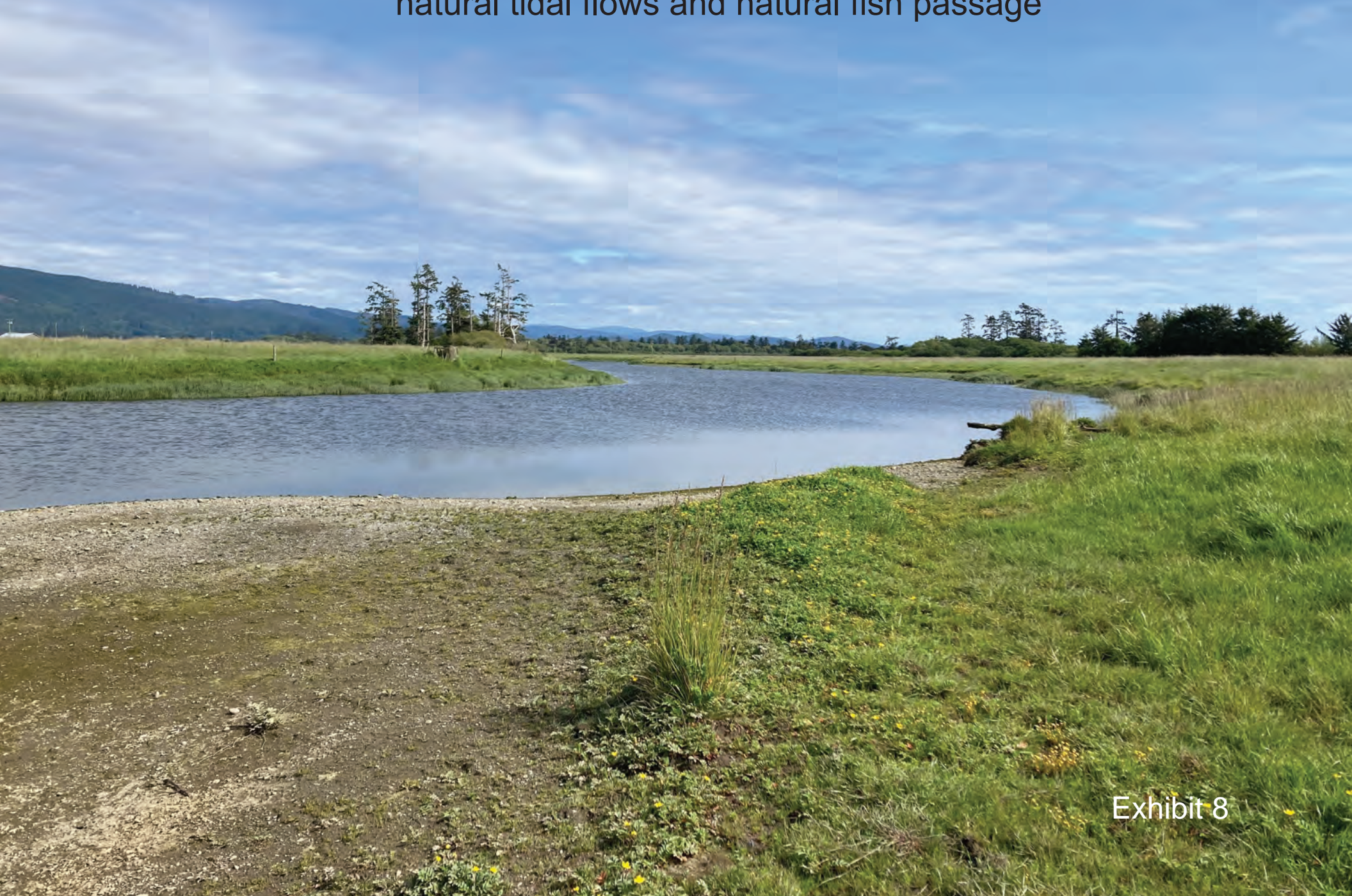


Exhibit 8

View of Tillas Slough to be planted with native trees and other native species and opened to the public, as well as opened to natural tidal flows and natural fish passage





View of Tillas Slough to be reforested and opened to the public, as well as opened to natural tidal flows and natural fish passage



Exhibit 8

Proposed 10+ Acre Riverfront Public Access Easement



05.17.2017 12:10  
Exhibit 9

# Proposed 10+ Acre Riverfront Public Access Easement



05.17.2017 12:09  
Exhibit 9

# Proposed 10+ Acre Riverfront Public Access Easement



# Proposed 10+ Acre Riverfront Public Access Easement

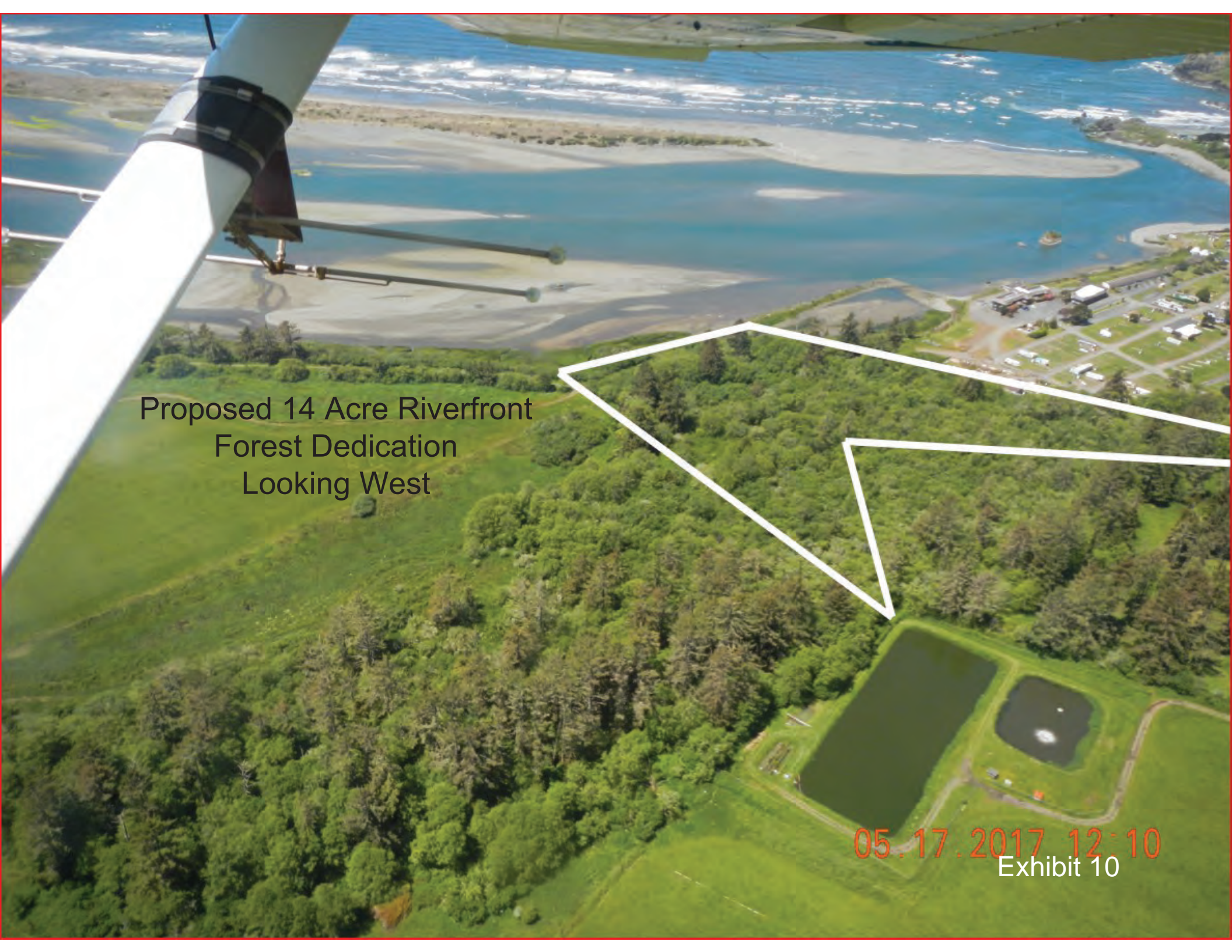


Proposed 14 Acre Riverfront  
Forest Land Dedication  
Looking East

The  
Property

Xaa-wan'-k'wvt  
(Howonquet Village)  
(formerly Ship Ashore Resort)

05.17.2017 12:10  
Exhibit 10



Proposed 14 Acre Riverfront  
Forest Dedication  
Looking West

05.17.2017 12:10  
Exhibit 10

# Proposed 2 Acre Oceanfront Blufftop Land Dedication





Proposed 2 Acre Oceanfront  
Blufftop Dedication Looking East



# Proposed 2 Acre Oceanfront Blufftop Dedication Looking West



View from Beach Access Stairs  
Adjacent Proposed 2 Acre  
Oceanfront Blufftop Dedication,  
looking towards Oregon



View from Beach Access Stairs  
adjacent Proposed 2 Acre  
Oceanfront Blufftop Dedication



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885

**VIA CERTIFIED MAIL AND REGULAR MAIL**

September 1, 2017

Mr. Steven Westbrook  
Reservation Ranch  
P.O. Box 75  
Smith River, CA 95567  
Certified Mail No. 7016 0340 0000 5112 5795

**Subject: Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings and Notification of Intent to Record a Notice of Violation of the Coastal Act**

**Violation No.:** V-1-16-0164

**Location:** Reservation Ranch, Smith River, Del Norte County, and adjacent areas, including, but not necessarily limited to, Assessor's Parcel Numbers 102-010-24, 103-010-01, 103-010-02, 103-010-10, 103-010-12, and 103-020-74.

**Violation Description:** Unpermitted development including, but not limited to: 1) grading; 2) placement of fill, including manure, soil, straw, construction waste, trash, cow carcasses, and other debris in and/or adjacent to wetlands, tidal sloughs, and streams; 3) construction of roads and stream crossings; 4) placement of pumps in and diversion of water from tidal sloughs and streams, including the Smith River, Tillas Slough, and Ritmer Creek; and 5) dredging of tidal sloughs and streams.

Dear Mr. Westbrook:

We are writing you in your individual capacity as well as your role as co-owner and manager of Reservation Ranch. California Coastal Commission ("Commission") staff appreciates the efforts you have made so far to work cooperatively with the Commission and other agencies, including hosting a site visit in September 2016 at the Reservation Ranch property, including inspection of parcels described by Del Norte County as APNs 102-010-24, 103-010-01, 103-010-02, 103-010-12, and 103-020-74, and property adjacent to the Ranch located at APN 103-010-10 that appears to be owned by the State Lands Commission (collectively referred to here as the "Property"), and for the phone call on August 31, 2017 between your consultant, Mr. Sam Polly of Streamline Planning Consultants, and John Del Arroz, of my staff, in which they discussed the resolution of Coastal Act violations and associated civil liabilities, and restoration of the Property. We also appreciate your recent responses to the North Coast Regional Water Quality Control Board ("Water Board").

Exhibit 12

We encourage you to continue cooperating with the Water Board and to respond fully to their requests. However, please note that the Commission's jurisdiction over Coastal Act violations is separate and distinct from the jurisdiction of other agencies to enforce their respective laws. Therefore, even if other agencies require restoration activities or the payment of penalties under their respective laws, those requirements do not affect the jurisdiction of the Commission to require the cessation of unpermitted development activities, removal of unpermitted materials, restoration of the site, and resolution of civil liabilities under the Coastal Act, among other things. While we will continue to coordinate with other agencies regarding their respective enforcement actions, ultimately, the Commission will require resolution of the Coastal Act violations on the Property through Cease and Desist and Restoration Orders, as described further below.

As noted in the Commission's November 30, 2016 letter, wetlands are an incredibly important and rare ecosystem and important habitat resources for sensitive species, such as the Coho salmon (*O. kisutch*), a species listed as threatened by the federal and state government pursuant to their respective Endangered Species Acts. Resolution of the violations on the Property affecting those wetlands is critical to avoid additional harm to this incredibly important habitat resource.

Therefore, the purpose of this letter is to notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to commence proceedings for issuance of a Cease and Desist Order and Restoration Order ("the Orders") to resolve the violations of the California Coastal Act that have occurred on the Property. The unpermitted development at issue on the Property includes, but is not necessarily limited to: 1) grading; 2) placement of fill, including manure, soil, straw, construction waste, trash, cow carcasses, and other debris in and/or adjacent to wetlands, tidal sloughs, and streams; 3) construction of roads and stream crossings; 4) placement of pumps in and diversion of water from tidal sloughs and streams, including the Smith River, Tillas Slough, and Ritmer Creek; and 5) dredging of tidal sloughs and streams ("Unpermitted Development"). This letter also serves to notify you of my intent to record a Notice of Violation of the California Coastal Act against your properties.

This letter is a required step in the ongoing enforcement process, designed to legally resolve the Coastal Act violations on the Property through an administrative hearing. However, please note that this letter in no way precludes our ability to resolve this matter amicably without the need of a contested hearing and potential litigation. We are open to discussing the consensual resolution of this matter through consent cease and desist orders and consent restoration orders ("Consent Orders"), which are similar to a settlement agreement, and provide you with an opportunity to resolve this matter consensually. Nonetheless, adoption of Consent Orders will still require a formal process and a Commission hearing, and the Commission's regulations provide for issuance of this formal notice letter as a first step in that process.

## **Background**

As you were informed in our November 2016 letter, the California Coastal Act was enacted in 1976 to provide long-term protection of California's 1,271-mile coastline through

implementation of a comprehensive planning and regulatory program that would manage conservation and development of coastal resources. The Coastal Act created the Commission to apply and enforce Coastal Act policies through its permit, enforcement, and other land use planning programs. These Coastal Act policies seek to provide maximum public access to the coastal zone, and to protect and restore scenic landscapes and coastal views, natural landforms, and sensitive habitats (such as wetland and riparian habitats), among other things.

### *Violation History*

On September 21, 2016, you and employees of your business and staff from the Commission, the Water Board, and the California Department of Fish and Wildlife ("CDFW") participated in a site inspection of the Property. During said inspection, Commission staff noted what appear to be multiple violations of the Coastal Act including wetland fill, deposition of construction (and other) materials, disposal of cow carcasses, etc. (more fully described in this letter).

On November 2016, Commission staff sent you a letter formally notifying you of violations of the Coastal Act on the Property.

On December 13, 2016, you called Commission staff to discuss what is expected of you moving forward. Staff advised you to not place any more material, in the cow dump, sloughs, and construction waste pile and to not remove any of it until receiving further instruction. You were also informed that Commission staff is coordinating with the Water Board and other agencies regarding resolution of this matter.

Commission enforcement staff participated on calls organized by the Water Board with your client's consultant, SHN Consulting on April 19, June 12, and July 24, 2017, and we understand that you have begun to work with the Water Board to perform investigations regarding the extent of the violations. We urge you to continue working cooperatively with the Water Board to address their concerns. However, please note that additional information may be required by the Commission staff to address Coastal Act concerns.

### **Violations of the Coastal Act**

Pursuant to Coastal Act Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit ("CDP") in addition to any other permit required by law. The Coastal Act defines development in Section 30106, which states (in relevant part):

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land ...; change in the intensity of use of water, or of access thereto...*

My staff has confirmed that activities constituting development were undertaken within the coastal zone, subsequent to the enactment of the California Coastal Act, within the area of the

Commission's retained permit jurisdiction, and without the required CDP. The development that occurred on the Property requires authorization pursuant to the Coastal Act, but no such authorization has been obtained. The development includes, but is not necessarily limited to: 1) grading; 2) placement of fill, including manure, soil, straw, construction waste, trash, cow carcasses, and other debris in and/or adjacent to wetlands, tidal sloughs, and streams; 3) construction of roads and stream crossings; 4) placement of pumps in and diversion of water from tidal sloughs and streams, including the Smith River, Tillas Slough, and Ritmer Creek; and 5) dredging of tidal sloughs and streams. These activities that occurred on the Property clearly constitute development as defined in Section 30106 of the Coastal Act that requires a CDP. Since no CDP was obtained to authorize the development, it therefore constitutes violations of the Coastal Act.

Along with being unpermitted, the above-referenced activities raise significant substantive issues in that they have continuing natural resource impacts that are inconsistent with Chapter 3 of the Coastal Act, including impacts to wetlands and "environmentally sensitive habitat areas" ("ESHA") resulting in ongoing loss of function of those areas and their ability to support native species of plants and animals.

### **Coastal Resources and Impacts of the Unpermitted Development**

#### *Impacts to Wetlands and Environmentally Sensitive Habitat*

Wetlands and estuaries are extremely rare and important ecosystems in California. In the Smith River estuary, an estimated 40% of the original wetland habitat has been lost due to diking and draining of wetlands<sup>1</sup>. The riparian zone surrounding Tillas and Islas Sloughs is extensively diked and has been used as private rangeland since the mid-1800s, and land-use practices today have converted previous tidal flat habitat into lily bulb fields and cattle grazing pastures. The few remaining wetland areas are also important for their capacity to buffer adjacent development from the impacts of sea level rise.

California's remaining wetlands, including those located on the Property, are critical, vanishing habitat and support numerous resident and migrant wildlife species, including birds migrating along the Pacific flyway. Wetlands provide critical habitat (nesting sites, rearing sites, and foraging areas) for many species including anadromous fishes, such as Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*O. mykiss*) and coastal cutthroat trout (*O. clarki clarki*). Wetlands within the Smith River estuary, in particular, are some of California's most critical habitats with respect to salmonid population resiliency and biodiversity. Chinook salmon, steelhead and coastal cutthroat trout are abundant throughout the Smith River watershed and are of great ecological and economic benefit to California and Oregon. Coho salmon (*O. kisutch*) also occur in the watershed but have declined significantly in California, which has led to federal and State listing pursuant to their respective Endangered Species Acts. According to CDFW, the California coho salmon population has declined by 70% during the last 40 years. CDFW has identified the Smith River coho salmon as a key population to maintain or improve as part of the

---

<sup>1</sup> Quifiones, R. M., and Mulligan, T.J. "Habitat use by juvenile salmonids in the Smith River estuary, California." Transactions of the American Fisheries Society 134.5 (2005): 1147-1158.



Recovery Strategy of California Coho Salmon. The federally listed-tidewater goby (*Eucyclogobius newberryi*) has also been detected in Tillas Slough.

In addition to the importance of the estuary to salmonids and other fish species, it also provides habitat for sensitive plants, such as the Lyngbye's Sedge (*Carex lyngbyei*), which was identified on the Property. While more common in Oregon and Washington, in California it is documented almost exclusively between Del Norte and Marin Counties, and in this area it is the dominant emergent vegetation along both banks of Tillas and Islas Sloughs. The California Natural Diversity Database has determined that the Lyngbye's Sedge is vulnerable, at moderate risk of extinction in California; and, the California Native Plant Society has determined that it is moderately threatened in California.

In addition to their benefits to habitat, wetlands also help to protect adjacent development from flooding, by absorbing water and reducing the impact of storm surges, reducing the maximum height of floods by storing and slowing floodwaters, and retaining sediment and reducing erosion. These benefits are all the more important when considering the expected impacts of sea level rise. Sea level rise is expected to result in an increased frequency, duration, and height of flooding and erosion of areas adjacent to the coastline. Protection of wetlands is therefore critical to ensuring that adjacent development, such as the agricultural fields and roads on the Property, are protected.

The unpermitted grading, fill and placement of materials in wetlands and in areas adjacent to wetlands is inconsistent with several resource protection policies of the Coastal Act. It has the effect of, amongst other things, impacting water quality, removing wetland vegetation, eliminating the wetland completely, and removing the biological productivity of the wetland and disrupting the habitat values of ESHA, inconsistent with both Coastal Act Sections 30231 (protection of biological productivity and water quality) and 30240(a) (protection of ESHA from significant disruption). The unpermitted development at issue encroaches into ESHA and is adjacent to ESHA and does not meet Section 30240(b) (siting of development adjacent to ESHA). The unpermitted diversion of water from streams has the potential to affect composition of coastal waters, impacting biological productivity, and cause impacts to fauna due to entrainment, inconsistent with Coastal Act Section 30231. Thus, in addition to being unpermitted and inconsistent with this provision of the Coastal Act, the development is also continuing to impact the ESHA on the Property.

### **Cease and Desist Order**

The Commission's authority to issue Cease and Desist Orders is set forth in Section 30810 of the Coastal Act, which states, in part:

*(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.*

The activities described above clearly constitute “development” within the definition of the Coastal Act Section 30106, occurred within the coastal zone, are within the area of the Commission’s retained permit jurisdiction, and are not otherwise exempt from Coastal Act permitting requirements. No CDP was issued to authorize the unpermitted development. Therefore, the criterion for issuance of a cease and desist order pursuant to Section 30810(a) of the Coastal Act has been satisfied.

Section 30810(b) of the Coastal Act also states that a Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act, including removal of any unpermitted development. The proposed Cease and Desist Order will therefore direct you to, among other potential actions: 1) remove unpermitted items of development; 2) cease and desist from maintaining any development on the Property not authorized pursuant to the Coastal Act; 3) cease and desist from engaging in any further development on the Property unless authorized pursuant to the Coastal Act; and 4) take measures necessary to ensure compliance with the Coastal Act, including the removal of the unpermitted development from the Property and the restoration of the site to its original condition.

The procedures for the issuance of these Cease and Desist Orders are described in Sections 13180 through 13188 of the Commission’s regulations, which are codified in Title 14 of the California Code of Regulations.

### **Restoration Order**

The Commission’s authority to issue Restoration Orders is set forth in Section 30811 of the Coastal Act, which states, in part:

*In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission..., the development is inconsistent with this division, and the development is causing continuing resource damage.*

Pursuant to Section 13191 of the Commission’s regulations, I have determined that the activities specified in this letter meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) “Development,” as that term is defined by section 30106 of the Coastal Act, has occurred without a CDP from the Commission.
- 2) This unpermitted development is inconsistent with the resource protection policies of the Coastal Act including, but not necessarily limited to:
  - a. Coastal Act Section 30230 (protection of marine resources).
  - b. Coastal Act Section 30231 (maintenance of biological productivity and water quality).
  - c. Coastal Act Section 30233 (limitations of fill of wetlands).
  - d. Coastal Act Section 30240 (protection of environmentally sensitive habitat areas).

- 3) The unpermitted development remains in place and therefore continues to cause resource damage, which is defined by Section 13190 of the Commission's regulations as: "any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development." The unpermitted development continues to exist, and therefore, it continues to cause damage to resources and prevent the Coastal Act resources that were displaced from re-establishing, and it continues to cause degradation and reduction in quality of surrounding resources as compared to their condition before the unpermitted development occurred.

For the reasons stated above, I am therefore issuing this "Notice of Intent" letter to commence proceedings for a Restoration Order before the Commission in order to compel the restoration of the Property. The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

### **Response Procedure**

In accordance with Sections 13181(a) and 13191(a) of the Commission's Regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist Order and Restoration Order proceedings by completing the enclosed Statement of Defense (SOD) form. The completed SOD form, including documents and issues that you would like the Commission to consider, must be returned to the Commission's San Francisco office, directed to the attention of John Del Arroz, no later than September 21, 2017. However, should this matter be resolved via a Consent Order, a statement of defense form would not be necessary.

### **Notification of Intent to Record a Notice of Violation of the Coastal Act**

The Coastal Act contains a provision for recording a notice against real property, indicating the existence of a Coastal Act violation on the property. One reason why such notice is important is so that potential purchasers of a property are made aware that a violation of the Coastal Act has occurred on the property. In our letter dated November 30, 2016, in accordance with Coastal Act Section 30812(g), we notified you of the potential for the recordation of a Notice of Violation against your properties.

The Executive Director of the Commission may record a Notice of Violation against the title to your properties pursuant to Section 30812, after providing notice and the opportunity for a hearing. Section 30812 provides, in part:

*(a) Whenever the executive director of the commission has determined, based on substantial evidence, that real property has been developed in violation of this division, the executive director may cause a notification of intention to record a notice of violation to be mailed...to the owner of the real property at issue...*

*(b) ... The notification shall state that if, within 20 days of mailing of the notification, the owner of the real property at issue fails to inform the executive director of the owner's objection to recording the notice of violation, the executive director shall record the notice of violation in the office of each county recorder where all or part of the property is located.*

*(c) If the owner submits a timely objection to the proposed filing of the notice of violation, a public hearing shall be held . . . at which the owner may present evidence to the commission why the notice of violation should not be recorded. . . .*

*(d) If, after the commission has completed its hearing and the owner has been given the opportunity to present evidence, the commission finds that, based on substantial evidence, a violation has occurred, the executive director shall record the notice of violation...*

In many instances of cooperation, property owners have agreed to stipulate to the recordation of a Notice of Violation while working with the Commission to resolve the violations through mutual agreement. Should you choose to object to the recording of a Notice of Violation and wish to present evidence to the Coastal Commission at a public hearing on the issue of whether a violation has occurred, you must specifically object, in writing, within 20 calendar days of the postmarked mailing of this notification. The objection should be sent to the attention of John Del Arroz at the Commission's headquarters office (the address is provided above in the letterhead), and received no later than September 21, 2017. Please include the evidence you wish to present to the Commission in your written response and identify any issues you would like us to consider. If recorded as provided for under Section 30812(b), the Notice of Violation will become part of the chain of title of the properties against which it is recorded and will be subject to review by potential buyers. This notice is intended to put other parties on notice of the status of the properties and to avoid unnecessary confusion. Pursuant to the provisions of Section 30812 (f), the Notice of Violation will be rescinded once the violations are resolved.

### **Civil Liability and Exemplary Damages**

The Coastal Act includes a number of penalty provisions that may be applicable. Section 30820(a)(1) provides for civil liability to be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each instance of development that is in violation of the Coastal Act. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission when the person intentionally and knowingly performs or undertakes such development. Civil liability under Section 30820(b) shall be imposed in an amount not less than \$1,000 per day and not more than \$15,000 per day, for each violation and for each day in which each violation persists. Section 30821.6 also provides that a violation of a Cease and Desist Order or Restoration Order issued by the Commission can result in civil liabilities of up to \$6,000 for each day in which the violation persists. Lastly, Section 30822 provides for additional exemplary

damages for intentional and knowing violations of the Coastal Act or a Commission Cease and Desist Order or Restoration Order.

### **Resolution**

As discussed above, this notice letter does not preclude the parties from still reaching a cooperative resolution. We remain willing to resolve this matter amicably and without the need for a contested hearing and would like to work with you to achieve that end. The Consent Order process provides an opportunity to resolve these issues through mutual agreement. While requiring compliance with the Coastal Act, Consent Orders give you additional input into the process and timing of the removal of the unpermitted development and could potentially allow you to negotiate a penalty amount with the Commission staff to resolve your civil liability. Consent Orders would provide for a permanent resolution of this matter and thereby resolve the complete violation without any further formal legal action.

If you are interested in discussing the possibility of agreeing to Consent Orders, please contact John Del Arroz, Statewide Enforcement Analyst, no later than September 8, 2017 at (415) 904-5220 or at the address of the Commission's San Francisco office on the letterhead above. Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the SOD form mentioned above in this letter.

Sincerely,



John Ainsworth  
Executive Director

cc:

Lisa Haage, Chief of Enforcement  
Alex Helperin, Senior Staff Counsel  
Aaron McLendon, Deputy Chief of Enforcement  
John Del Arroz, Statewide Enforcement Analyst  
Brendan Thompson, North Coast Regional Water Quality Control Board  
Michael Van Hattem, California Department of Fish and Wildlife  
Kasey Sirkin, Army Corps of Engineers  
Rebecca Glyn, U.S. Environmental Protection Agency

Enclosures:

Statement of Defense Form for Cease and Desist and Restoration Orders



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

**STATEMENT OF DEFENSE FORM**

**DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, (FURTHER) ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.**

**YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE COMMISSION ENFORCEMENT STAFF.**

This form is accompanied by a notice of intent to initiate cease and desist order and restoration order proceedings before the commission. This document indicates that you are or may be responsible for or in some way involved in either a violation of the commission's laws or a commission permit. The document summarizes what the (possible) violation involves, who is or may be responsible for it, where and when it (may have) occurred, and other pertinent information concerning the (possible) violation.

This form requires you to respond to the (alleged) facts contained in the document, to raise any affirmative defenses that you believe apply, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the (possible) violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps, drawings, etc. and written declarations under penalty of perjury that you want the commission to consider as part of this enforcement hearing.

You should complete the form (please use additional pages if necessary) and return it **no later than September 21, 2017** to the Commission's enforcement staff at the following address:

**John Del Arroz  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, CA 94105**

If you have any questions, please contact **John Del Arroz** at **(415) 904-5220**.

**1. Facts or allegations contained in the notice of intent that you admit (with specific reference to the paragraph number in such document):**

---

---

---

---

---

---

---

---

**2. Facts or allegations contained in the notice of intent that you deny (with specific reference to paragraph number in such document):**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**3. Facts or allegations contained in the notice of intent of which you have no personal knowledge (with specific reference to paragraph number in such document):**

---

---

---



---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**5. Any other information, statement, etc. that you want to offer or make:**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this form to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, and title, and enclose a copy with this completed form):**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

11/29/17  
cc

07

Doc # 20174268  
Page 1 of 1  
Date: 10/20/2017 10:21A  
Filed by: GENERAL PUBLIC  
Filed & Recorded in Official Records  
of COUNTY OF DEL NORTE  
GLISSIA S. WORTHROP  
COUNTY CLERK-RECORDER  
Fee: 99.00

RECORDING REQUESTED BY:  
California Coastal Commission

WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION  
45 Fremont Street, Suite 2000  
San Francisco, Ca 94105-2219  
Attention: John Del Arroz

[Exempt from recording fee pursuant to Gov. Code § 27383]

DOCUMENT TITLE:

NOTICE OF VIOLATION OF THE COASTAL ACT

Re: Assessor's Parcel Nos. 102-010-050-000, 103-010-001-000, 103-010-002-000, 103-010-012-000, and 103-020-074-000, Del Norte County

Property Owner: Reservation Ranch

RECORDING REQUESTED BY  
And When Recorded Mail To:

CALIFORNIA COASTAL COMMISSION  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
Attention: John Del Arroz

STATE OF CALIFORNIA OFFICIAL BUSINESS  
Document entitled to free recordation pursuant to:  
California Government Code § 27383

NOTICE OF VIOLATION OF THE COASTAL ACT  
(California Public Resources Code Section 30812)

I, John Ainsworth, declare:

1. I am the Executive Director of the California Coastal Commission (hereinafter referred to as the "Commission"). The Commission was created by the California Coastal Act of 1976 (hereinafter, "Coastal Act"), which is codified in the California Public Resources Code (hereinafter, "PRC") at sections 30000 to 30900. PRC Section 30812 provides for the Executive Director of the Commission (hereinafter, "Executive Director") to record Notices of Violations of the Coastal Act in the County Recorder's office for the county in which all or part of a property on which a Coastal Act violation has occurred is located.
2. The real property that is the subject of this notice of violation is the property in unincorporated Del Norte County, California that is described in Exhibit A hereto (the "Property"). Violations of the Coastal Act have occurred on the portions of the Property depicted on Exhibit B hereto as Del Norte County Assessor's Parcel Nos. ("APNs") 102-010-050-000, 103-010-001-000, 103-010-002-000, 103-010-012-000, and 103-020-074-000.

The property where the violations of the Coastal Act have occurred is alternatively known as:

Reservation Ranch  
Smith River, CA 95567  
Del Norte County APNs 102-010-050-000, 103-010-001-000, 103-010-002-000, 103-010-012-000, and 103-020-074-000.

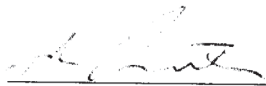
The record owner of the Property is Reservation Ranch. The violations consist of the undertaking of development activity without the permit authorization required by the Coastal Act.

NO 20174268 P02 01/14

3. The Property is located within the Coastal Zone as that phrase is defined in the Coastal Act (PRC Section 30103).
4. The violations of the Coastal Act referenced in this Notice of Violation include, but are not necessarily limited to, the performing of the following development, all of which is unpermitted: 1) grading; 2) placement of fill, including manure, soil, straw, construction waste, trash, cow carcasses, and other debris in and/or adjacent to wetlands, tidal sloughs, and streams; 3) construction of roads and stream crossings; 4) placement of pumps in and diversion of water from tidal sloughs and streams, including the Smith River, Tillas Slough, and Ritmer Creek; and 5) dredging of tidal sloughs and streams.
5. The Commission retains a file on this matter under Violation File No. V-1-16-0164.
6. Commission staff notified the Property owner of record, Reservation Ranch, of the potential for recordation of a Notice of Violation in a letter dated September 1, 2017. No objection was received by September 21, 2017, the legal deadline for such an objection to be submitted pursuant to PRC section 30812(b). Thus, the Commission has not received a timely objection to the recordation of the Notice of Violation. Therefore, the substantive and procedural requirements set forth in PRC Section 30812 as prerequisites for recordation of this Notice of Violation have been satisfied, and the recording of this notice is authorized and the Executive Director is required to record it.
7. Therefore, the Executive Director of the Commission is recording the Notice of Violation as provided for in the Coastal Act, under PRC Section 30812.

Executed in 10/18/17, California, on SAN FRANCISCO.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
JOHN AINSWORTH, Executive Director,  
California Coastal Commission

Notary acknowledgement on next page.

FILED 2017 OCT 18 11:14 AM

Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

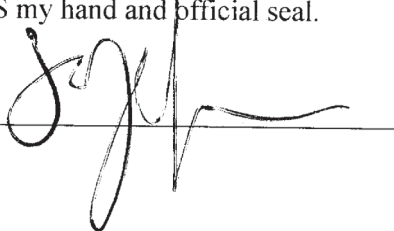
State of California  
County of San Francisco

On October 18, 2017, before me, Jeff G. Staben-Mihalek, a Notary Public, personally appeared John Ainsworth, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

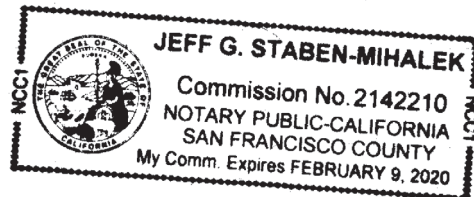
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



## Exhibit A

### For APN 102-010-050-000

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF DEL NORTE, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SECTION 21, TOWNSHIP 18 NORTH, RANGE 1 WEST, HUMBOLDT BASELINE AND MERIDIAN, LAYING SOUTHERLY OF THAT CERTAIN PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS "OCEAN VIEW DRIVE".

TOGETHER WITH ALL THAT PORTION OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 1 WEST, HUMBOLDT BASELINE AND MERIDIAN, LAYING SOUTHWESTERLY OF THAT CERTAIN PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS "OCEAN VIEW DRIVE", SOUTHEASTERLY OF THAT CERTAIN PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS "LOPEZ ROAD" AND NORTHEASTERLY OF THAT CERTAIN PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS "CALIFORNIA STATE HIGHWAY 101".

ALSO, TOGETHER WITH ALL THAT PORTION OF SECTION 20, TOWNSHIP 18 NORTH, RANGE 1 WEST, HUMBOLDT BASELINE AND MERIDIAN, LAYING WITHIN THE BOUNDS OF THAT CERTAIN GEOGRAPHIC FEATURE COMMONLY KNOWN AS "ISLAIS ISLAND" (ALSO, "TILLAS ISLAND") ABOVE THE ORDINARY HIGH WATER LINE OF THE SMITH RIVER AND "ISLAIS SLOUGH" (ALSO, "TILLAS SLOUGH").

EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF THAT CERTAIN PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS "CALIFORNIA STATE HIGHWAY 101".

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS AND BELOW THE ORDINARY HIGH WATER LINE OF SAID "ISLAIS SLOUGH".

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF PARCELS 1 AND 2, AS DESIGNATED AND SHOWN ON THAT CERTAIN PARCEL MAP FILED JANUARY 22, 1992 IN BOOK 7 OF PARCEL MAPS, AT PAGE 33, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF PARCEL 2, AS DESIGNATED AND SHOWN ON THAT CERTAIN PARCEL MAP FILED JUNE 7, 1990 IN BOOK 6 OF PARCEL MAPS, AT PAGE 169, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING EASTERLY OF DELILA CREEK AND SOUTHERLY OF SAID PARCEL 2, AS SHOWN ON SAID PARCEL MAP FILED IN BOOK 6 OF PARCEL MAPS, AT PAGE 169, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF THAT CERTAIN PROPERTY CONVEYED BY DEED RECORDED IN BOOK 187 OF OFFICIAL RECORDS, AT PAGE 405, DEL NORTE COUNTY RECORDS, AND SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED MAY 11, 1990 IN BOOK 10 OF MAPS, AT PAGE 164, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF THAT CERTAIN PROPERTY CONVEYED BY DEED RECORDED IN BOOK 317 OF OFFICIAL RECORDS, AT PAGE 278, DEL NORTE COUNTY RECORDS, AND SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED APRIL 9, 1997 IN BOOK 12 OF MAPS, AT PAGE 97, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 LAYING WITHIN THE BOUNDS OF PARCELS 1 THROUGH 3, INCLUSIVE, AS DESIGNATED AND SHOWN ON THAT CERTAIN PARCEL MAP FILED MARCH 16, 1971 IN BOOK 1 OF PARCEL MAPS, AT PAGE 14, DEL NORTE COUNTY RECORDS.

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 DESIGNATED AND DESCRIBED AS "PARCEL ONE" IN THAT CERTAIN GRANT DEED FROM RESERVATION RANCH TO SHIP ASHORE, DATED DECEMBER 10, 2014 AND RECORDED DECEMBER 10, 2014 IN OFFICIAL RECORDS OF DEL NORTE COUNTY, UNDER DOCUMENT NUMBER 20145084, SAID PARCEL ONE BEING SHOWN ON THAT CERTAIN RECORD OF SURVEY ENTITLED "BOUNDARY ADJUSTMENT RECORD OF SURVEY FOR SHIP ASHORE RESORT" FILED DECEMBER 11, 2014 IN BOOK 16 OF MAPS, AT PAGE 76, DEL NORTE COUNTY RECORDS, ENTITLED THEREON AS "SHIP ASHORE SEWAGE TREATMENT PONS AND CONNECTING STRIP".

ALSO, EXCEPTING THEREFROM ALL THAT PORTION OF SAID SECTION 21 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A TWO-INCH DIAMETER STEEL CYCLONE FENCE POST LOCATED AT THE MOST SOUTHERLY CORNER OF PARCEL ONE, AS DESIGNATED AND DESCRIBED IN THAT CERTAIN GRANT DEED FROM RESERVATION RANCH TO SHIP ASHORE, DATED DECEMBER 10, 2014 AND RECORDED DECEMBER 10, 2014 IN OFFICIAL RECORDS OF DEL NORTE COUNTY, UNDER DOCUMENT NUMBER 20145084, SAID CORNER BEING SHOWN ON THAT CERTAIN RECORD OF SURVEY ENTITLED "BOUNDARY ADJUSTMENT RECORD OF SURVEY FOR SHIP ASHORE RESORT" FILED DECEMBER 11, 2014 IN BOOK 16 OF MAPS, AT PAGE 76, DEL NORTE COUNTY RECORDS; THENCE ALONG AN EXISTING FENCE LINE OF WOODEN POST AND WIRE CONSTRUCTION, SOUTH 86°10'20" EAST 42.55 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID FENCE, SOUTH 52°25'15" EAST 101.18 FEET TO AN ANGLE



POINT. THENCE CONTINUING ALONG SAID FENCE AND ITS SOUTHEASTERLY PROJECTION, SOUTH 62°14'30" EAST 520.00 FEET TO A POINT LAYING IN AN EXISTING FENCE LINE OF WOODEN POST AND WIRE CONSTRUCTION; THENCE ALONG SAID FENCE NORTH 16°42'25" EAST 688.00 FEET TO A POINT LAYING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CALIFORNIA STATE HIGHWAY 101; THENCE FROM A TANGENT BEARING OF NORTH 57°01'22" WEST, NORTHWESTERLY ALONG SAID RIGHT-OF-WAY AND A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 5820.49 FEET, THROUGH A SUBTENDED ARC OF 7°55'23" A DISTANCE OF 809.00 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 49°06'00" WEST 270.00 FEET TO THE MOST EASTERLY CORNER OF PARCEL 3, AS DESIGNATED AND SHOWN ON THAT CERTAIN PACEL MAP FILED MARCH 16, 1971 IN BOOK 1 OF PARCEL MAPS, AT PAGE 14, DEL NORTE COUNTY RECORDS; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 3, SOUTH 21°10'00" WEST 360.00 FEET TO THE MOST EASTERLY CORNER OF PARCEL 1, AS DESIGNATED AND SHOWN ON SAID PARCEL MAP; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, SOUTH 19°35'00" WEST 102.08 FEET TO A POINT MARKED BY 5/8 INCH DIAMETER STEEL REBAR WITH A TWO-INCH DIAMETER ALUMINUM SURVEY DISK MARKED "PROPERTY CORNER - DAVIS - LS 3340" LOCATED AT AN ANGLE POINT IN THE BOUNDARY OF SAID PARCEL ONE, DESCRIBED IN DOCUMENT NUMBER 20145084, DEL NORTE COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF SAID PARCEL ONE, SOUTH 59°56'08" EAST 280.88 FEET TO AN ANGLE POINT AT THE CENTER OF A TWO INCH DIAMETER STEEL CYCLONE FENCE POST; THENCE SOUTH 13°25'02" EAST 34.03 FEET TO AN ANGLE POINT AT THE CENTER OF A TWO INCH DIAMETER STEEL CYCLONE FENCE POST; THENCE SOUTH 23°01'52" WEST 104.77 FEET TO AN ANGLE POINT AT THE CENTER OF A TWO INCH DIAMETER STEEL CYCLONE FENCE POST; THENCE SOUTH 55°42'45" EAST 187.98 FEET TO AN ANGLE POINT AT THE CENTER OF A TWO INCH DIAMETER STEEL CYCLONE FENCE POST; THENCE SOUTH 32°27'17" WEST 245.05 FEET TO AN ANGLE POINT AT THE CENTER OF A TWO INCH DIAMETER STEEL CYCLONE FENCE POST LOCATED AT THE MOST SOUTHERLY CORNER OF SAID PARCEL ONE, THE POINT OF BEGINNING.

BEARINGS BASED ON AND IDENTICAL WITH SAID RECORD OF SURVEY FILED IN BOOK 16 OF MAPS, AT PAGE 76, DEL NORTE COUNTY RECORDS.  
COMPRISING 492 ACRES, MORE OR LESS.

\*

## For APN 103-010-012-000

ALL that portion of the southwest quarter of southwest quarter of Section 16 and the northwest quarter and the northeast quarter of Section 21, and of the northwest quarter of Section 22, lying on the southerly side of the public road leading from Smith River to Chetco, Oregon, as the same existed January 13, 1893.

ALSO the north half of southwest quarter and the north half of southeast quarter of Section 21; and the northwest quarter of southwest quarter and north half of northeast quarter of southwest quarter of Section 22.

ALSO that certain island known as Islas Island lying in Sections 20, 21, 28 and 29 and being a portion of the lands conveyed to KATHERINE W. LYMAN by deed from HENRY WESTBROOK and wife by deed recorded March 17, 1936 in Book 54 of Deeds, page 314, Del Norte County Records.

ALL of the above land being in Township 18 North, Range 1 West, Humboldt Meridian.

EXCEPTING however, from all of the above lands those portions thereof described on the following instruments, all of record in the office of the County Recorder of Del Norte County, California:

1. That portion of the southwest quarter of said Section 16 included in deed to CATHERINE FENDER recorded August 8, 1887 in Book I of Deeds, page 192.
2. Deed to the State of California recorded January 29, 1937 in Book 55 of Deeds, page 205.
3. Deed to W.L. GRAY and wife recorded October 1, 1946 in Book 64 of Deeds, page 478.
4. Deed to MORTIMER JOSEPH SIENKA and wife recorded May 16, 1950 in Book 70 of Deeds, page 391.
5. Deed to BRUNO BRAIDO and wife recorded May 10, 1956 in Book 17 of Official Records, page 413.

ALSO EXCEPTING therefrom that portion thereof conveyed to the State of California by deed recorded August 19, 1981 in Book 258 of Official Records, page 591, Del Norte County records.

ALSO EXCEPTING a parcel of land bounded and described as follows:

BEGINNING at a point 887.86 feet south and 1516.21 feet west of northeast corner of Section 21, Township 18 North, Range 1 West, Humboldt Meridian; and running  
thence south 89 degrees 06 minutes east 267.94 feet;  
thence north 4 degrees 55 minutes west 198.24 feet;  
thence north 81 degrees 52 minutes east 21.52 feet;  
thence north 5 degrees 35 minutes 30 seconds west 56.18 feet to the County Road;  
thence south 75 degrees 20 minutes 10 seconds west along said road 148.63 feet;  
thence continuing along said road south 44 degrees 10 minutes 40 seconds west 162.29 feet to a point from which the point of beginning bears south 5 degrees 44 minutes 40 seconds west;  
thence south 5 degrees 44 minutes 40 seconds west 98.75 feet to the point of beginning.

ALSO EXCEPTING from said Parcels 1 and 2, those portions thereof conveyed to Hastings Bulb Growers Inc., an Oregon corporation, by deed recorded January 17, 1991 in Book 369 of Official Records, page 751.

ALSO EXCEPTING from the land in Section 22, that portion thereof shown as Parcel 1 on the parcel map filed in the office of the County Recorder of Del Norte County, California on June 18, 1992 in Book 7 of Parcel Map page 56.

For APNs 103-010-001-000, 103-010-002-000, 103-020-074-000

PARCEL The south half of the north-east quarter of Section 27; except one square acre in the northeast corner deeded to Del Norte County for a cemetery; and excepting also one-half acre deeded to Smith River Community Club by deed recorded in Book 66 of Deeds, page 270:

The South half of the south half of the north-west quarter of section 27; the south half of section 27, excepting 39 acres deeded to James Goodlin and bounded as follows: Commencing at a point 20 chains east of the southwest corner of said Section 27, running thence east 40.50 chains, thence north 9.75 chains, thence west to the center of the county road, thence in a southwesterly direction along said road to place of commencement.

The south half of the northeast quarter of Section 28; all that portion of the north half of northeast quarter of Section 28 which lies on the southwesterly side of the right hand bank of Delilah Creek, estimated to contain 30 acres; the north half of the northwest quarter of Section 28; excepting therefrom that portion of Islis Island in Section 28 deeded to Katherine W. Layman by deed dated January 16, 1934 and recorded in Book 54 of Deeds, page 314; the southeast quarter of the northwest quarter of Section 28; the northeast quarter of the southwest quarter of Section 28; the southeast quarter of section 28; that portion of the north half of the northeast quarter of Section 33; and of the northwest quarter of the northwest quarter of Section 34 lying north of the center line of Smith River; all being in Township 18 North of Range 1 West of Humboldt Meridian, and containing altogether 890 acres of land, more or less.

Also the following described land:

The south half of the southwest quarter and southwest quarter of the southeast quarter of Section 21, Township 18 North, Range 1 West, Humboldt Meridian, excepting that part of said subdivisions which lie northeasterly of a line from the section line northwesterly following

down the right bank of Delilah Creek to its mouth and then down the right bank of Islas Slough to the north line of south half of southwest quarter of Section 21, and also excepting therefrom that portion of Islas Island in Section 21 deeded to Katherine W. Layman by deed dated January 16, 1934, and recorded in Book 54 of Deeds, page 314.

PARCEL Beginning at a point in Smith River (as said river existed at the date of May 3, 1943) and in accordance with the Map of Survey made by H. M. Malpas, County Surveyor, and recorded in Book 3 of Maps, page 35, Records of Del Norte County, California; said point of beginning bears north 0 degrees 40 minutes east 570.00 feet from a concrete monument set for the northwest corner of the southwest quarter of the northeast quarter of Section 33, Township 18 North, Range 1 West, Humboldt Meridian, as established by J. N. Lentell according to his Map of Record, as recorded in Book 2 of Maps page 14, Records of Del Norte County, California; thence from point of beginning along the center line of Smith River as it existed at said date west 869.35 feet; thence north 78 degrees 00 minutes west 1635.00 feet; thence north 40 degrees 00 minutes west 1285.00 feet; thence north 32 degrees 00 minutes west 2570.00 feet; thence north 4 degrees 30 minutes east 2530.00 feet; more or less, to the north line of that certain parcel of land patented to John H. Hegler by the State of California as recorded in Book I of Deeds, page 394-5, records of Del Norte County, California, said above described north line being coincident with the north line of the fractional northwest quarter of the northeast quarter of Section 29, Township 18 North, Range 1 West, Humboldt Meridian; thence leaving the river and running east on said north line to the northeast corner of the fractional northwest quarter of the northeast quarter of said Section 29; thence southerly along the subdivisinal line to the northwest corner of the southeast quarter of the northeast quarter of said Section 29; thence easterly along the subdivisinal line to the northeast corner of the southeast quarter of the northeast quarter of said Section 29; thence southerly along the section line to the northeast corner of the southeast quarter of the southeast quarter of said Section 29; thence easterly along the Subdivisinal lines to the northeast corner of the southeast quarter of the southwest quarter of Section 28, same Township and Range; thence southerly along the subdivisinal lines to the point of beginning.

PARCEL Fractional northwest quarter  
of southwest quarter of Section 28 particularly

bounded and described as follows:

Beginning at the quarter section corner between Sections 28 and 29; Township 18 North, Range 1 West, Humboldt Meridian; running thence south 20 chains; thence east 7.50 chains to the bank of Smith River; thence along bank of Smith River North 11 degrees west 4.28 chains; north 13 1/2 degrees west 2.32 chains; north 16 degrees west 3.50 chains; north 8 degrees west 2.60 chains; north 13 degrees west 1.80 chains; north 8 1/2 degrees west 3.70 chains; north 1.30 chains; north 6 1/2 degrees west 0.90 chains; thence west 3.90 chains to the point of beginning.

Also beginning at a point 20 chains east of the same quarter section corner; and running thence south 16.36 chains; thence north 27-3/4 degrees west 16 chains; thence north 19 1/4 degrees west 2.37 chains, and thence east 8.20 chains to the place of beginning.

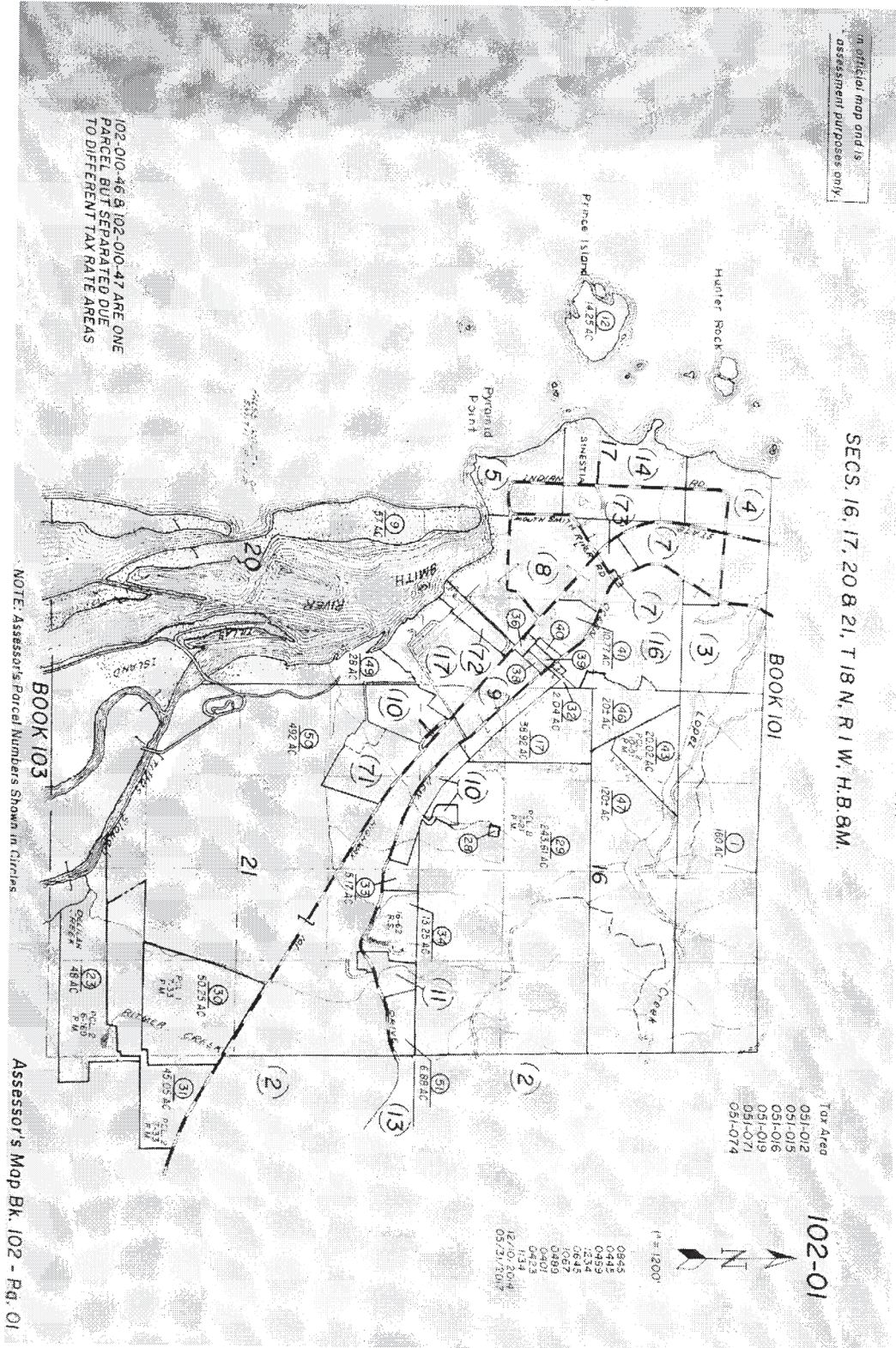
PARCEL Fractional southwest quarter of  
northwest quarter of Section 28 particularly  
bounded and described as follows:

Beginning at the quarter section corner between Sections 28 and 29 in Township 18 North, Range 1 West, Humboldt Meridian; running thence north 7.90 chains to bank of Smith River; thence along bank of river south 47 degrees east 3.63 chains; and thence south 12 degrees 45 minutes east 5.60 chains; thence west 3.90 chains to the place of beginning.

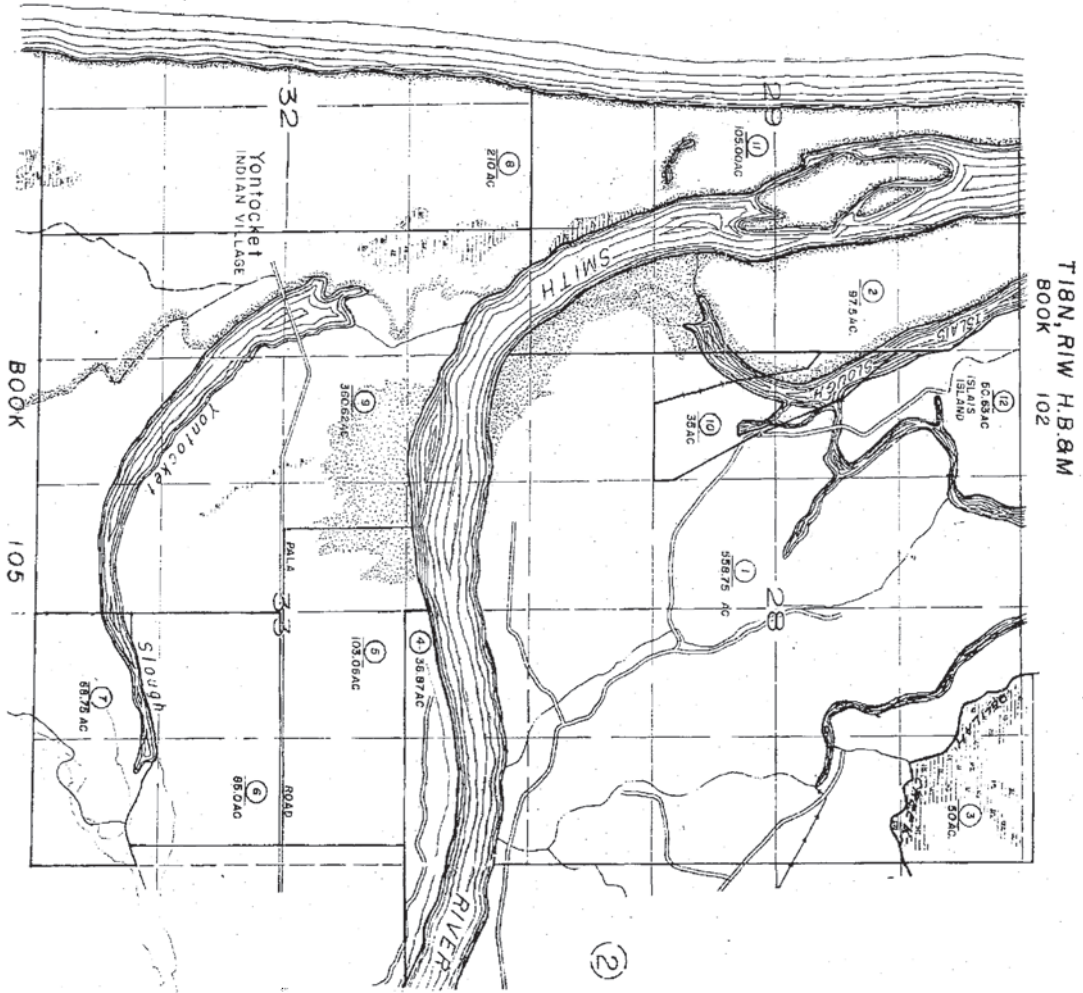
Also beginning at a stake 20 chains north of the quarter section corner between aforesaid Sections 28 and 29; running thence east 20 chains; thence south 20 chains; thence west 8.20 chains to bank of Smith River; thence along bank of river north 23 degrees west 11.52 chains; and thence north 37 degrees 30 minutes west 12 chains to place of beginning.

# Exhibit B

For APN 102-010-050-000

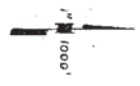


For APNs 103-010-001-000, 103-010-002-000, 103-010-012-000



T18N, R1W, H8AM  
BOOK 102

103-1



Doc # 201274258 Date 13 01 14

