

17. (Tide and Submerged Land Lease Policy) The Commission was informed that in addition to the standard policy of issuing leases for a term of fifteen years with right of renewal for up to three additional periods of ten years each, (See Item 16 preceding), the Pacific Gas and Electric Company had requested deviation in leases issued to them in the following respects:

1. Eliminate payment of first and last year's rental at time of issuance of the lease.
2. Change Section 12 and 13 of the standard lease to permit option on part of lessee to terminate lease at any time upon removal of the facilities for own reason or in case the land is sold by the State.

Upon motion duly made and unanimously carried, a resolution was adopted to adhere to the present policy on issuance of leases for commercial purposes, with the single modification that lessee shall have the right to terminate the lease at any time after removal of facilities constructed on the leasehold or if the land is sold by the State.

18. (San Francisco Water Front Streets - W.O. 512) ^{land} The Commission was informed that there is pending certain actions to quiet title to streets claimed by J. D. and A. B. Spreckels Company (W.O.'s 207 and 491). Adjacent to said area is another group of streets which were closed by Resolution 1376 of the Board of Supervisors on October 15, 1940, approximately 7 acres of former tide and submerged lands between and adjacent to certain blocks conveyed into private ownership by the Tide Land Commissioners and the Legislature. Title thereto in the private claimants might be effected if adverse possession can be claimed for a period of ten years. The area has been the subject of McEnerney actions which, of course, are not binding upon the State. Pursuant to recent decision in the U. S. Circuit Court of Appeals, the State is owner of the naked fee title to streets under water which have not been closed. As such owner, the State is vested with fee simple title when the street easement is abandoned per order of the proper governing body. A portion of the subject area has been reclaimed but in spite of such reclamation it is the thought that title has not passed since the occupants thereof have not been in possession for a period of ten years as yet.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to request the Attorney General to institute quiet title actions against all persons claiming any right, title or interest in the San Francisco tideland street areas closed by order of the Board of Supervisors of San Francisco County.

19. (Application for Lease of Tide and Submerged Land - Crescent City, Del Norte County - A. C. Dutton Lumber Corporation - W.O. 367, P.R.C. 416) The Commission was informed that an application for lease of tide and submerged lands in Crescent City had been received from the A. C. Dutton Lumber Corporation, chartered in New York, with offices in Portland, Oregon, for an area 1850 feet in length, 150 feet in width, extending from the ordinary high water mark at Crescent City, Del Norte County. The Dutton Lumber Corporation proposes to build a large wharf for the purpose of handling lumber, timber, and also fish. The cost of the proposed installation is estimated at \$250,000.00. The Corps of Engineers have approved the project, as has the Crescent City Harbor Commission. The Dutton Corporation claims to own land littoral to the artificially accreted State land.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to enter into a lease with the A. C. Dutton Lumber Corporation on a strip of State tide and submerged lands westerly from Toohy Street at Crescent City and being 150 feet in width and 1850 feet in length into Crescent City Bay, at an annual rental determined by the Commission's policy of 6 per cent of the value of the appraised land involved. Said lease to be for a term of fifteen years with the right of renewal for three additional periods of ten years each at such terms and conditions as shall be set by the Commission at time of renewal. The lease to require the filing of a surety bond, or equivalent, to guarantee the terms of the lease and the removal of facilities at the expiration thereof, in an amount of \$25,000. The lease to be further subject to the condition that the work of construction of the installation shall be commenced within ninety days of the date of the lease and that the facilities shall be completed one year after the date of the lease, except that the date of completion may be deferred, upon the showing that any delay was caused by conditions beyond the control of the Dutton Corporation. The lease to be further subject to the condition that the Commission may require that one year after its completion the facility may be used by other parties at reasonable tariff rates.

20. (Application for Mineral Extraction Lease - Mono Lake - Charles C. Miller - W.O. 163, P.R.C. 417) The Commission was informed that on December 10, 1948 (Minute Page 911) the Commission deferred consideration of the bid of Charles C. Miller for a mineral extraction lease in Mono Lake under W.O. 163 to permit discussions with the Department of Water and Power of the City of Los Angeles relative to the protection of the interests of the State and the City through operations of the Department of Water and Power affecting the lake. Conferences held indicate no immediate prospect of solving the problems involved. The necessity of protecting the State from any future liability which might arise by reason of changes in level or concentration of Mono Lake has been discussed with the applicant, and he is willing to accept the award of a lease embodying a saving clause to the State in this regard.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to issue a mineral extraction lease to Mr. Charles C. Miller on the basis of a royalty of fifty cents per ton or two per cent of the weighted average sales price per ton, F.O.B. the extraction plant, whichever is the greater, on the aggregate of all minerals and mineral products extracted from the leased premises and sold, which lease is to provide specifically for saving the State free and harmless of and from any and all liability arising out of any future operations by the Department of Water and Power of the City of Los Angeles which might affect changes in level or concentration of Mono Lake.

21. (Application for Mineral Extraction Lease - Mono Lake - George I. Williams - W.O. 387) The Commission was informed that on December 10, 1948 (Minute Page 910) the Commission deferred consideration of the application of Mr. George I. Williams for a mineral extraction lease in Mono Lake pending discussion with the Department of Water and Power of the City of Los Angeles on problems which might arise from operational changes in the level or concentration of Mono Lake as discussed in the preceding item.