

STANDARD B & P "NOISEAR"

16. (ARBITRATION OF ORDINARY HIGH WATER MARK, CHULA VISTA, SAN DIEGO BAY - W.O. 211, P.R.C. 575) The Commission was informed as follows: A survey of the ordinary high water mark of San Diego Bay along the entire Chula Vista frontage has been completed by this Division, and the map prepared by this Division has been filed in the records of San Diego County as Miscellaneous Map No. 217. This survey was prepared to show correctly the location of the ordinary high water mark (the natural water boundary) of the subject section of San Diego Bay which has now been altered by the dredging of channels, placing of fill, construction of dikes and other improvements of man.

Therefore, in consideration of the fact that the natural boundary between the upland and the tidelands has been or is in danger of being obliterated as a result of placing of fill, the dredging of channels and the construction of dikes and other works and improvements of man, and at the request of the City and various upland owners for an agreement as to the common boundary between the lands of the city (in which the State has a residual interest) and the upland owners.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE FORMS OF AGREEMENT ARBITRATING THE ORDINARY HIGH WATER MARK AS DELINEATED ON SAID MISCELLANEOUS MAP NO. 217.

17. (CUTTING OF CHRISTMAS TREES ON STATE LAND - SAC. W.O. 5292) The Commission was informed as follows: On November 13 the U. S. Forest Service called the Sacramento office to report that Mr. Gus Yutz, of Susanville, California, had cut 137 trees, totaling 1548 lineal feet, from vacant school land in Section 36, T. 28 N., R. 8 E., M.D.M. The Forest Service stated that the going price for such trees is 25¢ per lineal foot for trees in place and that at such value the trees removed from the State lands had a value of \$387.00. Upon receipt of such information, Mr. Yutz was requested by the Sacramento office on November 24 to appear in the Sacramento office and explain the matter.

On November 30 the Sacramento office received, via Mr. P. D. Hook, District Ranger of the Lassen National Forest, Mr. Yutz's personal check for \$387.00 in payment for the 1548 lineal feet contained in the 137 trees cut from the State land.

On December 12 Mr. Yutz appeared in the Sacramento office in connection with the cutting of the trees and explained that he had a contract to cut Christmas trees from the land owned by the Shasta Forest Company; that a cruiser for the Shasta Forest Company had erroneously advised him that he could cut the Christmas trees from the State land, which was presumed by the cruiser to be the property of the Shasta Forest Company. Mr. Yutz stated that the U. S. Forest Service Ranger, in measuring the trees from which he cut the Christmas trees, measured the entire length of the tree from the butt to the tip and not just the part of the tree which was cut by Mr. Yutz. Mr. Yutz stated that he only cut 137 trees from the State land, but the Forest Service Ranger, in figuring the lineal feet, as above stated, measured from the ground to the tip of the trees. Mr. Yutz also stated that the Shasta Forest Company charged him only 19¢ per lineal foot and then only on the length of the Christmas trees after cutting. He says that he lost \$220.00 on the deal, as he had constructed a road into the land which he was lead to believe contained a sufficient number of Christmas trees to justify the building of the road. He stated he would never have spent the time and money to build a road for the 137 trees he cut from the State land.

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