

STANDARD B & P "NOISE"

A meeting of the State Lands Commission was held in Room 180 Business and Professions Building, Sacramento, California, on April 12, 1951, at 9:00 A.M.

Present: Honorable James S. Loan, Chairman
Honorable Goodwin J. Knight, Member
Honorable Thomas H. Kuchel, Member

In attendance were: G. Delbert Morris, Assemblyman
Miriam E. Wolff, Deputy Attorney General (representing Board of State Harbor Commissioners)

1. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MEETING OF FEBRUARY 28, 1951, WERE APPROVED AND CONFIRMED AS SUBMITTED.

2. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS DECIDED TO DEFER SETTING A DATE FOR THE NEXT COMMISSION MEETING.

3. (TIDELANDS CONTROVERSY - BEACH IMPROVEMENT PROJECT, SOUTHERN CALIFORNIA - W.O. 721) The Division of State Lands has received a copy of a public notice, dated March 23, 1951, and issued by the Corps of Engineers, U. S. Army, referring to a plan for beach improvement and erosion control of the shoreline of California between Point Mugu in Ventura County and San Pedro Harbor. This plan is the result of a survey undertaken by the Beach Erosion Board of the Corps of Engineers, the costs of which were partially borne by the State and local interests. The construction of groins and widening of beaches by protective fills are proposed at a cost of about \$9,500,000 to which the Federal Government would contribute one-third.

The public notice states in part:

"Authorization of a Federal project as recommended by the reporting officers would be construed to vest authority in the Secretary of the Army to convey the State of California or to such county, city, or other municipality as the State may designate, the right to the free use and occupancy, for recreational and allied purposes, of the submerged lands to be filled in the construction of the project, subject to reservation by the United States of access rights necessary for recovery of oil, gas, or other subsurface deposits."

A study of a copy of the report of the U. S. District Engineer on the project revealed the existence of several statements which impute ownership by the United States of submerged lands along the coast which lie in areas claimed by the State as inland waters in the pending proceedings of United States vs. California. Any imputations or inferences as to ownership to or paramount rights in these disputed areas by the United States, particularly at this time are believed to be prejudicial to the position taken by the State and should at least be protested, if not entirely eliminated from the report. This matter has been discussed with Assistant Attorney General Everett W. Mattoon, currently in Washington, D. C., and he agrees with the opinions held by the staff.

On April 11, 1951, a conference was held with the Director of the Department of Natural Resources, the Chief of the Division of Beaches and Parks, and

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members of their staff, these agencies being sponsors of the project on the part of the State. It was agreed by all present that the report should be protested vigorously. Opportunity has been afforded to do this by a statement in the public notice referred to above, in which there is set a deadline of April 20, 1951, for protests or other comments, to be made to the Beach Erosion Board in Washington, D. C., or for a request for a hearing. It is the recommendation of the group meeting yesterday that the Governor execute such a protest and/or request for hearing, in view of the extreme importance to the State of the issues involved.

Assemblyman G. Delbert Morris was present during the discussion of this item and joined in approving the action proposed.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED BY WHICH THE STATE LANDS COMMISSION DISAPPROVED THE INCLUSION OF ANY STATEMENTS IN THE PROPOSED REPORT OF THE CORPS OF ENGINEERS, U. S. ARMY, ON THE PLAN FOR BEACH EROSION CONTROL IN SOUTHERN CALIFORNIA, WHICH WILL IN ANY WAY CONTRIBUTE TO AN ASSUMPTION BY THE UNITED STATES OF OWNERSHIP OR PARAMOUNT RIGHTS IN SUBMERGED AREAS NOW IN DISPUTE IN UNITED STATES VS. CALIFORNIA; FURTHER, THE COMMISSION REQUESTED THE GOVERNOR TO ADDRESS THE BEACH EROSION BOARD, ASKING FOR ADDITIONAL TIME IN WHICH TO ARRANGE FOR SUBMITTING A WRITTEN PROTEST IN DETAIL OR FOR AN ORAL HEARING; IN ADDITION, THE EXECUTIVE OFFICER WAS DIRECTED TO MAKE SUCH A REQUEST TO THE BEACH EROSION BOARD IN THE EVENT THE GOVERNOR DID NOT SEE FIT TO DO SO HIMSELF.

4. (APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS, MRS. L. IMOGENE VALLE, MIDDLE RIVER, SAN JOAQUIN COUNTY - W.O. 586, P.R.C. 595) On February 28, 1951, authorization was given to the Executive Officer to issue to Mrs. L. Imogene Valle a lease of approximately one-half acre of tide and submerged lands in Middle River, San Joaquin County, adjacent to the Borden Highway bridge on a year by year basis at an annual rental of \$50.00 and the furnishing of performance bond in the amount of \$1000.00, effective date to be September 30, 1949.

The first year period passed prior to signing of the lease, furnishing of bond, and fulfillment of the requirement that Mrs. Valle's lease of the adjoining upland be changed from a verbal to a written agreement. The latter has now been accomplished, the lease of the uplands being on a year by year basis.

Mrs. Valle, the prospective lessee, has now requested that her lease, when issued, be assigned to Mr. John A. Fitzgerald as he has purchased the facilities on both the uplands and on State lands and has been assigned the lease which Mrs. Valle had with the upland owner.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED REVISING THE ACTION OF THE COMMISSION ON FEBRUARY 28, 1951, ITEM 5, PAGE 1285 OF MINUTES AND AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO MRS. L. IMOGENE VALLE A LEASE FOR THE SAME AREA FOR A PERIOD OF TWO YEARS WITH RIGHT OF RENEWAL FOR THIRTEEN SUCCESSIVE PERIODS OF ONE YEAR EACH AT SUCH TERMS AS MAY BE DETERMINED PRIOR TO EACH RENEWAL DATE, EFFECTIVE DATE TO BE SEPTEMBER 30, 1949, RENTAL AND BOND REQUIREMENTS TO BE AS PREVIOUSLY AUTHORIZED, AND FURTHER