

53. (APPLICATION TO CONSTRUCT DRAINAGE FACILITIES, PETALUMA CREEK, MARIN COUNTY, MARIN COUNTY MOSQUITO ABATEMENT DISTRICT - W.O. 1151, P.R.C. 649.)

UPON MOTION DILY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO THE MARIN COUNTY MOSQUITO ABATEMENT DISTRICT A PERMIT TO EXCAVATE A DRAINAGE DITCH AND CONSTRUCT A LEVEE WITH DRAINAGE CULVERT AND TIDE GATE ON TIDE LANDS IN PETALUMA CREEK, MARIN COUNTY, FOR THE PURPOSE OF DRAINING AN AREA ONLY OCCASIONALLY COVERED BY WATER, AND REDUCING THE MOSQUITO INFESTATION, NO FEES AND NO RENTAL TO BE REQUIRED, THE CONSIDERATION BEING THAT THE PROJECT IS IN THE INTEREST OF THE PUBLIC.

The area it is proposed to drain is accreted tide lands overgrown with swamp plants and retaining water after high tides. It is considered by Marin County that the proposed project will effectively reduce the mosquito count.

54. (OWENS LAKE LITTORAL LANDS - GENERAL DATA.) The Commission was requested to consider the filing of a protest with the Bureau of Land Management against the proposed exchange between the City of Los Angeles and the Bureau of Land Management, Department of the Interior, wherein eight (8) acres of land adjacent to Bishop, belonging to the City of Los Angeles, are to be exchanged for some 6,500 acres of public domain now withdrawn for the benefit of the City of Los Angeles, pursuant to provisions of the Taylor Grazing Act.

It was suggested that should a protest of the State not be allowed, the exchange be made conditioned upon giving to the public a perpetual right of way through the lands adjacent to Owens Lake that would be required by the City of Los Angeles.

The Commission has received a communication from Senator Charles Brown, and another from the Inyo County Assessor, Stewart B. Cox, advising that the City of Los Angeles' proposed exchange includes certain land adjacent to the meander line of Owens Lake and others in the vicinity of Baines Reservoir. When this matter was heard before the Inyo County officials on July 20, 1961, Senator Brown informed the Bureau of Land Management and the City of Los Angeles that Inyo County and the State were opposed to the proposed exchange, and further that the matter would be brought to the attention of the State Lands Commission.

The City of Los Angeles has for a number of years been attempting to acquire a considerable area of Federal lands in Inyo and Mono Counties, but no far Federal legislation to permit this acquisition has been blocked. Also, a great deal of the public domain in Inyo and Mono Counties has been withdrawn from public entry by the Bureau of Land Management for the benefit of the City of Los Angeles pursuant to an act approved March 4, 1961. The State Senate at one time passed a resolution against the land acquisition by Los Angeles, and later agreed to a modified bill which did not affect the rights of the State, mining interests, and grazing rights. This bill did not get through Congress.

This proposed exchange is apparently for the purpose of acquiring lands adjacent to Owens Lake to prevent possible further and increased liability to State leases and the state through flooding of Owens Lake. This may be accomplished by restoring access to the lake and use of contiguous land for plant sites. The City has been defeated in the several court cases over

damage to Owens Lake because of its failure to take care of surplus water which was turned on to Owens Lake in 1937, 1938, and 1939. Many attempts have been made to reach some solution to the City's problem with respect to Owens Valley surplus water, but the City will make no arrangements with the State for amicable adjustment of the problem.

Inyo County's reason for objection to the exchange is that no taxes are paid by the City of Los Angeles on lands acquired, and that as long as the lands are in Federal ownership there is always the possibility of the lands going into private ownership.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO FILE A PROTEST IN THE OWENS LAKE MATTER, AND TO NOTIFY SENATOR CHARLES BROWN OF ACTION TAKEN BY THE COMMISSION.

35. (GREY LODGE REFUGE, PROPOSED OIL AND GAS LEASE, BUTTE COUNTY, DIVISION OF FISH AND GAME - W.O. 1125.)

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO CONSULT WITH THE DIVISION OF FISH AND GAME, AND, AFTER A FULL UNDERSTANDING AND CONCURRENCES, TO OPEN FOR PUBLIC BID FOR A GAS LEASE THE 2,541.639 ACRES OF STATE LAND IN THE GREY LODGE REFUGE, BUTTE COUNTY, PURSUANT TO SECTION 6901 ET SEQ., AND PARTICULARLY IN ACCORDANCE WITH SECTIONS 6851 TO 6855 OF THE PUBLIC RESOURCES CODE.

*see also  
P. 1447  
of minutes*

The Grey Lodge Refuge is now subject to gas drainage from a Honolulu Oil Corporation well in Section 17, T. 17 N., R. 1 E., M.D.M. This company and two other oil companies have asked for an opportunity to lease the area.

By informal opinion in a similar case, Assistant Attorney General Walter L. Bowers, with respect to leasing of State land dedicated to a public use (See 6851-54 P.R.C.), states: "In line with the general policy of the State to develop its natural resources and to protect its interests for the benefit of the citizens of the State, and in view of the specific statutory enactments since the decision in McNeil v. Kingsbury, it is my personal belief that the State Lands Commission is authorized, in accordance with the provisions mentioned and the general authority found in the Public Resources Code, to enter into a lease on behalf of the State for the production of oil and gas or other mineral deposits on the lands here involved, and that it is the only state agency having such authority."

36. (SALE OF VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, SCRIP APPLICATION NO. 4784, SACRAMENTO LAND DISTRICT, SONOMA COUNTY, ALBERT E. OTTOBONI - S.W.O. 5244.) An offer has been received from Mr. Ottoboni of Cloverdale, California, to purchase Lots 12 and 13 of Section 7, and Lots 4 and 5 of Section 18, T. 11 N., R. 8 W., M.D.M., containing 141.56 acres in Sonoma County. This land may be obtained by the State from the Federal Government through use of base. The minimum price for scrip for this type of land has been set heretofore at \$5.00 per acre cash. Mr. Ottoboni has made an offer of \$707.80, or \$5.00 per acre.

The Assessor of Sonoma County has assessed contiguous land at \$2.00 per acre, thus indicating an appraised value of the land applied for of \$4.00 per acre. An appraisal by the Commission's staff indicates that the offer as made is adequate.