

3. (GRAZING LEASE APPLICATION, SAN BERNARDINO COUNTY, RICHARD K. QUEEN, S.W.O. 5481, P.R.C. 1244.2.) Application has been received from Richard K. Queen or Searchlight, Nevada, for a grazing lease for a term of five years on Tract 38 (Section 16), T. 12 N., R. 19 E., and Section 36, T. 13 N., R. 19 E., S.B.M., containing 1,280 acres in San Bernardino County, at an annual rental of \$12.80, which is equal to or exceeds the rental being charged by the Federal Government for comparable lands in that locality and adjoining the State lands. The carrying capacity in animal units on the subject lands is about four head per section, and the lands are suitable for grazing twelve months during the year. We are informed by the Assessor of San Bernardino County that the property in the vicinity of the subject lands is being assessed at approximately \$1.25 per acre, thus indicating a minimum appraised value of \$2.50 per acre. After negotiating with the applicants, they have agreed to the payment of \$0.01 per acre per year for the subject 1,280 acres, which the staff considers a satisfactory rental for this type of land.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A FIVE-YEAR GRAZING LEASE FOR TRACT 38 (SECTION 16), T. 12 N., R. 19 E., AND SECTION 36, T. 13 N., R. 19 E., S.B.M., CONTAINING 1,280 ACRES IN SAN BERNARDINO COUNTY, TO MR. RICHARD K. QUEEN AT AN ANNUAL RENTAL OF \$12.80, THE APPLICANT TO BE REQUIRED TO PAY THE ENTIRE FIVE YEARS' RENTAL AT THE TIME OF EXECUTION OF THE LEASE.

4. (APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS, ANTIOCH, CONTRA COSTA COUNTY, JOHN J. RODGERS - M.O. 1136.) An application has been received from Mr. John J. Rodgers of Antioch to lease 4.72 acres of tide and submerged land fronting on his upland and located adjacent to but outside of the city limits of Antioch.

The problem is complicated by the fact that there are a number of squatters on the area of State land involved. These squatters, over a number of years, have located a number of arks, houseboats, and other structures on the area in front of the Rodgers' property. Some of them probably would cost today in the order of three to four thousand dollars. In preliminary discussion with Mr. Rodgers and his counsel, Senator Delap, he has agreed to give the occupants a firm lease for six months, and longer if it meets plans for use of the upland. In front of the balance of Antioch there are numerous additional structures. The problem is aggravated by lack of sanitary facilities, and also by the fact that the area is somewhat of a slum situation, with attendant fire hazards, etc. The situation has been complained of by both the City Manager of Antioch and Supervisor Frederickson of Contra Costa County.

Legally the builders of the structures have no rights, as no permission for the occupancy was given by the County Board of Supervisors, the Surveyor General, or the State Lands Commission. It is our understanding that no taxes are paid on the structures.

It has not been the policy of the Commission to commence ejectment proceedings against occupants or nominal owners of structures, as provided in Section 6302 of the Public Resources Code, but rather to issue a two-year lease from date of notice of unauthorized occupancy, at \$65 a year for

noncommercial leases; and for commercial leases to issue a 15-year lease at \$100 per year minimum or 6.6 per cent of the appraised value of the bare land, whichever is greater, with bond requirement in the latter case commensurate with the cost of removal upon lease termination; a noncommercial lease to provide for a ten-year renewal at such reasonable terms and conditions as shall be set by the Commission at the time of renewal. It is the expectation in the case of Antioch that sanitary facilities may be arranged for during the two-year period, and such a satisfactory solution will be a condition at time of renewal.

The following policy with respect to purprestures at Antioch was presented to the Commission for consideration:

- (a) That a 15-year lease be issued to John J. Rodgers on 4.72 acres of tide and submerged lands in front of his Antioch property, under the Commission's policy of \$100 a year minimum or 6.6 per cent of the appraised value of the bare land, whichever is greater, with the proviso in the lease that he issue a firm sublease to occupants or nominal owners of purprestures for a two-year period, with option in Mr. Rodgers to renew or continue the subleases provided proper sanitary facilities shall have been made available at no expense to the State; and
- (b) That two-year State leases be issued to the occupants or nominal owners of purprestures (for tide and submerged lands not in front of the Rodgers' property) at currently established rental rates, upon approval of the upland owners, said leases to provide for a ten-year extension at terms to be set by the Commission at time of renewal, a consideration for renewal being that sanitary facilities will be provided at no expense to the State; and
- (c) That 15-year leases be issued to occupants or nominal owners of purprestures used for commercial purposes, from date of notice, at currently established rates and under existing policies.

Mr. Dean questioned the possibility under such a policy of Mr. Rodgers' realizing a profit from the owners of the purprestures, which profit should rightfully accrue to the State. He asked what the rental would be if instead of permitting Mr. Rodgers to issue subleases to such owners, the State itself issued the leases, and was informed that under such circumstances the State ordinarily would collect \$65 annual rental, but that it had been the policy of the Commission in the past to issue this type of lease only with the consent of the upland owners.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED DEFERRING ACTION ON THE ISSUANCE OF A LEASE TO JOHN J. RODGERS AT ANTIOCH, PENDING THE WORKING OUT OF ARRANGEMENTS TO PROTECT THE STATE'S INTERESTS IN POSSIBLE RENTALS FROM OWNERS OF PURPRESTURES.

5. (APPLICATION FOR RECREATIONAL LEASE OF TIDE AND SUBMERGED LANDS, RICHARDSON BAY, MARIN COUNTY, DR. GEORGE A. WATSON - W.O. 1263, P.R.C. 733.1) Dr. George A. Watson has applied for a recreational lease of a small fraction of an acre of tide and submerged land in Richardson Bay adjacent to upland owned by the applicant, for the construction of a small pier for his