

Mr. Heaverside then asked if the \$1,800 referred to would cover all costs of investigation for the 1955-56 fiscal year, including the handling of all master plans the counties would submit. The Executive Officer replied in the negative, indicating that it was the plan to ask the counties to submit master plans for review by the State Lands Commission beginning with the 1956-57 fiscal year.

In response to a question by Mr. Heaverside about the number of plans which have been received from counties, he was informed by the Executive Officer that no county-wide harbor plans have been received as yet, but that response has been had from many of the counties covering their shoreline recreational plans. Mr. Heaverside indicated that he knew that many of the counties are now ready to present their plans.

The Executive Officer stated that Colonel Charles T. Leeds, the Commission's Consulting Seacoast Engineer, feels that criteria to be used by the counties will be ready by March 1, 1956, thus giving the counties the months of March, April, May and June in which to complete their plans.

Senator Way reported that he had visited many of the counties to be covered by the program, and had asked them to prepare and file plans to be used by the State Lands Commission. He particularly mentioned the County of Humboldt, which he stated has referred the problem to its Planning Commission, and also to the County of Del Norte, which he indicated has prepared an elaborate and practical plan. Senator Way further reported that he had informed each of the counties with which he had talked that they would be expected to provide the sites for the State to use in setting up the small boat harbors. He indicated that the counties throughout the State are very much interested in this development, and that there appears to be a real need for small boat harbors inasmuch as so many people now own small boats and are at present interested in small boats as a hobby, and willing to spend considerable money on this hobby.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED WITH THE ACCOMPLISHMENT OF THE PLAN HEREIN SET FORTH.

12. (ACQUISITION BY THE UNITED STATES OF LAND OCCUPIED BY THE NAVAL CONSTRUCTION BATTALION CENTER, PORT HUENEME, VENTURA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W. O. 2042.) The following report was presented to the Commission:

"At its meeting held February 9, 1954 the Commission authorized the Executive Officer to order and conduct the requisite hearings pursuant to Section 126 of the Government Code, and under the Rules and Regulations adopted by the Commission on June 14, 1949, on applications relating to acquisition of lands by the United States, subject to report to the Commission of the determinations of hearings for final consideration and action.

"On February 10, 1955 an application for acceptance of jurisdiction by the United States over lands within the United States Naval Construction Battalion Center, Port Hueneme, California, specifically that portion thereof known as the 'Bard Estate Property', was executed by the Honorable C. S. Thomas, Secretary of the Navy, accepting political jurisdiction over the lands described within the application.

"Pursuant to said application, arrangements were made to conduct the requisite public hearing at Room 302 State Building, Los Angeles, California, at 10 a.m., Tuesday, December 6, 1955. The notice of said public hearing was published in the Ventura County Star Free Press, Ventura, California, on November 18, 1955, and service on the clerk of the Board of Supervisors of Ventura County was made on the 17th day of November, 1955. Notices were thus published and served in compliance with Section 2602, California Administrative Code, Title 2.

"The hearing was held by the Executive Officer at Room 302 State Building, Los Angeles, California, Tuesday, December 6, 1955, beginning at 10 a.m. A record of the hearing was made, and the transcript was made a part of the Commission's record in this case. The Attorney General was represented by Everett W. Mattoon, Assistant Attorney General. Appearances were made on behalf of the applicant by Stuart Foutz, Attorney for the Navy Department; Harry F. Henson, Jr., Attorney for the Navy Department; and Captain W. C. G. Church, U.S.N.

"Section 126 of the Government Code requires that the State Lands Commission must have found and declared to have occurred and to exist the fulfillment of certain specified conditions. Oral and documentary evidence was presented and received at the hearing in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to their presentation are as follows:

'Evidence was presented at the hearing to the effect that the acquisition was made for the 'erection of forts, magazines, arsenals, dockyards, and other needful buildings... within the purview of Clause 17, Section 8, Article 1 of the Constitution of the United States'. According to that evidence the United States Naval Construction Battalion Center, Port Hueneme, California, has as its mission the providing of a home base for the Naval Construction Battalions operating in the Pacific; the assembly, sorting, preservation and shipping of advance base components and advance base materiel requirements for these battalions; and the performance of like duties for base development in the Pacific and Alaskan theatres. Additionally, it has as a mission the training of group base personnel of the Navy. It is the only fully commissioned and fully operating construction battalion center now run by the Navy.

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That particular portion of the installation known as the 'Bard Estate Property' is an integral part of the installation used for housing a Homoja development (Quonset units) devoted to housing officers in training and station personnel.

"The second condition requires that a finding be made that 'the acquisition must be pursuant to and in compliance with the laws of the United States'. Acquisition of the property was had by a Corporation Grant Deed to the United States, dated February 28, 1951, and recorded in the official records of Ventura County, California. The property was acquired pursuant to authorization contained in an act of Congress approved June 16, 1948 (Public Law 653 - 80th Congress, Second Session). The funds for such acquisition were appropriated by an act of Congress approved June 25, 1948 (Public Law 785 - 80th Congress, Second Session, 62 Stat, Chapter 658). Photostatic copies of the muniments of title to the lands covered by the application of the United States have been filed with the Commission.

"By testimony presented and documentary evidence introduced by the applicant, it was established that all statutory requirements had been fully complied with, and that the United States is vested with good and sufficient title in fee simple to the subject lands.

"The third condition upon which a finding is required is that 'the United States must, in writing, have assented to acceptance of jurisdiction over the lands upon and subject to each and all of the conditions and reservations in this section prescribed'.

"Under the provisions of an act of Congress of October 9, 1940 (Public Law 825, 54 Stat 1083), the 'head or other authorized officer of any department...of the government' may accept jurisdiction from the State. A letter from the Secretary of the Navy, dated February 10, 1955, and signed by him (C. S. Thomas), accepting jurisdiction on behalf of the United States over certain lands contained in the United States Naval Construction Battalion Center, and commonly known as the 'Bard Estate Property', was received by the State lands Commission on March 3, 1955. This acceptance was made 'to the full extent granted by the Legislature of the State of California' and '...in accordance with the Government Code of California, and is expressly subject to the terms and conditions of Section 126 thereof, as amended'. The form and substance of this application has been approved by the office of the Attorney General.

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"Testimony was also presented to the effect that the Secretary of the Navy had accepted, and the United States now has jurisdiction over the remainder of the installation as authorized by the statutes of California in effect at the time of such acceptance. Thus it appears that acceptance was made in accordance with law and with the rules of the Commission.

"The fourth requirement is that the Commission must have found and declared that the acquisition is in the interest of the State. Testimony was presented to the effect that there is a benefit resulting to the State of California by reason of the acquisition and maintenance of the United States Naval Construction Battalion Center, of which the 'Bard Estate Property' is an integral part. It was established that the installation employs some 3,000 civilian personnel and has approximately 2,700 military personnel; that the payroll for the installation runs approximately \$1,700,000 monthly and is spent in the immediate area, contributing substantially to the support of the City of Hueneme, the City of Oxnard, and adjacent communities. These factors indicate that the installation provides an economic benefit to the surrounding area. It was further established that the installation is an integral part of the United States Defense System, and thus of benefit to the State. Further, it was represented that the granting of jurisdiction would clarify fields of authority as between the United States and local governmental agencies, and relieve local agencies of the necessity of furnishing police and fire services. Further testimony presented indicated that the installation is self-sufficient as to its water supply, having several wells located on the property, the capacity of which would actually take care of considerable expansion in the installation's activities. It was also indicated that relationships with local authorities respecting water problems were harmonious, and that mutually beneficial solutions to water problems were being worked out. The foregoing factors indicate that the establishment of the installation has been beneficial and in no wise detrimental to the State.

"In accepting jurisdiction, the United States did so subject to all of the terms, conditions, and reservations contained in Section 126, Government Code of the State of California, as amended through September 7, 1955. Thus, acceptance was subject to provisions of Paragraph (h) of said section, reserving to the State 'jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired'.

"No appearances were made in opposition to the application.

SUMMARY

"The hearings on this case were held at Los Angeles, California, December 6, 1955, pursuant to Commission authority. The findings of the hearing officer are as follows:

1. The property involves some 62 acres, more or less, of land in Ventura County. The acquisition comes within the purview of Clause 17, Section 8, Article 1 of the Constitution of the United States, which requires that it be for the 'erection of forts, magazines, arsenals, dockyards, and other needful buildings for public purposes'.
2. The acquisition was by purchase and was made pursuant to the laws of the United States.
3. The United States, through the Secretary of the Navy, has assented, in writing, to the acceptance of jurisdiction subject to all of the conditions of Section 126 of the Government Code of the State of California, as amended by Statutes of 1955, Chapter 649.
4. Acquisition is in the interest of the State in view of the installation's substantial contribution to the economy of the local area, and in view of its value as a unit in the National Defense System.
5. All requirements of Section 126 of the Government Code of the State of California have been complied with by the applicant and by the State Lands Commission and its staff.

"This calendar item has been reviewed and approved by the office of the Attorney General."

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE STATE LANDS COMMISSION FINDS AND DECLARES, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE DEPARTMENT OF THE NAVY AS A PORTION OF THE UNITED STATES NAVAL CONSTRUCTION BATTALION CENTER, PORT HUENEME, VENTURA COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b), (c) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA, HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST, AND THAT SUCH ACQUISITION IS IN THE INTERESTS OF THE STATE. THE EXECUTIVE OFFICER IS DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE ONE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF VENTURA.

EXHIBIT "A"

All that certain real property situated in the County of Ventura, State of California, and more particularly described as follows: A portion of Lot 1 of Subdivision 87, as said Subdivision is designated and delineated upon that certain map entitled "Map No. 1 Lands in Subdivisions 84, 85 and 87 of Rancho El Rio de Santa Clara o' La Colonia", in the County of Ventura, State of California, recorded in Book 5, page 13 of Maps in the office of the County Recorder of said Ventura County; and a portion of Subdivision 89 of said Rancho on file in the office of the County Clerk of said County, in that certain action entitled Thos. A. Scott, et al., Plaintiff, vs. Rafael Gonzales, et al., Defendant, and which is more particularly described as follows:

Beginning at a sandstone monument marked "S-106" set at the intersection of the West line of Ventura Road with the South line of the Patterson Ranch Subdivision, said point being also the Northeast corner of said Subdivision 89; thence,

1st: - North  $89^{\circ} 31' 25''$  West, 1139.46 feet to a point, from which a sandstone monument marked "S-121", set at Northwest corner of said Subdivision 89, bears North  $89^{\circ} 31' 25''$  West 150.00 feet; thence,

2nd: - South  $0^{\circ} 26' 48''$  West, 1319.22 feet to a point; thence,

3rd: - North  $89^{\circ} 33' 12''$  West, 150.00 feet to a point; thence,

4th: - South  $0^{\circ} 26' 48''$  West, at 330.05 feet a sandstone monument marked "S-122", set at the Southwest corner of said Subdivision 89; at 955.52 feet a point in the North line of Pleasant Valley Road; thence,

5th: - North  $89^{\circ} 58' 30''$  East, 1271.54 feet along said North line of Pleasant Valley Road to its intersection with the West line of Ventura Road; thence,

6th: - North  $1^{\circ} 56' 52''$  East, 614.64 feet to a sandstone monument marked "S-107", set at the Southeast corner of said Subdivision 89; thence,

7th: - North  $0^{\circ} 30' 42''$  East, 1649.28 feet to the point of beginning.