

Appeals in Sacramento, and that until that court makes a ruling the Commission cannot act.

Mr. Ryan then went on to say that on behalf of the Board of Supervisors he was taking exception to every finding of the Executive Officer; that not one finding is supported by evidence; that there is a rule of court that the examining officer is limited to the facts before him.

The Executive Officer suggested that the Appellate Court unquestionably would take action on Judge Chamberlain's ruling, and indicated that he felt it would be presumptuous of the Commission at the present time to anticipate what action that court might take.

Mr. Jay Shavelson of the Attorney General's office stated that the matter is pending in the District Court of Appeals, and that to the best of his knowledge there has been no Writ of Supersedeas; that it would be best to see whether the Superior Court's decision is upheld before the State Lands Commission proceeds further on this problem. He believes that the court's opinion as to which agency has jurisdiction would be much better than an opinion of the Attorney General.

Mr. Ryan contended that the Commission erred in accepting as facts certain evidence presented, whereupon Mr. Kirkwood indicated that an opinion of the Attorney General might be requested on this point.

Mr. JOHN E. Blakeley, Consulting Engineer for the County of Alpine, called to the attention of the Commission that there is a tax problem involved which vitally affects the County of Alpine. In addition, the Forest Service representative from the Stanislaus and the Calaveras National Forests has indicated that logging is going to take place soon within the controversial areas and that money from this operation will go to the counties. A further complication is that the boundaries and acreage upon which the tax split will be made are based upon the statements of the Forest Service, and they agree that there is no good acreage figure for the County of Alpine because the boundary lines have never been properly set.

Mr. Shavelson indicated that on the basis of the Court's having taken judicial notice of all proceedings of the State Lands Commission in this matter, there would be no basis for an opinion of the Attorney General.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED THAT THE EXECUTIVE OFFICER SHOULD REQUEST THE OFFICE OF THE ATTORNEY GENERAL FOR AN OPINION AS TO WHETHER THE STATE LANDS COMMISSION HAS JURISDICTION IN THE MATTER OF SETTLING THE CONTROVERSY AS TO THE LOCATION OF THE BOUNDARY LINE BETWEEN ALPINE COUNTY AND AMADOR, CALAVERAS AND TUOLUMNE COUNTIES.

12. (SMALL CRAFT HARBOR PLANNING - W. O. 2111.) The following report was presented to the Commission:

"Pursuant to Chapter 1850 of the Statutes of 1955, and as a preliminary step to the requirements for a report by the State Lands Commission, the Executive Officer of the State Lands

Commission presented a progress report on August 6, 1956 on the Small Craft Harbor Program, to the Senate Interim Committee on Bay Development and Small Craft Harbors. This report set forth that in February, 1956 a total of 34 counties were furnished 'Specifications and Criteria for County-wide Master Plans for Small Craft Harbors'. Out of this total, 18 were coastal counties and 16 were inland counties. To date, 11 coastal counties have submitted preliminary county-wide master plans. The remaining 7 coastal counties have reported that their plans are being prepared and will be submitted as soon as possible. Of the 16 inland counties, 5 have submitted preliminary master plans. The other 11 inland counties have indicated that they are not interested in the small craft harbor program at the present time.

"The Senate Interim Committee indicated that it would like to have the State-wide master plan in its hands by November, 1956. It was explained that it would be impossible to complete such a plan in this short period of time based on the review and study of all completed county-wide plans. Aside from the fact that 7 preliminary county plans have not yet been received, the 11 plans now in our office are preliminary and incomplete. Additions and changes will have to be made in all of the plans.

"Inasmuch as there is insufficient time to prepare a complete State-wide plan which will encompass and take into consideration all county-wide plans, and since the necessity of some positive action before the Legislature meets is recognized, the following procedure for preparing an immediate State-wide plan was described to the Senate Interim Committee:

1. Restrict all present planning by the Commission to harbors of refuge for small craft.
2. Study all existing U. S. Corps of Engineers and other reports on harbor sites for adaptability as harbors of refuge. Utilize all county plans as far as applicable.
3. Select sufficient additional harbor sites which are not covered by U. S. Corps of Engineers reports and which are considered necessary to complete a properly spaced chain of refuge harbors. County plans will again be used as far as possible, if they coincide with a selected harbor-of-refuge site."

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

THE STATE LANDS COMMISSION APPROVES THE ABOVE PROCEDURE FOR EXPEDITING A STATE-WIDE, HARBOR-OF-REFUGE MASTER PLAN, AND THE EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED AS SUGGESTED ABOVE. COPIES OF THE STATE-WIDE HARBOR-OF-REFUGE MASTER PLAN ARE TO BE SUBMITTED TO THE MEMBERS OF THE COMMISSION AS SOON AS AVAILABLE.