

MINUTE ITEM

11/19/70
CRK

3. 10-YEAR PUBLIC AGENCY PERMIT, TIDE AND SUBMERGED LANDS ADJACENT TO JULIA PEIFFER BURNS STATE PARK, MONTEREY COUNTY; STATE DEPARTMENT OF PARKS AND RECREATION - W 8431, PRC 4532.9.

After consideration of Calendar Item 5 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO THE STATE DEPARTMENT OF PARKS AND RECREATION OF A 10-YEAR PUBLIC AGENCY PERMIT FROM MAY 1, 1970, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR RECREATIONAL AND EDUCATIONAL USE OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF: PROVIDED THAT

1. THE LAND SHALL BE SUBJECT TO RULES AND REGULATIONS OF THE DEPARTMENT OF PARKS AND RECREATION INSOFAR AS THEY DO NOT CONFLICT WITH TERMS AND CONDITIONS OF THE PERMIT AND WITH THE PUBLIC RIGHT OF REASONABLE ACCESS FOR COMMERCE, NAVIGATION AND FISHERIES;
2. THE PERMITTEE SHALL PERMIT REASONABLE USE OF THE LAND FOR EDUCATION AND RESEARCH BY ACCREDITED INSTITUTIONS OF HIGHER EDUCATION;
3. THE STATE LANDS COMMISSION RESERVES THE RIGHT TO AMEND THE PERMIT AT ANY TIME TO CURTAIL OR EXPAND USE OF THE LAND AND TO PRESCRIBE AND MAKE PERIODIC CHANGES IN A SYSTEM OF PRIORITIES FOR MULTIPLE USE.
4. USE OF THE LAND SHALL BE SUBJECT TO PROVISIONS OF THE COMPREHENSIVE OCEAN AREA PLAN WHEN IT IS PROMULGATED.

Attachment:

Calendar Item 5 (3 pages)

CALENDAR ITEM

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5.

PUBLIC AGENCY PERMIT

APPLICANT: State Department of Parks and Recreation.

LOCATION: Approximately 1600 acres of tide and submerged lands adjacent to Julia Pfeiffer Burns State Park, Monterey County.

LAND USE: Multiple use for recreational and educational purposes.

TERM: Initial period: 10 years, from May 1, 1970.

CONSIDERATION: No charge; the public use and benefit, with the State reserving the right to set a monetary rental at any time if the Commission finds such action to be in the State's best interest.

PREREQUISITE ITEMS:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$96,000.00.
2. The Department of Parks and Recreation initially requested transfer of jurisdiction and control of this site for designation as an underwater park. However, during negotiations it was brought out that tide and submerged lands along the Pacific Coast represent a limited resource that should be judiciously and prudently designated for multiple use. Accordingly, pending development of a Comprehensive Ocean Area Plan by the Interagency Council for Ocean Resources, the applicant has agreed to accept a limited-type permit, which contains the following key provisions:
 - (1) The land shall be subject to rules and regulations of the Department of Parks and Recreation insofar as they do not conflict with terms and conditions of the permit and with the public right of reasonable access for commerce, navigation and fisheries;
 - (2) The permittee shall permit reasonable use of the land for education and research by an accredited institution of higher education;

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- (3) The State Lands Commission reserves the right to amend the permit at any time to curtail or expand use of the land and to prescribe and make periodic changes in a system of priorities for multiple use.
- (4) Use of the land shall be subject to provisions of the Comprehensive Ocean Area Plan when it is promulgated.

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO THE STATE DEPARTMENT OF PARKS AND RECREATION OF A 10-YEAR PUBLIC AGENCY PERMIT FROM MAY 1, 1970, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR RECREATIONAL AND EDUCATIONAL USE OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT

- 1. THE LAND SHALL BE SUBJECT TO RULES AND REGULATIONS OF THE DEPARTMENT OF PARKS AND RECREATION INSOFAR AS THEY DO NOT CONFLICT WITH TERMS AND CONDITIONS OF THE PERMIT AND WITH THE PUBLIC RIGHT OF REASONABLE ACCESS FOR COMMERCE, NAVIGATION AND FISHERIES;
- 2. THE PERMITTEE SHALL PERMIT REASONABLE USE OF THE LAND FOR EDUCATION AND RESEARCH BY ACCREDITED INSTITUTIONS OF HIGHER EDUCATION;
- 3. THE STATE LANDS COMMISSION RESERVES THE RIGHT TO AMEND THE PERMIT AT ANY TIME TO CURTAIL OR EXPAND USE OF THE LAND AND TO PRESCRIBE AND MAKE PERIODIC CHANGES IN A SYSTEM OF PRIORITIES FOR MULTIPLE USE.
- 4. USE OF THE LAND SHALL BE SUBJECT TO PROVISIONS OF THE COMPREHENSIVE OCEAN AREA PLAN WHEN IT IS PROMULGATED.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of tide and submerged land in the Pacific Ocean lying adjacent to Julia Pfeiffer Burns State Park, Monterey County, California, described as follows:

BEGINNING at the Triangulation Station "Partington Point" in the Coast and Geodetic Triangulation Net of California; thence proceeding S. $30^{\circ} 0' W.$ for a distance of 6,000 feet; thence proceeding S. $40^{\circ} 26' 12'' E.$ the distance of 11,074.17 feet; thence N. $35^{\circ} 0' E.$, a distance of 6,000 feet to the Triangulation Station "McWay, Rock Awash, West," being a triangulation station in the Coast and Geodetic Triangulation Net of California; thence N. $63^{\circ} 15' E.$ to the intersection of the south line of the northwest quarter of the northwest quarter of Section 32, R. 3 E., T. 20 S., with the ordinary high water mark; thence northerly along the ordinary high water mark to a point where the ordinary high water mark intersects the initial course which begins at Triangulation Station "Partington Point".