

STATE OF CALIFORNIA

Minutes of the Meeting of the  
State Lands Commission  
Sacramento, California.

APPEARANCES

Commissioners Present:

Kenneth Cory, State Controller, Chairman  
Sid McCausland, Deputy Director of Finance,  
alternate for Commissioner Roy M. Bell, Director  
of Finance  
Betty Jo Smith, Staff Counsel, alternate for  
Commissioner Mervyn M. Dymally, Lieutenant  
Governor

Staff Members in Attendance:

William F. Northrop, Executive Officer  
R. S. Golden, Assistant Executive Officer  
R. C. Hight, Chief Counsel  
James F. Trout, Manager, Land Operations  
W. M. Thompson, Manager, Long Beach Operations  
D. J. Everitts, Manager, Energy and Mineral  
Resources Development  
Diane Jones, Secretary

Representing the Office of the Attorney General:

Jan Stevens, Assistant Attorney General  
Bruce Flushman, Deputy Attorney General  
Richard Yang, Deputy Attorney General

Re Minute Item 16 - Historical Assessment:

Hans Kreuzberg, Historian, State Historic  
Preservation Office

Re Minute Item 25 - Emergency Permit:

James Lelby, Chief of Operations, Department of  
Fish and Game

Re Minute Item 30 - Approval of Proposed Drilling of New Well:

Ralph Prater, Chevron U.S.A., Inc.

MINUTES OF THE STATE LANDS COMMISSION  
MEETING OF  
FEBRUARY 23, 1978

The regular meeting of the State Lands Commission was called to order by Chairman Kenneth Cory at 10:16 a.m. in Room 6028, State Capitol. Other members present included Commission-alternates Sid McCausland, Deputy Director of Finance, representing Commissioner Roy M. Bell; and Betty Jo Smith, Staff Counsel, representing Commissioner Mervyn M. Dymally, Lieutenant Governor.

During the confirmation of the minutes of January 26, 1978, Mr. McCausland moved and Ms. Smith seconded that the minutes be amended as follows with respect to Minute Item 55:

On page 201, strike the 6th paragraph and insert:

"Upon motion duly made and carried, the following resolution was adopted by a vote of 2-0."

The motion was passed 3-0 by the following vote:

Chairman Cory . . . . .Aye  
Ms. Smith . . . . .Aye  
Mr. McCausland . . . . .Aye

and the minutes were confirmed as amended.

In addition, Mr. McCausland moved and Ms. Smith seconded that the staff of the Commission publish a notice of intent to reconsider the investigation into the reasonable market value of gas. The motion was passed 3-0 by the following vote:

Chairman Cory . . . . .Aye  
Ms. Smith . . . . .Aye  
Mr. McCausland . . . . .Aye

Because of this motion, Chairman Cory advised that the March Commission meeting would have to be held in Sacramento.

Mr. McCausland also moved and Ms. Smith seconded that in all future matters brought before the Commission, the votes on each item be recorded by an official roll call vote by the secretary. This motion was passed 3-0 by the following vote:

Chairman Cory . . . . .Aye  
Ms. Smith . . . . .Aye  
Mr. McCausland . . . . .Aye

EXECUTIVE OFFICER'S REPORT

Mr. William F. Northrop's written statement is attached as Exhibit "A".

ASSISTANT EXECUTIVE OFFICER'S REPORT

Mr. R. S. Golden's written statement is attached as Exhibit "B".

During consideration of the Consent Calendar, Mr. McCausland suggested that Informative Items should not be put on the Consent Calendar, but instead should be included in the Executive Officer's report. It was agreed that the staff would follow his suggestion.

Attachments:  
Exhibits "A" and "B"

EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

BY

WILLIAM F. NORTHROP

W 21700

PERMISSION WAS GRANTED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO INSTALL A TELEPHONE CONDUIT FACILITY ACROSS STATE LAND IN THE BED OF THE MOKELUMNE RIVER ADJACENT TO THE STATE HIGHWAY 99 BRIDGE CROSSING NEAR LODI. THE TELEPHONE COMPANY HAS APPLIED FOR A PERMIT FOR THIS CROSSING; HOWEVER, THE FACILITY MUST BE INSTALLED PRIOR TO MARCH 15, 1978 WHEN THE LOCAL WATER DISTRICT BEGINS TO IMPOUND WATER ON THIS AREA OF THE MOKELUMNE RIVER. THE TELEPHONE COMPANY'S PROPOSED CONDUIT FACILITY WILL REPLACE AN EXISTING CONDUIT IN THE HIGHWAY BRIDGE WHICH IS BEING SEVERED BY THE SETTLING OF THE BRIDGE ABUTMENTS. THE TELEPHONE COMPANY WILL BE REQUIRED TO CONTINUE ITS EFFORTS TO SECURE A PERMANENT PERMIT FROM THE COMMISSION.

LB Adm.

MR. THOMPSON WILL REPORT ON THE CRUDE PRICE INCREASES IN THE LONG BEACH UNIT.

EXHIBIT "B"

ASSISTANT EXECUTIVE OFFICER'S REPORT

By

R. S. GOLDEN

THIS REPORT OUTLINES SIGNIFICANT ITEMS OF CURRENT CONCERN TO BOTH STATE LANDS COMMISSION STAFF AND THE BAY CONSERVATION AND DEVELOPMENT COMMISSION AND THE STATE COASTAL COMMISSION,

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) W 5762

CHARLES KING AND ASSOCIATES - NEGOTIATIONS HAVE BEGUN W 21704  
BETWEEN THE STAFFS OF BCDC, THE STATE LANDS COMMISSION, AND CHARLES KING REPRESENTATIVES. THE LATTER PARTY IS PROPOSING A NINE-STORY OFFICE BUILDING ADJACENT TO THE BAY IN THE CITY OF BURLINGAME. THE PROJECT INVOLVES LANDS WITH SERIOUS TITLE QUESTIONS. RESOLUTION OF THE STATE'S INTERESTS AND ASSERTION OF A PROBABLE TIDELANDS EASEMENT OVER ALL OR PORTIONS OF THE PARCEL, SHOULD BE REACHED IN THE NEAR FUTURE.

INTERNATIONAL STILLS AND CINEMA - THIS PROJECT INVOLVES THE MOORING OF AN HISTORICAL VESSEL AT PIER 1, NEAR THE FERRY BUILDING, AT SAN FRANCISCO'S FISHERMAN'S WHARF. ALTHOUGH THESE LANDS HAVE BEEN GRANTED TO THE CITY AND COUNTY OF SAN FRANCISCO, WE ARE CLOSELY FOLLOWING THE ATTENDANT PROCEEDINGS FOR POSSIBLE APPLICABILITY AND TIE-IN WITH OUR CURRENT LEASING POLICIES PERTAINING TO HISTORICAL VESSELS AT OLD SACRAMENTO'S WATERFRONT AREA.

DEAN F. COLLINS - STATE LANDS COMMISSION STAFF HAVE AGREED, IN PART, TO ACCEPT TIDELAND DEDICATIONS ON BEHALF OF THE STATE. THE APPLICANT, DEAN COLLINS, HAS PROPOSED A RESIDENTIAL

SUBDIVISION ON BLUFF LANDS IN BENICIA ADJACENT TO WATER COVERED LANDS (TIDELANDS ENCUMBERED WITH A TRUST EASEMENT). AS A MITIGATION REQUIREMENT, CERTAIN LANDS WERE OFFERED TO BE PRESERVED AS OPEN SPACE FOR PERPETUITY. SHOULD DEVELOPMENT ON THESE LANDS BE UNDERTAKEN, IN ACCORDANCE WITH THE REVERSIONARY PROVISIONS, FEE OWNERSHIP OF THESE LANDS WILL BE TRANSFERRED TO THE STATE UNDER THE MANAGEMENT OF THE COMMISSION.

COASTAL COMMISSION

AGUA HEDIONDA SPECIFIC PLAN - As one of the components of the CITY OF CARLSBAD'S LOCAL COASTAL PROGRAM, AGUA HEDIONDA IS CHARACTERISTIC AND INDICATIVE OF THE TITLE AND EASEMENT PROBLEMS ASSOCIATED WITH THE LAGOONS AND WATERWAYS IN SAN DIEGO COUNTY.

RECENTLY, A REPRESENTATIVE OF THE STATE LANDS COMMISSION PRESENTED ORAL COMMENTS TO THE SAN DIEGO COAST REGIONAL COMMISSION. THE COMMENTS WERE ESSENTIALLY THAT THE STATE LANDS COMMISSION STAFF HAD BEGUN ITS STUDY OF AGUA HEDIONDA; HOWEVER, THE STUDY COULD TAKE UP TO TWO YEARS FOR COMPLETION. CONSEQUENTLY, NO RECOMMENDATIONS IN THE INTERIM COULD BE OFFERED CONCERNING THE EXTENT OF THE PUBLIC TRUST. IN RESPONSE TO THIS, REGIONAL COASTAL COMMISSION LAND USE DESIGNATIONS WERE DEFERRED ON POSSIBLE TRUST LANDS PENDING COMPLETION OF THE STATE LANDS COMMISSION STUDY.

HOTEL DEL CORONADO - STAFF OF THE STATE LANDS COMMISSION, IN CONSULTATION WITH THE ATTORNEY GENERAL'S OFFICE, COORDINATED

EFFORTS WITH THE SAN DIEGO COAST REGIONAL COMMISSION AND THE CITY OF CORONADO PLANNING DEPARTMENT TO RESOLVE THE CLAIM BY A NUMBER OF CORONADO CITIZENS THAT 3.32 ACRES HOTEL DEL CORONADO LAND IS PUBLIC LAND SUBJECT TO A PUBLIC TRUST EASEMENT.

SUBSEQUENT TO HISTORICAL INVESTIGATIONS AND FILE RESEARCH, DEPUTY ATTORNEY GENERAL ANTHONY M. SUMMERS CONCLUDED THAT "THERE IS NO EVIDENCE THAT THE 3.32 ACRES HAVE EVER BEEN SUBJECT TO THE PUBLIC TRUST . . . (BUT) HAVE BEEN UPLAND -- AS OPPOSED TO TIDELANDS -- DATING BACK AT LEAST TO THE MID-1800'S."

THUS, IN DISPELLING UNSUPPORTED CONTENTIONS, THE ATTORNEY GENERAL'S OFFICE AND STATE LANDS COMMISSION STAFF QUIETED ALLEGATIONS CONCERNING LANDS WITH PURPORTEDLY RESERVED PUBLIC INTERESTS WHICH HAD BEEN THE SUBJECT OF POLITICAL CONTROVERSY FOR MANY YEARS.

HUMBOLDT COUNTY AREA LOCAL COASTAL PROGRAMS - STAFF OF THE COMMISSION HAS RECEIVED AND PRELIMINARILY COMMENTED ON THE LOCAL COASTAL PROGRAMS FOR THE CITIES OF ARCATA AND EUREKA, AND HUMBOLDT COUNTY. ADDITIONALLY, AN INTERAGENCY COORDINATION MECHANISM HAS BEEN ESTABLISHED TO FACILITATE BAY PLANNING. THE COMMISSION STAFF WILL BE PARTICIPATING WITH FEDERAL AND LOCAL ENTITIES ALONG WITH THE STATE AGENCIES WHO HAVE JURISDICTION OVER BAY MATTERS.

THE PUBLIC TRUST ISSUE IS A CONTINUING PROBLEM IN THE EUREKA/ARCATA TIDELANDS WATERFRONT AREA. STATE LANDS COMMISSION STAFF AND THE ATTORNEY GENERAL'S OFFICE IS HEAVILY RELIED UPON BY COASTAL COMMISSION PERSONNEL TO PERFORM BOUNDARY, TITLE, AND GRAPHIC ASSISTANCE. ADDITIONALLY, DETERMINATIONS OF PROJECT

CONSISTENCY WITH THE PUBLIC TRUST DOCTRINE OFTEN ENTAIL MUCH EFFORT BY THE COMMISSION AND ATTORNEY GENERAL'S OFFICE. STAFFING PROBLEMS ENCOUNTERED ARE EXPECTED TO BE RECTIFIED IN THE NEAR FUTURE WITH THE ADDITION OF NEW COMMISSION PERSONNEL.

LONG BEACH COASTAL PLANS - THE CITY OF LONG BEACH LOCAL COASTAL PROGRAM AND THE PORT OF LONG BEACH PORT MASTER PLAN ARE CURRENTLY BEING REVIEWED BY COMMISSION STAFF. REVIEW TO DATE DOES NOT INDICATE ANY MAJOR COMMISSION CONCERNS.



RECORD OF ACTION TAKEN BY THE  
STATE LANDS COMMISSION  
AT ITS MEETING OF FEBRUARY 23, 1978

During the meeting, the recommendations of the staff relative to Calendar Items C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, 17, 18, 19, 20, 21, 22, 24, 27, 28, 29, 31, 32, 33, and 37 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items 15, 16, 25, 26, 30, and 36 are set forth on pages 260, 262, 290, 292, 304 and 319.

Calendar Item 14 was withdrawn from the agenda prior to the meeting (see page 258).

Calendar Items 34 and 35 were informative items only and no Commission action was taken (pages 315 & 317).

Status of Major Litigation is set forth on page 323.

Calendar Item 23, on page 284, was deferred.