

STATE OF CALIFORNIA

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

APPEARANCES

Commissioners Present:

Sid McCausland, Acting Chairman, 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. G. Hight, Chief Counsel
James F. Trout, Manager, Land Operations
D. J. Everitts, Manager, Energy and Mineral
Resources Development
Dwight E. Sanders, Chief, Planning and Environmental
Coordination
L. K. Hayward, Assistant Manager, Long Beach
Operations
Diane Jones, Secretary

Representing the Office of the Attorney General:

Jan Stevens, Assistant Attorney General
Dennis Eagan, Deputy Attorney General
Rick Frank, Deputy Attorney General

Re Minute Item 10 -

Leonard Snaider, Deputy City Attorney, City
and County of San Francisco

Re Minute Item 11 -

Norbert Dall, representing the Sierra Club
Rod Holmgren, Chairman, Moss Landing Task Force
of Northern California Regional Conservation
Committee, and Ventana Chapter of Sierra
Club
Judson E. Vandevere, Director, Audubon Society
and Friends of the Sea Otter
Peter Baumgartner, attorney, Pacific Gas and
Electric Company
Roy Hawes, Moss Landing Harbor District

Re Minute Item 15 -

Ann Russell, representing Peter Sanderson, a
prospective developer

Bruce Conn, et al., prospective developer

Re Minute Item 20 -

James E. Mathews, Land Department, Shell Oil Company

MINUTES OF THE STATE LANDS COMMISSION
MEETING OF
MARCH 30, 1978

The regular meeting of the State Lands Commission was called to order by Acting Chairman Sid McCausland at 10:05 a.m. in Room 2117, State Capitol. Also present was Commission-alternate Betty Jo Smith, Staff Counsel, representing Commissioner Mervyn M. Dymally, Lieutenant Governor.

The minutes of the meeting of February 23, 1978, were approved as presented.

EXECUTIVE OFFICER'S REPORT

After Mr. William F. Northrop's report, attached as Exhibit "A", Mr. McCausland asked if the staff was responding to the Governor's Executive Order B40-78 concerning the inventory of surplus lands. Mr. Northrop advised that the staff was preparing the report, but that there were very few parcels under the jurisdiction of the Commission which related to this inventory.

ASSISTANT EXECUTIVE OFFICER'S REPORT

Mr. R. S. Golden's written report is attached as Exhibit "B".
Attachments: Exhibits "A" and "B"

EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

BY

WILLIAM F. NORTHROP
MARCH 30, 1978

REMOVAL OF TIMBER/SCHOOL LAND

W 21432

IN 1974, TWO AND ONE-HALF MILLION BOARD FEET OF FIRE-KILLED TIMBER WAS SALVAGED FROM THE NORTHERN HALF OF A SECTION OF STATE SCHOOL LAND, 30 MILES SOUTH OF SUSANVILLE. THE PURCHASER PAID THE STATE \$229,000 FOR THE TIMBER THAT WAS REMOVED. SINCE THEN, THE STAFF HAS HAD THE OPPORTUNITY OF LOOKING AT THE UNBURNED SOUTH HALF OF THE SECTION. THIS PORTION OF THE PARCEL HAS A STAND OF MATURE AND OVERMATURE PONDEROSA PINE AND WHITE FIR SAWTIMBER. UNDER THE OLDER TREES IS A GOOD COVER OF YOUNG PINE AND FIR SEEDLINGS AND SAPLINGS. REGISTERED FORESTERS ON THE STAFF ARE OF THE OPINION THE OLDER TIMBER, BEING SUBJECT TO INCREASING LOSS FROM DECAY, SHOULD BE REMOVED IN ORDER TO PROVIDE MORE ROOM FOR THE FASTER GROWING YOUNG GROWTH. THIS TIMBER HAS BEEN MARKED FOR REMOVAL AND THE VOLUME IS ESTIMATED TO BE 2.4 MILLION BOARD FEET. A NEGATIVE DECLARATION HAS BEEN CIRCULATED AND IT HAS BEEN DETERMINED THERE WILL NO ADVERSE ENVIRONMENTAL IMPACT FROM THE PROPOSED LOGGING. THE STAFF PLANS TO ADVERTISE THE TIMBER FOR SALE IN APRIL AND SUBSEQUENTLY REQUEST AUTHORIZATION FROM THE COMMISSION TO ENTER INTO A TIMBER SALE AGREEMENT WITH THE HIGHEST QUALIFIED BIDDER.

CHEVRON, USA

E 415

ON FEBRUARY 23, 1978, THE COMMISSION APPROVED CHEVRON U.S.A.'S PROPOSAL TO DRILL WELL "RIO VISTA STATE E-415" No. 19.

ON FEBRUARY 24, CHEVRON ADVISED BY PHONE THAT THEY WISHED TO INCREASE THE DEPTH OF THE PROPOSED WELL BY 700 FEET. ACCORDINGLY NO APPROVAL LETTER WAS WRITTEN PENDING RECEIPT OF THE REVISED PROPOSAL.

THE REVISION, DATED MARCH 13, 1978, PROVED TO BE SIMPLY AN EXTENSION OF THE PREVIOUSLY APPROVED WELL COURSE FOR 700 FEET, WITH NO OTHER CHANGE. THE PREVIOUSLY APPROVED OBJECTIVE OF COMPLETING IN THE SUB-UNIT ZONES IS UNCHANGED.

ACCORDINGLY, SINCE THE INTENT OF THE PROPOSAL WAS UNCHANGED, AN APPROVAL LETTER WAS PREPARED, WHICH I SIGNED ON MARCH 24, 1978.

W 9525

ELLWOOD PIER

IN JANUARY YOU AUTHORIZED ISSUANCE OF A DEMAND NOTICE TO AMINOIL USA, INC., FOR REMOVAL OF THE ELLWOOD PIER IN SANTA BARBARA, AS PROVIDED IN THE LEASE. AT THE SAME TIME YOU INDICATED YOU WOULD BE RECEPTIVE TO OTHER APPROACHES IF THE COUNTY COULD RESOLVE ITS PROBLEMS RELATIVE TO LEASING THE PIER FOR RECREATIONAL PURPOSES.

SUBSEQUENTLY, NEGOTIATIONS WITH AMINOIL, ARCO, AND EXXON STAFF HAVE BEGUN WHEREBY AMINOIL WILL REMOVE THE SEAWARD 800 FEET OF THE PIER AND THE REMAINDER WILL BE RENOVATED AND LEASED TO EXXON AND ARCO FOR PERSONNEL TRANSFER AND LIGHT CARGO PURPOSES. THE LEASE WILL PROVIDE THAT IN THE EVENT THE COUNTY OF SANTA BARBARA FINDS IT IS ABLE TO PROCEED WITH PLANS TO MAKE RECREATIONAL USE OF THE PIER, EXXON AND ARCO WILL LEASE TO THE COUNTY, BUT RETAIN THEIR RIGHTS TO USE THE FACILITIES FOR CREW LOADING.

ENVIRONMENTAL DOCUMENTS FOR REMOVAL OF A PORTION OF

THE PIER AND FOR THE LEASING OF THE REMAINDER ARE NOW BEING PREPARED BY STAFF.

SANTA BARBARA BEACH CLEARANCE

W 9579

LAST MONTH YOU AUTHORIZED THE EMERGENCY EXPENDITURE OF UP TO \$40,000 FOR REMOVAL OF BEACH OBSTRUCTIONS IN SANTA BARBARA WHICH HAD BEEN UNCOVERED BY UNUSUALLY HEAVY WINTER STORMS.

A CONTRACT WAS AWARDED TO GRANITE CONSTRUCTION COMPANY OF SANTA BARBARA THIS MONTH, AND IN A NINE-DAY PERIOD MORE THAN 100 TONS OF STEEL AND WOOD, REMNANTS OF FORMER OIL DRILLING OPERATIONS, WERE REMOVED FROM A ONE-MILE STRETCH OF BEACH IN THE ELLWOOD AREA. THIS EMERGENCY WORK COST \$22,000.

THE NEXT PHASE WILL BE TO CALL FOR BIDS ON A PROJECT TO IDENTIFY AND MAP THE REMAINING OBSTRUCTIONS FOR FUTURE REMOVAL. THIS ON-GOING BEACH CLEARANCE PROJECT IS BEING FUNDED BY A \$700,000 FEDERAL GRANT.

W 21621

REFORESTATION

OUR TREE PLANTING PROGRAM IS READY TO BEGIN ON TUESDAY, APRIL 4, 1978. WE PLAN AN INITIAL PLANTING OF 5,000 TREES ON A SCHOOL LAND PARCEL NORTH OF TRUCKEE. DEPARTMENT OF FORESTRY AND CALIFORNIA CONSERVATION CORPS MEMBERS WILL PARTICIPATE IN THE 3 STUDY PLOTS INVOLVING 13 ACRES. VARIOUS SPECIES WILL BE PLANTED ON DIFFERING SOILS AND EXPOSURES. THE SITE WAS CHOSEN BECAUSE IT IS READILY AVAILABLE TO A MAJOR HIGHWAY WHICH MAKES STUDY EASIER AND LESS EXPENSIVE. EXPERIENCE GAINED ON THIS SITE WILL HELP ENSURE A SUCCESSFUL PROGRAM FOR NEXT YEAR'S MAJOR REFORESTATION EFFORT.

FOR THE MAJOR PROGRAM, I AM ASKING FELLOW MEMBERS OF THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION IF THEY WOULD DONATE SOME TREES FROM THEIR STATES. ONE OR MORE SITES COULD BECOME GROVES FOR TREES OF THE GOLDEN WEST. CALIFORNIA WOULD, IN TURN, RECIPROCATE WHERE APPROPRIATE, PERHAPS WITH DONATIONS OF REDWOODS.

EXHIBIT "B"

ASSISTANT EXECUTIVE OFFICER'S REPORT

BY R. S. GOLDEN

THIS REPORT IS INTENDED TO APPRISE YOU OF THE CURRENT INTERACTIONS BETWEEN THE STATE LANDS COMMISSION AND THE REGIONAL AND STATE COASTAL COMMISSIONS:

FEDERAL COASTAL MARINE SANCTUARY PROGRAM

STATE LANDS COMMISSION STAFF HAVE BEEN INVOLVED IN THE DESIGNATION OF AREAS FOR CONSIDERATION BY THE U.S. SECRETARY OF COMMERCE AS MARINE SANCTUARIES. STATE EFFORTS IN THIS REGARD HAVE BEEN COORDINATED WITHIN THE RESOURCES AGENCY BUT HAVE BEEN SPEARHEADED BY THE COASTAL COMMISSION. THE MONTEREY BAY AREA, THE CHANNEL ISLANDS, AND THE AREA OFFSHORE PT. REYES AND SAN FRANCISCO BAY ARE THE THREE AREAS UNDER ACTIVE CONSIDERATION BY THE FEDERAL GOVERNMENT.

THE OBJECTIVE OF THE FEDERAL PROGRAM IS TO IDENTIFY "DISTINCTIVE OCEAN AREAS THAT NEED COMPREHENSIVE MANAGEMENT AND REGULATE THOSE ACTIVITIES THAT THREATEN TO DESTROY THEIR CHARACTER". OF SPECIAL INTEREST IS THAT PROGRAM FINANCING IS ENTIRELY FEDERAL AND INCLUDES FUNDS FOR DESIGNATION, MANAGEMENT, EVALUATION, AND ENFORCEMENT. SHOULD ANY OF THE AREAS BE INCORPORATED INTO THE FEDERAL MARINE SANCTUARY PROGRAM, ITS MANAGEMENT MAY ULTIMATELY RESIDE WITH STATE AGENCIES WITHIN THE RESOURCES AGENCY.

STATE LANDS COMMISSION REPRESENTATIVES RECENTLY PARTICIPATED IN FIELD TOURS OF MONTEREY BAY AND THE CHANNEL ISLANDS WITH FEDERAL AGENCY PERSONNEL AND PERSONNEL FROM STATE DEPARTMENTS WITHIN THE RESOURCES AGENCY. THE TOURS ENABLED PARTICIPANTS TO EVALUATE THE "CONSERVATION, RECREATIONAL, ECOLOGICAL, OR AESTHETIC VALUES" OF THE AREAS.

PUBLIC TRUST INVOLVEMENT

W 20441

STAFF OF THE COMMISSION HAS BEEN WORKING CLOSELY WITH THE ATTORNEY GENERAL'S OFFICE TO ASCERTAIN IF COASTAL COMMISSION PROJECT APPLICATIONS INVOLVE LANDS ENCUMBERED WITH THE HISTORIC PUBLIC TRUST TIDELANDS EASEMENT AND ALSO WHETHER CERTAIN DEVELOPMENTS ARE CONSISTENT WITH THE PURPOSES AND USES OF SAID EASEMENT.

COASTAL COMMISSION PERMITS ARE NOW BEING CONDITIONED AS FOLLOWS:

PRIOR TO COMMENCEMENT OF THE CONSTRUCTION, THE APPLICANT SHALL OBTAIN A WRITTEN CERTIFICATION FROM THE STATE LANDS DIVISION THAT EITHER (1) THE PARCEL IS NOT SUBJECT TO THE PUBLIC TRUST OR (2) THAT THE PROPOSED DEVELOPMENT CAN BE CONSTRUCTED CONSISTENT WITH APPLICABLE STATE LAW. IN THE EVENT THAT THE STATE LANDS DIVISION OR COMMISSION FINDS THAT THE PROJECT SITE IS SUBJECT TO THE PUBLIC TRUST AND THAT THE DEVELOPMENT CAN BE APPROVED ONLY SUBJECT TO LIMITATIONS IN USE, ANY LIMITATIONS RECOMMENDED BY THE DIVISION OR COMMISSION SHALL BE INCORPORATED INTO THIS PERMIT AS CONDITIONS.

IN ESSENCE, COMMISSION STAFF IS BEING ASKED TO PROVIDE PUBLIC TRUST CLEARANCE FOR THESE PROJECTS ON AN ONGOING BASIS. STATE LANDS STAFF IS BEING REQUESTED TO PROVIDE MAPPING SERVICES, EXHAUSTIVE HISTORICAL RESEARCH, AND BOUNDARY/TITLE DETERMINATIONS BY STAFF OF THE REGIONAL AND STATE COASTAL COMMISSIONS IN ORDER THAT THEY MAY RESPOND TO COASTAL ACT CONCERNS. AS THE COASTAL COMMISSION BECOMES MORE INVOLVED IN LOCAL COASTAL PLANNING MATTERS, IT IS EXPECTED THAT ADDITIONAL FUNDING WILL BE NEEDED BY THIS COMMISSION IF THE STAFF IS TO RESPOND IN A TIMELY MANNER TO REQUESTS FOR LAND STATUS DETERMINATIONS.

RECORD OF ACTION TAKEN BY THE
STATE LANDS COMMISSION
AT ITS MEETING OF MARCH 30, 1978

During the meeting, the recommendations of the staff relative to Calendar Items C1, C2, C3, C4, C5, C6, C7, C8, C9, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items 10, 11, 15, and 20 is set forth on pages 370, 371, 403, and 421.

Calendar Item 28 was withdrawn from the agenda prior to the meeting (see page 4).

Status of Major Litigation is set forth on page 462.