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TRANSCRIPT OF
MEETING
of
STATE LANDS COMMISSION
SACRAMENTO, CALIFORNIA
NOVEMBER 22, 1961

6 PARTICIPANTS:

7 THE COMMISSION:

8 Hon. Glenn M. Anderson, Lt. Governor, Chairman
9 Hon. Alan Cranston, Controller
10 Hon. Daniel M. Luevano, Deputy Director of Finance
(appearing on behalf of Commissioner Hale
Champion, Director of Finance)

11 Mr. Frank J. Hortig, Executive Officer

12 OFFICE OF THE ATTORNEY GENERAL:

13 Mr. Paul M. Joseph, Deputy Attorney General

14 APPEARANCES:

15 (In the Order of their Appearance)

16 Mr. Fred L. Jones, Game Management Supervisor
Department of Fish and Game

17 Mr. Wallace A. Pinnick, Attorney-at-Law

Representing:

Capistrano Bay Improvement District

18 John H. Dawson, City Attorney of
San Juan Capistrano

19 Louis Vlereck, Attorney for Harvey Company

I N D E X

(In accordance with Calendar Summary)

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<u>ITEM CLASSIFICATION</u>	<u>ITEM ON</u>	<u>PAGE OF</u>	<u>PAGE OF</u>
	<u>CALENDAR</u>	<u>CALENDAR</u>	<u>TRANSCRIPT</u>
1 Confirmation of minutes, meeting August 28, 1961			1
2 PERMITS, EASEMENTS, LEASES, RIGHTS-OF-WAY, FEE			
(a) Humble Oil & Refining	11	1	1
(b) McKinney Shores Subdiv.	5	3	1
(c) Pacific Gas & Electric	12	4	1
(d) Texaco, Inc.	10	5	1 (Withdrawn)
(e) Edward C. & Gartha L. Zorn	13	6	1
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3 CITY OF LONG BEACH			
(a) Berth 11	8	7	2
SUPPLEMENTAL: Agreement supplementing contract Richfield Oil Corporation	20	62	2
MOTION ON LONG BEACH ITEMS -----			3
4 LAND ITEMS			
(a) Sales of Vacant State School Lands			
(1) J. Stanley Johnson	2	9	3
MOTION ON ITEM (1) -----			13
(2) Howard Leighty and Fred Marmie	3	10	13
(3) Joe W. & Moniea Palmer	1	11	13
MOTION ON ITEMS (2) and (3) -----			13

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continued

	<u>ITEM CLASSIFICATION</u>	<u>ITEM ON CALENDAR</u>	<u>PAGE OF CALENDAR</u>	<u>PAGE OF TRANSCRIPT</u>
4	LAND ITEMS continued			
	(b) Selection Vacant Federal Lands behalf of State			
7	(1) 36.50 ac. San Bern. Cy.	6	12	14
8	(2) 320 " " " "	7	13	14
9	(c)*Request for U.S. Patent - Siskiyou County	4	14	14
5	HUNTINGTON HARBOUR CORPORATION			
	Items (a), (b), (c), (d), (e) and (f) concerning exchange of lands at Huntington Beach, Orange County	16-17	16 and 34-35	14
	MOTION ON ITEM 5 -----			17
6	Authorization to file action to quiet title 80 acres Imperial County	14	57	17
7	Authorization to accept and record quitclaim from U.S.A. on 631+ ac. Imperial County	15	58	18
8	Proposed Oil and Gas Lease, Santa Barbara County, Parcel 6	18	59	19
9	Confirmation of transactions of Executive Officer:	9	60	20
	Pauley Petroleum, Inc. Richfield Oil Corporation			
10	Resolution Fair Employ. Practices	19	61	20
11	Next Meeting			24
26	SUPPLEMENTAL CALENDAR: See Long Beach - Classification 3			

*this item was given by the Chairman as Number 3 rather than (c)

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UNCALENDARED ITEMS:

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Proposed annexation - City of San Clemente 25

MOTION on San Clemente item ----- 34

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I N D E X
(In accordance with calendar item)

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20 (SUPPLEMENTAL)	62	2

UNCALENDARED ITEMS

Letter to Secy Udall re offshore drilling - 23

Proposed annexation San Clemente 25

1 GOV. ANDERSON: The meeting of the State Lands
2 Commission will come to order. The first item is confirmation
3 of the minutes of the meeting of August 28, 1961.

4 MR. CRANSTON: I move approval.

5 MR. LUEVANO: I second it.

6 GOV. ANDERSON: Moved and seconded, approved unani-
7 mously. Item 2 is permits, easements, leases, and rights-of-
8 way issued pursuant to statutes and established rental policies
9 of the Commission. First applicant, Applicant (a) is the
10 Humble Oil and Refining Company -- deferment of drilling re-
11 quirements under Oil and Gas Lease P.R.C. 186.1, Seal Beach,
12 Orange County to May 22, 1962; item (b) McKinney Shores Sub-
13 division -- five-year minor structure recreational lease cover-
14 ing two piers, each containing .05 acre of submerged lands,
15 Lake Tahoe, Placer County, total rental \$50; applicant (c),
16 Pacific Gas and Electric Company -- 49-year right-of-way ease-
17 ment across 0.05 acre of Sacramento River, Sutter and Colusa
18 counties, for construction and maintenance of gas pipeline,
19 total rental \$185.71.

20 MR. HORTIG: Mr. Chairman, as to item (d) following,
21 we have received (yesterday) a request from Texaco Inc., the
22 applicant under item (d), that the item be withdrawn from the
23 agenda and it is so recommended.

24 GOV. ANDERSON: Item (d) will be off calendar unless
25 there is objection. (No comment) It is off calendar.

26 Item (e), Edward C. and Gartha L. Zorn -- approval

1 assignment from C. C. Norwood and Rena E. Button Norwood of
2 Lease P.R.C. 2610.1, covering 0.93 acre of tide and submerged
3 land, Mokelumne River, Sacramento County.

4 MR. CRANSTON: I move approval of all items under 2,
5 with the exception of (d), which has been deleted.

6 MR. LUEVANO: Second it.

7 GOV. ANDERSON: Moved and seconded, approved unani-
8 mously. Item 3 -- City of Long Beach approvals required pursu-
9 ant to Chapter 29, 1956, 1st E. S. First project: (a) Berth
10 11, Redevelopment (2nd phase) -- estimated subproject expendi-
11 tures from 11/22/61 to termination of \$312,000 with \$106,080
12 or 34 percent estimated as subsidence costs.

13 MR. HORTIG: Mr. Chairman, if the Commissioners
14 will refer to page 62 of their agenda, there is a supplemental
15 item relating to the City of Long Beach which does require
16 Commission approval and might well be considered at this time
17 to complete the Long Beach considerations.

18 MR. CRANSTON: Page which?

19 MR. HORTIG: 62. As the Commissioners will recall,
20 in substance the same application was before the Commission at
21 the last meeting of the Commission but in view of legal ques-
22 tions raised by the Office of the Attorney General on the date
23 of the last meeting it was requested that there be a one-month
24 deferment on the consideration of this item. It is now re-
25 presented to the Commission, with the recommendation of the
26 staff that the Executive Officer be authorized to certify

1 approval of an agreement supplementing an existing drilling
 2 and operating contract between the City of Long Beach and its
 3 Board of Harbor Commissioners and Richfield Oil Corporation,
 4 which amendments have heretofore been approved by the Board
 5 of Harbor Commissioners of the City of Long Beach and the City
 6 Council of Long Beach, and which amendments will accomplish
 7 continued and accelerated and controlled water injection opera-
 8 tions by Richfield Oil Corporation as the operating contractor
 9 for the City of Long Beach in the area known as Parcel A of
 10 Long Beach tidelands, which agreement has been in existence
 11 for operation since March 12, 1947.

12 GOV. ANDERSON: What is your pleasure?

13 MR. CRANSTON: I move approval of both items.

14 MR. LUEVANO: Second.

15 GOV. ANDERSON: It has been moved and seconded that
 16 both the item on the calendar and the supplemental item on
 17 page 62 and 63 be approved, carried unanimously.

18 Anything further on Long Beach? (No response)

19 Item Classification Number 4 -- Land items --
 20 sales, selections, etcetera. All land sale items here pre-
 21 sented have been reviewed by all State agencies having a land
 22 acquisition program and no interest has been reported by those
 23 agencies in any of the lands proposed for sale. Item (a) is
 24 the sale of vacant State school lands. Applicant number (i)
 25 is J. Stanley Johnson.

26 MR. HORTIG: Mr. Chairman, concurrently with the

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preparation of this calendar item, there was received from the Department of Fish and Game the following communication:

" This parcel is included within a block of public domain land in the Ord Mountain area, in which we have a considerable interest for wildlife and recreation purposes. We have requested that the Bureau of Land Management consider classifying this area for retention in public ownership and management for wildlife and recreation under Section 7 of the Taylor Grazing Act. We have indicated to the Bureau of Land Management that we anticipate processing a request for a national cooperative land and wildlife management area on these lands.

The topography and vegetation of this Section 16 parcel make it one of the best chukar partridge and quail ranges in the general area. There is public access to and through the parcel over the Lucerne Valley cutoff and Stoddard county road.

We request that the South 1/2 of Section 16, Township 7 North, Range 2 West be retained in public ownership to facilitate blocking out the surrounding public domain lands.

Sincerely,
W. T. Shannon, Director
Department of Fish and Game"

In view of the general statements and prospective intents of the Department with respect to this parcel, it was requested that the Department of Fish and Game have a representative here today to explain to the Commission and to substantiate this, so that the Commission could properly consider whether these lands should be withheld from sale and should be retained in public ownership in view of requirements to be detailed by the Department of Fish and Game. So, Mr. Chairman, if you find it convenient to call upon the

1 representative of Fish and Game, you would then have before you
2 the full background with respect to this item.

3 GOV. ANDERSON: Is the representative of the Fish
4 and Game Department here?

5 MR. JONES: Yes sir.

6 GOV. ANDERSON: Will you come forward and identify
7 yourself for the record?

8 MR. JONES: My name is Fred Jones, Game Management
9 Supervisor in the Department, representing the Director. I
10 have a map here that may be of some interest. I wonder what
11 might be the best way - - would you like it up in front of you
12 or shall we try to put it up on the wall somewhere?

13 MR. LUEVANO: It's small. You can hold it and we can
14 see it.

15 MR. JONES: The red section there would be the half
16 of the school section that is under consideration for sale to-
17 day. The green portions are the public domain lands that we
18 do have some interest in. Our only purpose of being here today
19 is to explain to you the public values of this parcel as we
20 see them, at least the potential and the relation of this parcel
21 to our cooperative State-Federal land management area program.

22 I might give you a very brief explanation of this
23 cooperative land and wildlife management area program, so you
24 will understand why we are interested in this. About ten years
25 ago, the Department of Fish and Game began conducting extensive
26 surveys of unallocated public domain lands in the State to

1 determine the large blocks primarily, but some small pieces
2 that had substantial wildlife and recreation values. Now, we
3 have requested that these be withdrawn from public sale through
4 the Bureau of Land Management and the Secretary of Interior.
5 Over the past ten years we have requested that twenty-five
6 parcels be considered for withdrawal, for retention in public
7 management. This totals about 850,000 acres.

8 This primarily did not really get off the ground
9 until last Spring, until Secretary Udall began to exercise his
10 new position. This spring and summer he established seven large
11 wildlife management areas. These 320,000 acres are scattered
12 over the State from San Diego County to Siskiyou County, and
13 the smallest of these is about 23,000, the largest 60,000 acres.

14 With that expression of interest by the Secretary of
15 Interior, we have proceeded to survey other blocks of unallo-
16 cated public domain lands which do have high wildlife and recrea-
17 tion values. This is one of those. We have not submitted this
18 as a withdrawal request yet. Under our procedure, we would
19 go through the Fish and Game Commission and we have not done
20 it in the process of submitting other proposals to the Fish
21 and Game Commission. In the potential interest of action on
22 this land, we have submitted reports to them on this parcel and
23 a number of others for consideration in their classification
24 procedure under Section 7 of the Taylor Grazing Act. They have
25 this map and our recommendation as to the values in their hands.

26 We anticipate next spring presenting to the Fish and

1 Game Commission a large package of new proposed areas, in order
 2 to give to the Secretary of Interior all areas that are of
 3 interest before his moratorium on land sales expires next
 4 September.

5 That, in brief, explains our cooperative State-
 6 Federal program. Actually, this has received the support of
 7 the Governor. One of the points of his campaign was to strive
 8 for full public recreational use of public lands in the State.
 9 Now, President Kennedy has also indicated a general interest
 10 in this sort of thing, and Secretary Udall has indicated a
 11 strong interest by establishing these units.

12 I don't know whether you would be interested in any
 13 particular details on what we consider to be the general details
 14 of wildlife value in this particular area.

15 GOV. ANDERSON: Now, these green plots - - is it
 16 your intention that this become one solid area of public land
 17 for recreational use?

18 MR. JONES: Yes, and for other multiple uses --
 19 oil and gas leasing would continue and other uses.

20 GOV. ANDERSON: In other words, the State would own
 21 the land and lease it out?

22 MR. JONES: No. The Federal Government would continue
 23 to manage the land, at the present time through the Bureau of
 24 Land Management. The State would obtain some tenure for making
 25 some public land improvements by withdrawing these lands from
 26 sale.

1 GOV. ANDERSON: The green portion is owned by the
2 Federal Government?

3 MR. JONES: Yes, and others possibly by the State.

4 GOV. ANDERSON: How big will this area be in miles?
5 You called this the Ord Mountain area?

6 MR. JONES: Right. It encompasses 129,000 acres --
7 the green portion there.

8 GOV. ANDERSON: Presently; and it is about to build
9 those together by acquiring back the white in between?

10 MR. JONES: Well, the Bureau of Land Management is
11 interested in conducting exchanges where possible. You know
12 this is a long and tedious procedure.

13 GOV. ANDERSON: But eventually it would be hoped
14 this would become one solid area?

15 MR. JONES: It would be hoped, but obviously it
16 would not ever become a solid area because obviously some of
17 those parcels would not want to exchange.

18 MR. LUEVANO: Would you get use permits? Is that
19 what you apply for from the Bureau of Land Management?

20 MR. JONES: Under the cooperative program we will
21 operate very likely under a statewide master agreement, which
22 will include arrangements for making capital outlays for water
23 development and so forth.

24 MR. LUEVANO: Long term?

25 MR. JONES: We have no detail. What we hope we will
26 be able to include are provisions for reversion to the Federal

1 Government of any public improvements like roads, with provi-
2 sion that the public will be allowed use in case any of these
3 lands do revert to private ownership at some time in the future,
4 thirty, forty, fifty years.

5 There is one other thing we hope to do, gentlemen.
6 We have had some discussion with Mr. Hortig and other members
7 of your staff with regard to the part that State Lands might
8 play in this cooperative management area program. On these
9 seven areas that have been established, on the eighteen we have
10 pending, and on the dozen or so that we are working on now for
11 future submission, there are unsold school lands and other
12 State lands. Some of these turn out to be in critical spots
13 so far as public access is concerned; in other words, they
14 control a ridge on which a road might go to provide public
15 access to a large block beyond. In private hands, there are
16 possibilities of really infringing on free public use of these
17 areas, which is, of course, the primary purpose.

18 GOV. ANDERSON: Why was this held up until the last
19 minute? It would seem to me to be very unfair to the applicant
20 to wait until it comes up for final sale -- after, I assume, we
21 are holding his money -- and at the very last moment have this
22 kind of protest that it be withdrawn come in. I thought these
23 were processed long before they actually got to the Commission
24 itself, and you would take it off before it got to the Commission.

25 MR. HORTIG: This was one that was processed in the
normal routine and the seeming late request from the Department

1 that it be withheld from private sale had to come in concour-
2 rently with the final stage of this proposed processing simply
3 because the Department of Interior program for this type of
4 operation which Fish and Game is interested in integrating
5 was not established until late this year. It did not become
6 effective until late this year, concurrently with normal
7 processing of land applications, and this was one that was
8 pending that the Commission had authorized be processed in the
9 normal routine; and during the course of this, the new Federal
10 program which is going to be of assistance to the Department
11 of Fish and Game was set up; and, actually, as you have heard
12 (as developed by Commissioner Luevano's question) the details
13 have not been worked out.

14 So we are really in a state of flux with respect to
15 the need or desire for these particular lands. Fish and Game
16 at this time feels -- and from their standpoint very properly --
17 that it would not be advantageous to sell a parcel as vacant
18 school land within the exterior limits of an area which they
19 are, in effect, studying for public use. So we were caught
20 by the accident of the timing on this, with a new Federal pro-
21 gram being made up and the fact this particular parcel was
22 ready to be closed out for sale.

23 I might recommend to the Commission -- in view of
24 the fact that this question is really one of a series that
25 must be determined in an over-all land administration and sales
26 policy by the Commission, which is under preparation for

1 submission to the Commission -- that the sale of this particular
2 parcel of land, under these circumstances, might be deferred
3 by the Commission, with the option to the applicant to either
4 have the refund of his deposits or, if he desires, to wait out
5 the development of the land sales policy and leave his money
6 on deposit so that if there were a final determination to sell
7 these lands into private ownership he would still be the first
8 applicant and the high bidder and could receive the lands at
9 that time -- this choice to be up to the applicant.

10 I must point out to the Commission that in withhold-
11 ing lands of this type until the development of the land dis-
12 position policy it should not be misunderstood that there is
13 any commitment that automatically, because of the withholding,
14 these lands are being withheld in perpetuity for public use.
15 There are still going to be specific areas that the Lands Com-
16 mission is going to find, as a matter of administrative policy
17 and other considerations, require or make it most desirable
18 that the lands still be sold into private use rather than be
19 held for public use; but since this has to be determined in
20 reference to the framework of a full policy which is not yet
21 before the Commission, it would appear proper to withhold the
22 sale at this time without any commitment as to any disposition
23 to be made of it.

24 GOV. ANDERSON: When will that policy be before us?

25 MR. HORTIG: Probably shortly after the first of
26 the year.

1 GOV. ANDERSON: And this will come from

2 MR. HORTIG: ... from the staff to the Commission,
3 for a program to determine what the Commission desires to do
4 and feels is proper.

5 GOV. ANDERSON: Are you working with the Department
6 of Interior now about what they want and what their program is
7 going to be?

8 MR. HORTIG: We are aware of the position the Depart-
9 ment of Interior is taking and we are recommending to the Com-
10 mission a State program that can be compatible and be integrated
11 with the Federal program, rather than have two programs going
12 off in diametrically different directions.

13 GOV. ANDERSON: So if we defer this and let the
14 applicant have an opportunity to defer withdrawal of his deposit
15 or take it out, we are talking about deferring it until not
16 later than March?

17 MR. HORTIG: To the spring, not later than the spring.

18 GOV. ANDERSON: Are there any other applications like
19 this on the calendar today?

20 MR. HORTIG: This is the only one to which there is
21 an exception.

22 MR. LUEVANO: Are there any other ones in process
23 that we might get requests for withdrawal on?

24 MR. HORTIG: Probably not. Proportionately, the
25 number will be very small. There are only about fifteen appli-
26 cations remaining unprocessed and they, again, are scattered;

1 and this is the first in several months of this type that has
2 arisen; and they do arise when Fish and Game and other desiring
3 agencies screen these as a result of our circulating informa-
4 tion to the departments when these items are ready to close.
5 We probably have been averaging less than one out of fifteen,
6 so I would estimate we would be surprised if we had more than
7 one conflict out of all the remaining applications yet to come.

8 MR. JONES: I believe this is the second one, I
9 believe, that we had.

10 MR. HORTIG: And this is since May the 24th, 1960.

11 MR. LUEVANO: I'll move that this item be deferred,
12 this one parcel.

13 GOV. ANDERSON: In concurrence with Mr. Hortig's
14 recommendation?

15 MR. LUEVANO: Yes.

16 MR. CRANSTON: Second it.

17 GOV. ANDERSON: It has been moved and seconded. Any
18 further comments? (no response) If not, then it is carried
19 unanimously.

20 Applicant (2) is Howard Leighty and Fred Marmie --
21 appraised \$13,440; the bid is the same. Applicant (3) is Joe
22 W. Palmer and Monica M. Palmer -- appraised \$16,000, the bid
23 is \$16,000.

24 Do you want to catch the balance of (a) before we
25 take up (b)?

26 MR. CRANSTON: I move approval of items (2) and (3).

1 MR. LUEVANO: Second.

2 GOV. ANDERSON: Moved and seconded. If no objection,
3 so ordered. (b) is the selection of vacant Federal lands on
4 behalf of the State. Applicants do not desire to proceed with
5 acquisition of the lands. (1) is 36½ acres in San Bernardino
6 County pursuant to application of Robert Williams Clark; number
7 (2) is 320 acres in San Bernardino County pursuant to applica-
8 tion of Joseph A. Uhlenkott; number (3) is request for United
9 States patent to numbered school section, Siskiyou County --
10 authorization for Executive Officer to issue appropriate request
11 to U. S. Department of Interior, Bureau of Land Management, for
12 U. S. patent in favor of State covering 625 acres in Siskiyou
13 County.

14 MR. CHANSTON: Move approval.

15 MR. LUEVANO: Second.

16 GOV. ANDERSON: It has been moved and seconded --
17 no comments, approved unanimously.

18 Item Classification Number 5 is the Huntington Harbor
19 Corporation -- exchange of lands, Huntington Beach, Orange
20 County. Do you want to explain it before we go through (a),
21 (b), (c), (d), (e) and (f)? One explanation can cover it all,
22 can't it?

23 MR. HORTIG: One explanation can cover it all, Mr.
24 Chairman. As the Commissioners will recall, in anticipation
25 of the establishment of an Interior harbor landward from Sunset
26 Beach, Orange County, the Commission reviewed the program and

1 agreed with Huntington Harbour Corporation heretofore to exchange,
2 as provided by law, the bed of a navigable slough for new chan-
3 nel areas to be dredged by Huntington Harbour Corporation --
4 the contract for exchange to be completed and approved for ex-
5 change only after the new channels were dredged in fact and
6 the old channels that were to be filled, were filled in fact.
7 These have been accomplished, verified by field inspection by
8 the State Lands Division. All areas to be filled have been
9 filled; all areas proposed to be dredged to provide new navi-
10 gation channels with greater navigation facility and flexibility
11 than the original channel have been completed, as well as pro-
12 viding for the additional benefits to the State of reclamation
13 and flood control -- these have all been completed.

14 In lieu of retaining operating rights on the former
15 tortuous channel for potential future mineral development, the
16 Huntington Harbour Corporation has offered to exchange for
17 those occupancy rights a selected area of firm, dry land imme-
18 diately adjoining the State highway, which is of sufficient
19 size and appropriate location to complete development of all
20 reserved minerals if such development ever becomes necessary
21 by the State.

22 The documentation to approve the final exchange and
23 including the exchange of surface rights on the former tortuous
24 slough for a drillsite which will be available to the State of
25 California for all time for mineral development as, if and
26 when necessary, as well as technical corrections in the legal

1 descriptions of the areas proposed to be exchanged to correctly
2 reflect that which exists on the ground today and which was not
3 anticipated at the time of the original presentation to the
4 Commission -- this documentation, which it is recommended be
5 authorized for execution, is detailed under items (a) through
6 (f) under Agenda Item 5.

7 GOV. ANDERSON: Now I'll read the items:

8 (a) is to amend proposed exchange to reduce area of
9 State lands from 23.2 to 17.91 acres and increase Huntington
10 Harbour lands from 61.3 to 66.47 acres.

11 (b) is to amend proposed exchange agreement to delete
12 the reservation of future right to occupy surface for mineral
13 extraction and authorize acceptance of specific drillsite.

14 (c) is guarantee of public access.

15 (d) is to find that requirements of exchange agree-
16 ment and of permit to dredge and fill have been met, and that
17 exchange should be consummated.

18 (e) is find best interest of State to be served by
19 exchange of 0.97 acre of State land for 3.56 acres of Hunting-
20 ton Harbor land.

21 (f) is to authorize Executive Officer to execute
22 agreement stipulating location of ordinary low water mark and
23 agreement for exchange of lands, and to issue permit to fill.

24 MR. HORTIG: Mr. Chairman, it should be brought to
25 the attention of the Commission that the Commission's approval
26 is predicated on the condition that there will be a determination

1 and can be a determination by the Office of the Attorney
2 General that Huntington Harbour Corporation is able to furnish
3 the State marketable title. If they should be unable to do this
4 -- and I am sure I can feel them shuddering all the way up
5 here at the thought -- if they should be unable to do this,
6 there would be no deal; the State would still be in possession
7 of its water course, although actually part filled, and used
8 for navigation before -- and the Huntington Harbour Corporation
9 would have a series of large dredged canals and nowhere to go.
10 There is no thought nor reasonable or unreasonable expectation
11 that Huntington Harbour might not be able to furnish the title.
12 However, this is the final safety factor which has been sug-
13 gested for inclusion by the State Lands Commission.

14 GOV. ANDERSON: Is there a motion?

15 MR. CRANSTON: All State oil interests are preserved?

16 MR. HORTIG: They are covered.

17 MR. CRANSTON: I move approval.

18 MR. LUEVANO: Second.

19 GOV. ANDERSON: Moved and seconded, carried unani-
20 mously. Item Classification 6 -- Authorization for Executive
21 Officer to request Attorney General to file action to quiet
22 title to 80 acres of school land in Imperial County. Mr. Hortig!

23 MR. HORTIG: Yes sir. If I may refer to page 57,
24 despite the seeming complexity, the problem arises rather
25 simply from the fact of sales cancellations by the Surveyor
26 General as the predecessor in interest to the State Lands

1 Division, who were the predecessor in interest to the State
2 Lands Commission, and during the time of recordation in the
3 County of Imperial as to the purported sale by the Surveyor
4 general the local tax collector proceeded to encumber the record
5 even further by selling these lands (which technically were
6 still owned by the State) at a tax sale -- under which circum-
7 stances the Imperial Irrigation District acquired these lands.

8 Everybody cooperatively recognizes that the only way
9 this is ever going to be unraveled is by quiet title action
10 in the Superior Court of Imperial County. This is also the
11 recommendation of the Office of the Attorney General for pro-
12 cedure and, therefore, it is recommended that the Commission
13 authorize the Executive Officer to request the Attorney General
14 to file the necessary action in order that the record title of
15 this parcel of State-owned land may be cleared once and for
16 all -- or, at least, currently.

17 MR. CRANSTON: I move approval.

18 MR. LUEVANO: Second.

19 GOV. ANDERSON: Moved and seconded, carried unani-
20 mously. Item 7 is authorization for Executive Officer to
21 accept and record quitclaim deed from United States of America
22 to 631.345 acres of school land in Imperial County. Lands were
23 taken on condition that title revert to State when no longer
24 needed in interest of national defense.

25 MR. HORTIG: This is a situation, Mr. Chairman, that
26 we never expected to see; but we thought, again in protection

1 of the State's interests, at the time the land was taken for
2 defense purposes, since the lands were taken at no fee, that
3 this would be a desirable factor. The United States has deter-
4 mined now that these lands are no longer needed for defense
5 purposes and have offered to quitclaim back to the State and
6 the Lands Commission; and it is recommended that the quitclaim
7 be accepted -- which will result in an original 631 acres of
8 vacant State school land coming back to the State and again
9 being characterized on that list, or classified on such list.

10 MR. LUEVANO: I move approval.

11 MR. CRANSTON: Second the motion.

12 GOV. ANDERSON: Moved and seconded, carried
13 unanimously. Item Number 8 -- Proposed oil and gas lease,
14 Santa Barbara County, Parcel 6.

15 MR. HORTIG: Mr. Chairman, members of the Commission,
16 you will remember an original offer in the sequential oil and
17 gas procedure of the State Lands Commission of a Parcel 1 in
18 the Point Conception area. Parcel 6, being recommended today
19 for authorization to offer by the State Lands Commission is a
20 revised, somewhat relocated expansion of the area that was
21 offered under Parcel 1, for which no bids were received.
22 Patently, the revisions in the size of the parcel and the loca-
23 tion are hopefully intended to produce some bidders for this
24 parcel when it is advertised.

25 MR. LUEVANO: I'll move approval.

26 MR. CRANSTON: I second the motion. I'd like to ask,

1 however, how much does this parcel overlap the previous parcel
2 or does it include the previous parcel?

3 MR. HORTIG: It includes all the previous parcel and
4 is actually a little larger to the west, Mr. Cranston.

5 GOV. ANDERSON: Any further discussion? (No comment)
6 It has been moved and seconded, carried unanimously.

7 Item 9 -- Confirmation of transactions consummated
8 by the Executive Officer, pursuant to authority confirmed by
9 the Commission at its meeting on October 5, 1959.

10 MR. HORTIG: These items, as reflected on page 60,
11 represent the routine extension of two geological exploration
12 permits previously authorized for issuance by the Lands Com-
13 mission, in accordance with established rules and regulations.
14 The extensions were only as to time -- no modifications as to
15 purpose.

16 MR. LUEVANO: No action needed on this?

17 GOV. ANDERSON: No action needed?

18 MR. HORTIG: No -- confirmation desired.

19 MR. CRANSTON: So move.

20 MR. LUEVANO: Second.

21 GOV. ANDERSON: Moved and seconded that that will be
22 confirmed -- carried unanimously.

23 Item Number 10 is administrative and policy matters --
24 Commission resolution on fair employment practices. I believe
25 Mr. Cranston, this was yours?

26 MR. CRANSTON: Yes. Despite the fact we have had now

1 a Fair Employment Practice Act in California for two years, I
2 gather in some cases some agencies of the State Government have
3 not been fully aware of that act nor implemented its full in-
4 tent. I have heard no complaint about the State Lands Commis-
5 sion, but nevertheless I thought it might be well to have a
6 resolution and have it on the record for all areas that might
7 be touched by this resolution. For that reason I propose the
8 following resolution:

9 The policy of the State Lands Commission has been and
10 is nondiscrimination. Every employee in a supervisory or hir-
11 ing capacity is expected to hire and upgrade employees on the
12 basis of merit, without regard to race, religion, national
13 origin, ancestry, age, or sex.

14 There are to be no exceptions under the policy.

15 Nondiscriminatory employment has been found to be not
16 only fair and decent, but sound business practice. Every posi-
17 tion in the State Lands Commission is to be filled by the best
18 candidate, whether or not persons of his age, race, etc. have
19 ever held the position in the past.

20 It is the responsibility of every supervisor to make
21 the intent of this policy truly operative with respect to all
22 positions under his supervision.

23 MR. HORTIG: Mr. Chairman, a question, please. Mr.
24 Cranston, you are, of course, aware of the fact that there are
25 age limitations on classifications specified by the State
26 Personnel Board, adherence to which certainly would not be

1 considered discrimination in the manner in which you have
2 phrased this.

3 MR. LUEVANO: Does the legislation that was passed
4 on this last question of age affect those particular limi-
5 tations?

6 MR. HORTIG: In some instances. In some instances
7 they may ultimately result in revision of Personnel Board
8 regulations.

9 MR. LUEVANO: Are they exploring that matter now?

10 MR. HORTIG: I must assume they are.

11 MR. CRANSTON: It might be appropriate for us to
12 suggest they do so if they are not.

13 GOV. ANDERSON: Do you second this?

14 MR. LUEVANO: You have moved?

15 MR. CRANSTON: Yes.

16 MR. LUEVANO: If you haven't I will.

17 GOV. ANDERSON: It has been moved and seconded that
18 this resolution be made a part of the policy of the State Lands
19 Commission. It is unanimous.

20 MR. CRANSTON: In implementation of this, this is a
21 suggestion: The Fair Employment Practice policy of the State
22 Lands Commission is set forth in the attached resolution
23 adopted by the Commission and in the enclosed bulletin of the
24 Fair Employment Practices Commission. The resolution should
25 be distributed to all of your employees. The bulletin should
26 be posted in a conspicuous, well lighted place in each office

1 of your Division frequented by applicants and employees.
 2 Extra copies of the bulletin are available from the Executive
 3 Officer of the State Lands Commission. The policy of non-
 4 discrimination and content of the bulletin should be reviewed
 5 with your supervisors, who, in turn, should review them with
 6 their employees to insure universal understanding.

7 MR. HOETIG: We will comply.

8 GOV. ANDERSON: Carried unanimously. I have a
 9 letter that I would like to have made a part of the record
 10 and it is relative to our drilling beyond the three-mile limit,
 11 and it is a letter to the Honorable Stewart L. Udall, Secretary
 12 of the Interior, Office of the Secretary, Washington, D.C.:

13 "Dear Mr. Secretary:

14 As chairman of the State Lands Commission
 15 of the State of California, I want to commend you
 16 for your action, as announced on November 14, 1961,
 17 appointing a four-man Departmental Committee
 18 headed by Undersecretary James E. Carr to work
 19 with the Department of Justice and the State of
 20 California to reach an agreement between Cali-
 21 fornia and the Federal Government concerning
 22 offshore drilling for oil on submerged lands
 23 along the California coast.

24 The other two members of the California
 25 State Lands Commission, State Controller Alan
 26 Cranston and Director of Finance Hale Champion,
 join with me in expressing the unanimous desire
 of this Commission to cooperate in every way
 possible in expediting the work of your committee
 headed by Undersecretary Carr in seeking ways to
 begin offshore drilling for oil on submerged lands
 along the California coast.

The agreement between yourself and California's
 Attorney General Stanley Mosk to appoint a joint
 committee from your staffs to study the advisability
 of an agreement to permit drilling to proceed with-
 out objection is an important step forward.

1 " However, while this joint Federal and State
2 study of the legal aspects of the situation is
3 being made, the California State Lands Commission
4 feels that many technical and policy studies
5 should be undertaken concurrently. I am, there-
6 fore, writing to both Undersecretary Carr and
7 yourself to request that the Departmental Com-
8 mittee headed by Mr. Carr meet with the Cali-
9 fornia State Lands Commission at the earliest
10 convenient date.

11 I discussed this matter personally with Mr.
12 Carr in Los Angeles last week, and I believe we
13 are in full agreement that such a meeting could
14 have fruitful results. By early action in ex-
15 ploring the policies and agreements which must
16 eventually be agreed upon by the Department of
17 the Interior and the State of California, we hope
18 to advance the time table for developing vast
19 potential oil resources now going unused.

20 We would, of course, be pleased if Mr. Carr's
21 committee would find it convenient to meet with us
22 in California in the very near future.

23 Very truly yours "

24 I'd like to send that to Mr. Udall and I'd like to have a
25 motion, if possible, approving the content of the letter.

26 MR. CRANSTON: I so move.

MR. LUEVANO: Second it.

GOV. ANDERSON: Moved and seconded, carried unani-
mously. I think that's the last item outside of the next
meeting, which I believe we agreed on was December 21st, 10
a.m. at Sacramento.

MR. CRANSTON: December 21st?

MR. LUEVANO: 10 a.m.

GOV. ANDERSON: Wasn't that what we had agreed upon,
Mr. Hortig?

1 MR. HORTIG: This was discussed as a potential date.
2 There had not been a determination and that's the reason we
3 asked for a determination.

4 GOV. ANDERSON: I don't know why we made it ten a.m.
5 Is nine a.m. all right for the rest of you?

6 MR. HORTIG: Inasmuch as you are again proposing to
7 hold it in Sacramento, I am therefore proposing that for the
8 people coming up from Los Angeles they can make it with a
9 ten a.m. arrival flight -- which they cannot do at a nine
10 o'clock meeting.

11 GOVERNOR ANDERSON: Anything else?

12 MR. HORTIG: I would like to mention, Mr. Chairman --
13 it is not on the agenda, but the Commission did receive this
14 morning two letters of protest to a proposed annexation, assum-
15 edly of tide and submerged lands and one telegram from William
16 D. Moore of O'Melveny and Meyers on behalf of Capistrano Beach
17 Club Company, Capistrano Beach, objecting to a proposal by the
18 City of San Clemente to annex tidelands north and west of that
19 city; and, similarly, a telegram from John H. Dawson, City
20 Attorney of San Juan Capistrano, protesting to an attempted
21 annexation of Capistrano from the three-mile limit to Dana Point.

22 I bring this to the Commission's attention because
23 they were received this morning, but there is no prospective
24 annexation calendar item, nor is there any uncompleted annexa-
25 tion.

26 MR. PENNICK: I also came up to bother the Commission

1 from San Clemente on this question and if I could have a few
2 moments.....

3 GOV. ANDERSON: Now, we do not have an item before
4 us.

5 MR. PINNICK: I know you don't have. There are cer-
6 tain questions we wanted to put before the Commission and get
7 its thinking on the matter. I don't think it would take very
8 long if I could discuss it with you for a moment.

9 GOV. ANDERSON: Who do you represent?

10 MR. PINNICK: Wallace Pinnick. I am ^{an} attorney in
11 San Clemente and represent the Capistrano Bay Improvement
12 District. It is a group of homes on the shore, a few hundred
13 of them. I also have authority from Mr. Dawson to represent
14 his city. He is the City Attorney of San Juan Capistrano, a
15 beach community. I also have authorization from Louis Viereck
16 who is attorney for Harvey Company, who own quite a bit of
17 shoreline.

18 The problem is this: San Clemente is a city that
19 has a frontage on the ocean of about two and a half miles,
20 maybe not quite that much -- I wish I had time to get diagrams.
21 They are asking to annex not only the area, the land on the
22 front and to the three-mile limit, they are proposing all the
23 way to Dana Point. That area outside of the City limits of
24 San Clemente is the ocean frontage of the people that I repre-
25 sent. As you know -- you know the Code better than I do --
26 the only ones that can object to an uninhabited annexation are

1 the owners of property in that proposed area and there aren't
2 any owners except the State -- or at least we haven't been able
3 to discover any up to this time. We have in our group people
4 who own piers that extend out into the ocean, but they are
5 taxed on the adjacent shoreline. We have no standing in court.

6 GOV. ANDERSON: Is this annexation before your Board
7 of Supervisors now?

8 MR. PINNICK: Under the provisions of the uninhabited
9 portions of the act, it does not go before the Supervisors.
10 We wish it did. That is our problem. We have nobody but the
11 City of San Clemente to protest to and, as I say, under the
12 provisions of the statutes we have no standing to protest even
13 to them.

14 GOV. ANDERSON: Can I ask a question of our repre-
15 sentative of the Attorney General? I thought even these
16 matters came up before the Board of Supervisors.

17 MR. JOSEPH: That's not my impression.

18 GOV. ANDERSON: Wasn't the last one that we had in
19 Santa Barbara -- this was the city

20 MR. HORTIG: County Boundary Commission.

21 MR. PINNICK: San Clemente has gone through the
22 Boundary Commission, which has supervisors on it.

23 GOV. ANDERSON: So, in fact, you have had that
24 hearing?

25 MR. PINNICK: That hearing; but, of course, the
26 Boundary Commission's authorization is only to determine

1 whether the boundaries are correctly outlined. They have no
2 authority to say "No, you can't annex this territory." It is
3 an unusual section of the law in that when you go after sub-
4 merged lands or tidelands there are no property owners and the
5 only one that determines whether the annexation can go through
6 or not is the City Council of the city seeking the annexation.

7 Now, that's our problem. We want to induce the Lands
8 Commission to do as they did in the Santa Barbara case and pro-
9 test the annexation of the lands by San Clemente; and, mind
10 you, we do not wish this protest to be made as to the area of
11 tidelands adjacent to the City of San Clemente. We believe it
12 is right and proper they should have those; but those that ex-
13 tend beyond the city limits and go to the other communities,
14 we do not believe the State Lands Commission should allow that
15 without some protest.

16 One last question: The reason that we came here so
17 precipitately and perhaps so unprepared is because of this
18 unclarity in the law. I talked to Mr. Hortig's office, Mr.
19 Blacker there, and several people in other agencies. They
20 admit there are these unusual provisions. You have just set
21 your next meeting for December 21st. San Clemente set the
22 protest hearing for December 20th. This is going to be an
23 accomplished fact on December 20th.

24 MR. HORTIG: Except possibly -- and in deference to
25 my legal colleague across the table, I'll practice law without
26 a license -- administratively, at least, in the past we have

1 been informed by the Office of the Attorney General, and in
2 view of the modifications to the annexation statutes relating
3 particularly to proposed annexation of tide and submerged lands
4 under the jurisdiction of the State Lands Commission, that such
5 annexation cannot be effected until there has been a protest
6 hearing held based on consideration of the protests, if any --
7 based on the value of the tide and submerged lands proposed
8 to be annexed; which statute also requires that the value of
9 such tide and submerged lands must be appraised by the State
10 Lands Commission and reported to the proposed annexing author-
11 ity on application of the proposed annexing authority.

12 We have had no application from the City of San
13 Clemente. The City of San Clemente cannot, it would appear,
14 hold a protest hearing at which they can consider the appraised
15 value of the tide and submerged lands which must be made by
16 the State Lands Commission, simply because the State Lands Com-
17 mission hasn't appraised it, simply because they have not been
18 asked to appraise it.

19 MR. LUEVANO: So our rights are not affected?

20 MR. HORTIG: This annexation protest hearing cannot
21 be held without an appraisal by the State Lands Commission.

22 MR. JOSEPH: I am not familiar with the proceeding.
23 I know there is an appraisal provision.

24 MR. PINNICK: I have done quite a bit of law on this
25 and I know there must be an agreement on the value of the
26 annexed land. If there is not, the annexing body must suspend

1 its procedures and file in court as to a declaration of value,
2 However, that is merely an administrative thing. I don't see
3 any area of disagreement. If this Commission puts a value on
4 these tidelands for tax purposes, it is probably going to be
5 zero. Certainly the City of San Clemente is not going to dis-
6 agree with you. Furthermore, the time limit is not set out in
7 the law. It does not say "before the protest," I beg to differ
8 with you there. I wish it did -- it could not follow the pro-
9 test hearing. They have already set this protest hearing.
10 Their attorney has done it without requesting the evaluation
11 procedure. It is set for December 20th. This Commission does
12 have the right to protest such annexation, but the law does not
13 say what steps it should take in protesting. Does it make an
14 affirmative protest? In the Santa Barbara annexation, I under-
15 stand this Commission did take an affirmative stand and did
16 protest the annexation; but the law doesn't say how it must
17 protest.

18 They are going to send up their resolution after
19 December 20th and the necessary papers, and file them with the
20 Secretary of State; and unless they get into a disagreement on
21 the valuation -- we have a pier out there we are hoping will
22 give us some standing in court, but if we could have the Lands
23 Commission come in and help determine it, it would help us.

24 GOV. ANDERSON: Why can't you look into this? Do
25 you have to wait until you are officially notified?

26 MR. PINNICK: That's another point, Governor Anderson.

1 There is no way they are supposed to notify you -- that's not
2 required. The only thing that's required is that they agree
3 with this Commission on the annexation -- no necessity that
4 they advise you of the annexation.

5 MR. HORTIG: First, patently, Governor, every other
6 annexation of submerged lands and tidelands considered by the
7 Commission has been pursuant to notice. Certainly, if not
8 spelled out in the law, there are adequate procedural precedents
9 established by all other communities who have heretofore annexed
10 tide and submerged lands since the Government Code has been in
11 the stage it now is; this on the basis of at least all other
12 attorneys' interpretation of what the statutes require, in-
13 cluding the Office of the Attorney General.

14 On directive of the Commission, definitely the staff
15 could undertake an immediate investigation. My suggestion is
16 that ...

17 GOV. ANDERSON: Check that portion of the law, too.

18 MR. HORTIG: I wouldn't want the Commission to give
19 us, in effect, a blank check; but suggest to the Commission
20 that if staff investigation in conjunction with the Attorney
21 General's Office determines that there are unresolved questions
22 and that there are areas in which the Lands Commission might
23 and properly should take action if they had been properly
24 notified and they have not been before the closing protest date
25 as outlined by Mr. Pinnick, that the staff be authorized to
26 transmit a letter to the City Council of the City of San

1 Clemente, stating the Lands Commission's position to be desir-
2 ous of having an extension, at least, of this hearing in order
3 that the problems on which the Lands Commission must make find-
4 ings may be properly and expeditiously resolved before the City
5 closes the door technically on this situation. I wouldn't be-
6 lieve they could do it validly, but I would say it would be
7 very much simpler to keep the door open while the problems are
8 unresolved, rather than wait until it is an accomplished fact,
9 if this gentleman's legal analysis is correct.

10 MR. PINNICK: I didn't trust my own view on this
11 opportunity to protest to this body. I talked to Mr. Blacker
12 in your Los Angeles office. I discussed this with Mr. Goss,
13 who I understand is now a judge and who is probably less
14 interested.

15 MR. CRANSTON: That will be stricken. He will have
16 interest until he becomes a judge.

17 MR. PINNICK: I congratulate him. I have never met
18 him. I have searched the law and we don't find provision for
19 notice. Since this thing is set for December 20th, evidently
20 the City of San Clemente doesn't believe after their research
21 that this is required.

22 MR. CRANSTON: Do you feel what Mr. Hortig proposes
23 would give you an opportunity to protect your interests?

24 MR. PINNICK: Anything that Mr. Hortig proposed would
25 probably be the correct approach.

26 GOV. ANDERSON: You would ask an extension of time

1 from the City so that proper procedural steps could be taken?

2 MR. HORTIG: That's correct.

3 GOV. ANDERSON: If they say they are going ahead
4 with their annexation proceedings on the 20th, that we would
5 then make a protest at that time?

6 MR. PINNICK: I really would appreciate it if it
7 could go that far.

8 MR. HORTIG: Protest not on the annexation, but pro-
9 test as to closing the annexation without having given the
10 necessary notice and brought the full matter for consideration
11 to the Commission, to the extent the Commission is authorized
12 to consider it. If there were then an arbitrary closing of
13 the hearing, nevertheless, then the staff recommendation would
14 be to have the Attorney General seek to attack the proceedings
15 by quo warranto proceedings -- something we have had to employ
16 successfully in the past where earlier municipalities, before
17 the Code was as detailed as it is, did such things, proceeded
18 without notifying anyone on the theory if they didn't tell
19 them they couldn't protest and therefore they had a valid
20 annexation. The courts have explained to these municipalities
21 that this is not the case -- that they cannot, by simply for-
22 getting to tell the Lands Commission or whoever is concerned,
23 avoid protest by this means. This is the basic defect in this
24 thing.

25 MR. LUEVANO: Your recommendation is basically
26 procedural -- it doesn't go to the question of the annexation?

1 MR. HORTIG: That's right.

2 MR. PINNICK: One other question: The Code provides
3 that if more than fifty percent of the owners of privately
4 owned land in the uninhabited area protest, then the annexation
5 must be dismissed. Of course, as I have explained, we have
6 found no privately owned land in the submerged land area. The
7 Code goes on to say that if more than fifty percent of the
8 publicly owned land - - if there is a protest by the proper
9 body as to more than fifty percent of the publicly owned land,
10 then they must dismiss the proceedings. I believe that it
11 either implies or then states if no such protests are received
12 at the time when notice is filed for the protests that the
13 annexation is complete and all they have to do is file their
14 final documents with the Secretary of State. That's why I
15 would very much like, if they will not set over this December
16 20th meeting to give this body time to study - - it's like
17 San Francisco calling all the areas south of the city their
18 tidelands - - if they won't hold up, I would ask this body to
19 put in a protest. Protests can be withdrawn, if at a later
20 time you determine you have no protest. You have here oil
21 rights, marine rights. It's a phenomenal thing. One of the
22 Boundary Commissioners said this is immoral. Maybe it isn't -
23 it may be legal and immoral too.

24 MR. CRANSTON: Mr. Chairman, I move the decision of
25 the Lands Commission be that which was stated by Frank Hortig,
26 namely that we investigate the matter; that we seek a delay to

1 explore it; if we find we can't get that delay, that we then
2 submit a formal protest to give us time to explore it.

3 MR. LUEVANO: I second it. May I ask a question?
4 In filing a protest, must you give a reason for the protest?

5 MR. HORTIG: This, of course, would be developed in
6 conjunction with the Office of the Attorney General. In view
7 of the fact that apparently -- this I have derived from Mr.
8 Pinnick's statements -- the only area proposed to be annexed
9 is tide and submerged lands, that there are no privately owned
10 lands and that fifty percent of the value protesting with
11 respect to the tide and submerged lands is sufficient to stop
12 the proceedings, in this case the protest of the Lands Commis-
13 sion would be as to one hundred percent of the value, whatever
14 the dollar value may be, and this couldn't help but be effective.

15 MR. PINNICK: You don't have to give reasons, as I
16 understand it. You simply say you don't want to be under the
17 administrative proceedings of that city.

18 GOV. ANDERSON: Moved, seconded, carried unanimously.
19 Any other items before the Commission? (No response) If not,
20 we will adjourn until our next meeting December 21st, ten a.m.

21 ADJOURNED 10:25 A.M.
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CERTIFICATE OF REPORTER

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I, LOUISE H. LILLICO, reporter for the Office of Administrative Procedure, hereby certify that the foregoing thirty-five pages contain a full, true and correct transcript of the shorthand notes taken by me in the meeting of the STATE LANDS COMMISSION at Sacramento, California, on November 22, 1961.

Dated: Sacramento, California, November 29, 1961.

Louise H. Lillico

Louise H. Lillico