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MEETING  
STATE LANDS COMMISSION  
STATE OF CALIFORNIA

STATE CAPITOL  
ROOM 2133  
SACRAMENTO, CALIFORNIA

ORIGINAL

THURSDAY, DECEMBER 20, 1979

10:00 A.M.

Paul D. Ramshaw  
C.S.R. License No. 3434

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MEMBERS PRESENT OR REPRESENTED

Mr. Roy M. Bell, Acting Chairperson, representing  
Ms. Mary Ann Graves, Director of Finance  
Mr. David Ackerman, representing Mr. Mike Curb,  
Lieutenant Governor

MEMBERS ABSENT AND UNREPRESENTED

Mr. Kenneth Cory, State Controller

STAFF PRESENT

Mr. William F. Northrop, Executive Officer  
Mr. Robert C. Hight, Chief Counsel  
Mr. James F. Trout  
Mr. Wilbur M. Thompson  
Mr. Donald J. Everitts  
Mr. Leslie Grimes  
Ms. Diane Jones

OTHERS PRESENT

Mr. Jan Stevens, Assistant Attorney General

I N D E X

	<u>Page</u>
1	
2	
3	1
4	1
5	1
6	5
7	
8	
9	
10	
11	5
12	
13	
14	
15	6
16	
17	
18	6
19	7
20	
21	
22	
23	8
24	
25	11

	<u>Page</u>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
	iv
	<u>Page</u>
Item 22 - Bureau of Land Management/State Lands Commission School Land Indemnity Audit (Subject); Informative - Status report	14
Item 23 - United States of America (National Park Service); Approve the execution and delivery of a quitclaim deed	21
Item 24 - East Bay Regional Park District (Applicant); Approval of General Permit - Recreational Use	21
Item 25 - Federal Resources Corporation (Robert Schick, Agent) (Applicant); Approval of issuance of seven Prospecting Permits	22
Item 26 - Chevron U.S.A., Inc. (Lessee); Approval to conduct remedial work and testing of an existing well	23
Item 27 - Agreement for Proposed Earthfill of Purchased Properties (Subject); Approval of Agreement between State and City of Long Beach to allow the City to proceed immediately with four proposed earthfill projects	24
Item 28 - Agreement to Close Subsidence Accounts (Subject); Approval of agreement settling the amounts of subsidence cost expenditures	28
Item 29 - Elevation Surveys (Subject); Informative - Monitoring of possible subsidence and seismic hazards	30
Item 30 - Capital Improvement Project; Make a determination concerning the expenditure of tile-land oil revenue	32
Item 31 - Parcel A Revenue Forecast (Subject); Informative - Review of the production and revenue projections for 1978-1980 Fiscal Year	35
Item 32 - <u>Guard C. Darrah V. State of California, et al.</u> (Approval of Exchange Agreement)	38
Item 33 - <u>United States of America V. 162.75 Acres of Land, More or Less, et cetera, et al.;</u> Authorization to file disclaimer	38

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Item 34 - Andrus V. Idaho; Authorization to take all steps necessary, including filing an amicus brief

38

Item 35 - Bruce Martin (Trespasser); Approve the authorization to the steps necessary to cause removal of fill

40

Item 36 - Department of the Army, Corps of Engineers; Authorize the holding of a public hearing

41

Item 37 - State Lands Commission Standard Lease Provisions

42

Item 38 - Lake Tahoe Shorezone Assessment

43

P R O C E E D I N G S

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ACTING CHAIRPERSON BELL: At the moment there are only two of us here, but that's all it takes to get a quorum.

Mr. Northrop, can I have a quorum call?

MR. NORTHROP: Mr. Bell.

ACTING CHAIRPERSON BELL: Here.

MR. NORTHROP: Mr. Ackerman.

MR. ACKERMAN: Here.

MR. NORTHROP: Mr. Chairman, there are two present: Mr. Bell and Mr. Ackerman.

ACTING CHAIRPERSON BELL: All right. A quorum is present.

The minutes of the meeting of November 20th were distributed. Are there any corrections or other changes to the minutes?

If not, they will be deemed approved.

We will start with the report of the executive officer. Mr. Northrop.

MR. NORTHROP: Thank you. Mr. Chairman and Mr. Ackerman, the staff has been informed by Mr. Graydon Nichols, an engineer for Reclamation District 2040, that delays in obtaining a State Lands Commission permit may cause difficulty. Normal processing for their proposed

1 levee maintenance project may not allow enough time to  
2 complete that phase of the work before the spring runoff.

3 The project involves the bank protection necessary  
4 to assure that the land within the district is protected  
5 from potential flood damage. Although the district has been  
6 in the process of obtaining the necessary permits since  
7 early this spring, they were not aware until this month that  
8 a permit from the State Lands Commission was necessary.

9 The applicant proposes a five-year levee  
10 rehabilitation plan for Victoria Island in western San  
11 Joaquin County just north of the Clifton Court Forebay. The  
12 plan includes placing approximately 25,000 cubic yards of  
13 stone rip-rap and 8,500 cubic yards of bedding material  
14 along the waterward levee banks of Old River, Middle River,  
15 and both North and South Victoria Canals. Rock protection  
16 would be placed first in areas in immediate need of bank  
17 protection. All material will be imported; no dredging of  
18 the waterways will occur.

19 The Resources Agency is satisfied that the project  
20 will not have a significant adverse impact on the  
21 environment so long as the work is done according to the  
22 standards adopted by the Department of Fish and Game and the  
23 U.S. Fish and Wildlife Service. The subject land is  
24 classified as category B in the Significant Lands Report.

25 The Corps of Engineers is prepared to issue their

1 permit for the subject project as soon as State Lands lifts  
2 its objection. The applicant has submitted the application  
3 and filing fees.

4 The applicant has requested that he be allowed to  
5 begin his bank protection project prior to the finalizing  
6 of a State Lands Commission permit so that the necessary  
7 work can be completed prior, as I said before, to the spring  
8 runoff. The proposed project is exempt from CEQA as a minor  
9 alteration to the land. Staff expects to submit a final  
10 permit to the commission for approval at the January meeting.

11 With your consent, and after this rather lengthy  
12 explanation, we will advise Mr. Nichols and the Corps of  
13 Engineers that he may proceed with his project.

14 MR. ACKERMAN: Was their original objection from  
15 the commission just a formality?

16 MR. NORTHROP: No. They really didn't realize they  
17 had to come to the commission until a week or so ago. Had  
18 they started us with everybody else, they would have had  
19 adequate time, and we would have processed it.

20 ACTING CHAIRPERSON BELL: So when you say "as soon  
21 as State Lands lifts its objection," we're merely talking  
22 about the fact that we've reminded them a permit is  
23 necessary.

24 MR. NORTHROP: Right. That's correct, Mr. Bell.

25 ACTING CHAIRPERSON BELL: With our consent, then,

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1 we can give you permission to advise Mr. Nichols to go ahead  
2 on a temporary basis, and we'll have the permit on our  
3 January agenda?

4 MR. NORTHROP: That would handle the problem.

5 MR. ACKERMAN: No objection.

6 ACTING CHAIRPERSON BELL: Without objection, then,  
7 we will act on this item as described.

8 MR. NORTHROP: Mr. Chairman, Mr. Ackerman, the  
9 California Coastal Commission at its December 18th meeting  
10 approved a coastal energy impact program grant to the State  
11 Lands Commission in the amount of \$69,964 for a study to  
12 identify the nature and extent of major oil seeps in the  
13 Santa Barbara Channel. The major objective of this project  
14 is to provide sufficient verified physical data on such  
15 seeps to map and study them.

16 The data collection and mapping task constitute the  
17 first phase of this project. Once completed, a grant  
18 augmentation of approximately \$30,000 will be considered to  
19 complete a preliminary analysis to determine the feasibility  
20 of capturing such oil and gas for transport to onshore  
21 facilities.

22 Mr. Chairman, that completes my report, with the  
23 exception that I'd like to draw your attention to calendar  
24 item C11, which is off calendar, and item number 14 is also  
25 off calendar.

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1 Mr. Chairman, that completes my report, sir.

2 ACTING CHAIRPERSON BELL: Thank you, Mr. Northrop.  
3 We turn now to the calendar. The first 13 items, with the  
4 just-announced removal of item C11, are before us for our  
5 approval. These items are routine in nature. They have  
6 been reviewed by both the staff and the commission members. We  
7 see no problems with them. The only reason we bring it up  
8 is to find out if anyone in the audience would wish to  
9 object to any of the items. If so, they will be pulled off  
10 the consent calendar and heard as a regular item.

11 If there is no objection to items C1 through C13,  
12 with the deletion of C11, I will entertain a motion.

13 MR. ACKERMAN: So moved.

14 ACTING CHAIRPERSON BELL: All right. Without  
15 objection, items C1 through C13 with the deletion of item  
16 C11 are approved.

17 On the regular calendar, Mr. Northrop informs me  
18 that item 14 has been pulled off calendar, so the first item  
19 on the agenda before us on the regular calendar is item 15  
20 for the California Department of Fish and Game.

21 MR. NORTHROP: Mr. Chairman, this is a permit by  
22 the California Department of Fish and Game to construct a  
23 protective barrier on Megit Island to protect a gull rookery  
24 in an existing wildlife habitat.

25 ACTING CHAIRPERSON BELL: Are there any objections

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1 to the item?

2 MR. ACKERMAN: No, none.

3 ACTING CHAIRPERSON BELL: All right. Without  
4 objection, item 15 will be approved.

5 Item 16, City of Huntington Beach.

6 MR. NORTHROP: Mr. Chairman, this is for the  
7 replacement of an existing wooden bridge with a concrete  
8 highway bridge in the area of Bolsa Chica in Huntington  
9 Beach.

10 ACTING CHAIRPERSON BELL: Any objections to item 16?

11 MR. ACKERMAN: No objection.

12 ACTING CHAIRPERSON BELL: Without objection, item  
13 16 is approved.

14 Item 17, an assignment to C. William Johnson and  
15 Carole R. Johnson.

16 MR. NORTHROP: Mr. Chairman, this is the assignment  
17 of a parcel in McKinney Bay in Lake Tahoe.

18 ACTING CHAIRPERSON BELL: No problems?

19 MR. NORTHROP: No problems with that one,  
20 Mr. Chairman.

21 ACTING CHAIRPERSON BELL: All right. Any objections?

22 MR. ACKERMAN: No objection.

23 ACTING CHAIRPERSON BELL: Without objection, item  
24 17 is approved.

25 Item 18, Pacific Gas and Electric Company, applicant.

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MR. NORTHROP: Mr. Chairman, this is a denial of a lease for an electric line across the San Joaquin River.

ACTING CHAIRPERSON BELL: That's all you wish to say about it?

MR. NORTHROP: Yes, I think so.

ACTING CHAIRPERSON BELL: Since we're familiar with the item -- is there any objection?

MR. ACKERMAN: I have no problem with this one.

ACTING CHAIRPERSON BELL: Any objection from the audience?

If not, item 18 will be approved as a denial of a lease.

Now we go to boundary settlements and exchanges, item 19, Alamitos Bay boundary settlement agreement.

MR. NORTHROP: Mr. Chairman, Mr. Taylor from the Attorney General's office was going to present this item; however, due to weather conditions in Sacramento, he is not here. Mr. Thompson has been in recent contact with him on the phone, and he will bring us up to date on this.

ACTING CHAIRPERSON BELL: Mr. Thompson.

MR. THOMPSON: This is a second amendment to the last of a series of boundary settlements in the Alamitos Bay in Long Beach. In November 1978 a time extension of one year was given by the commission to finalize this settlement. We're now asking the commission at this time to approve some

1 amendments that have been worked up since the last extension  
2 and to give a two-year time extension to the period to  
3 obtain all the various parties' agreements and do the  
4 filings.

5 ACTING CHAIRPERSON BELL: The primary thing we have  
6 here other than cleanup is the fact that we're extending for  
7 two more years on these last pieces of cleanup work.

8 MR. THOMPSON: Yes, because it would be physically  
9 impossible to do it by the January 1st deadline.

10 ACTING CHAIRPERSON BELL: Are there any objections  
11 to this item?

12 MR. ACKERMAN: No.

13 ACTING CHAIRPERSON BELL: Hearing none, item 19 is  
14 approved.

15 A land bank item, number 20.

16 Mr. Northrop, is this yours?

17 MR. NORTHROP: Yes. Mr. Chairman, this is a land  
18 bank parcel of approximately 441 acres in Suisin Bay, which  
19 we are getting from the Trust for Public Lands. The concept  
20 is similar to the program we accomplished on Browns Island.  
21 We will take parcels of this land to offset other submerged  
22 areas that are no longer useful to the state and convert  
23 them into this parcel.

24 ACTING CHAIRPERSON BELL: So as we deal with  
25 mitigation problems, the percentage of our ownership of this

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1 particular land will go up.

2 MR. NORTHROP: -- will increase until one day we  
3 own the 441 acres.

4 ACTING CHAIRPERSON BELL: I see.

5 MR. ACKERMAN: I have a question.

6 ACTING CHAIRPERSON BELL: Mr. Ackerman.

7 MR. ACKERMAN: When we accept lands such as  
8 marsh lands, does the State Lands Commission actually  
9 maintain the land, or is it turned over to the Department of  
10 Fish and Game?

11 MR. NORTHROP: As long as we don't own it in fee,  
12 Mr. Ackerman, the ownership stays with the Trust for Public  
13 Land. They administer it. When we take it over, then we  
14 usually immediately look for another public entity that's  
15 in that management area to do it. For example, on today's  
16 calendar we have an item on Browns Island being turned over  
17 to a park district to manage.

18 So it's not as though we were looking for land to  
19 increase our land base, but rather to put it in an agency  
20 that is equipped to handle that sort of a program.

21 MR. ACKERMAN: Is all that usually part of the  
22 consideration when an exchange is made in the beginning?

23 MR. NORTHROP: With Browns Island it happened to be.  
24 We knew where we were going. On this one here, we probably  
25 are looking at Fish and Game. Generally, we've looked at

1 Fish, and Game or Parks and Recreation.

2 We have had informal conversations with Fish and  
3 Game, but nothing formal. They understand what we're doing,  
4 and the Resources Agency is looking forward to receiving  
5 this parcel, probably administered by Fish and Game.

6 As a matter of fact, the Assistant Secretary of  
7 Resources wrote a very laudatory letter recently to the  
8 commission and the staff on this particular operation.

9 MR. ACKERMAN: That's good.

10 ACTING CHAIRPERSON BELL: Mr. Ackerman's comment  
11 really, then, applies primarily to the point at which we  
12 receive fee.

13 MR. NORTHROP: Right.

14 ACTING CHAIRPERSON BELL: We ought to be careful  
15 that we have things lined up at that point.

16 MR. NORTHROP: It will come back to the commission  
17 for the final awarding. Staff doesn't anticipate winding  
18 up with 440 acres we don't know what to do with.

19 MR. ACKERMAN: But the commission normally doesn't  
20 maintain land.

21 MR. NORTHROP: Right. As a general rule we do not  
22 maintain land, because we're just not equipped to maintain  
23 it.

24 ACTING CHAIRPERSON BELL: Is there any objection  
25 to item 20?

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1 MR. ACKERMAN: None.

2 ACTING CHAIRPERSON BELL: Hearing none, item 20 is  
3 approved.

4 On patents, item 21, Bureau of Land Management.

5 MR. NORTHROP: Mr. Chairman, Mr. Trout will discuss  
6 this, because he's been intimately involved with this item.

7 MR. TROUT: The reason this item is back before the  
8 commission, Mr. Chairman, is part of a common problem we  
9 have with the Justice Department and the Department of  
10 Interior. The BLM attempted to purchase a perpetual road  
11 easement, which the commission approved. However, the  
12 federal Justice Department wants the Interior Department to  
13 acquire fee interest in properties, so they have rejected  
14 the perpetual road easement and asked BLM to come back to  
15 the state and acquire a fee interest with the right of  
16 access reserved by the state. That's why this has come  
17 back.

18 ACTING CHAIRPERSON BELL: Mr. Ackerman.

19 MR. ACKERMAN: Some comments and questions arose  
20 yesterday on this. I know the Lands Commission has been in  
21 a continual battle with the Bureau of Land Management over  
22 the maintenance of lands in the state --

23 MR. NORTHROP: -- in-lieu selections and other  
24 things.

25 MR. ACKERMAN: I know calendar item 22 involves an

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1 exchange of lands, where we're picking up some we think have  
2 been rightfully due us for a long time.

3 I have been involved in looking at this whole  
4 sagebrush rebellion issue for some time, with the federal  
5 government literally sitting on our requests for land  
6 exchanges for years, right back into the 1960s, as I  
7 understand it. For 15 years or so they simply have not  
8 acted on states' requests.

9 Would it be proper, at least in staff's opinion, to  
10 just withhold action on this item, or at least postpone it,  
11 so we can have some further conversation with the Bureau of  
12 Land Management on their whole policy as it pertains to the  
13 better running of lands within the state's boundaries?

14 MR. NORTHROP: Mr. Ackerman, staff is frustrated  
15 in attempting to deal with the federal government, and  
16 particularly with BLM. They perceive their role -- as you  
17 know, they own some 47 percent of California, and that  
18 figure is going up. We really don't know how to send them  
19 a message, and this may be a way for the commission to send  
20 them a message, because I think so far the BLM has felt that  
21 all the staff of State Lands -- and other state agencies,  
22 because this is shared by all the rest of the states, the  
23 western states in particular -- that it's some kind of  
24 bureaucratic turf problem.

25 The lawyers tell me it runs to a Tenth Amendment

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1 situation, a situation of state's rights.

2 Staff would be pleased, I think, to have this word  
3 of support from the commission that there is serious  
4 problem with BLM and the way they're handling the problem.  
5 To make such a move, I think, would be helpful.

6 I would ask Mr. Trout what he thinks.

7 MR. TROUT: I think probably at this point the  
8 staff would say that since we've already gone underway on  
9 this thing, we would suggest the commission might approve  
10 this item, but instruct the staff in any further negotiations  
11 to explain to BLM the displeasure of the commission in their  
12 continuing attitude and indicate that in exchange for state  
13 cooperation on BLM requests we expect something back from  
14 BLM.

15 ACTING CHAIRPERSON BELL: I'm assuming we don't  
16 want to jeopardize item 22 by turning down 21.

17 MR. ACKERMAN: Would that be a likelihood?

18 MR. NORTHROP: I'm not sure we have agreement --  
19 despite what we may have told you in briefing, I'm not sure  
20 we have agreement with BLM formally that the number of  
21 acres discussed in 22 is agreeable -- as of conversations I  
22 had this morning.

23 Mr. Trout?

24 MR. TROUT: The records and title staffs of both the  
25 BLM state office and the State Lands Commission now agree

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1 that the records reflect the figures shown in calendar item  
2 22. That has not yet been approved by the necessary heads  
3 of the divisions in Washington, D.C.

4 If the commission wants to reject item 21, I don't  
5 think there's any jeopardy to item 22, because that's  
6 basically just a factual situation.

7 MR. ACKERMAN: I'd propose that we defer item 21 --  
8 not reject it, but simply pull it off calendar to be placed  
9 on a subsequent meeting agenda after you've had a chance to  
10 contact BLM management.

11 MR. NORTHROP: Thank you very kindly, if that's the  
12 wish of the commission.

13 ACTING CHAIRPERSON BELL: The commission is not  
14 rejecting; it is just deferring and taking item 21 off  
15 calendar. All right. That will be the action of the  
16 commission.

17 Now we go to item 22, which was just referred to,  
18 but we are now hearing item 22.

19 MR. NORTHROP: Mr. Trout will address 22.

20 MR. TROUT: Mr. Chairman, it's basically an  
21 informative item. As I stated, the title and records staffs  
22 of both the BLM state office and the commission have agreed  
23 on what the records show. We had expected something like  
24 25,000 acres from BLM as the state's remaining entitlement,  
25 plus some unsurveyed land. It now appears that the total

1 that the state is entitled to from BLM is 114,500 acres (in  
2 round numbers). That's a significant asset, and it is  
3 something that, as Mr. Ackerman properly pointed out, is due  
4 the State of California, and we are a little frustrated in not  
5 being able to deliver that land.

6 But it is significantly more acres than we had  
7 expected.

8 ACTING CHAIRPERSON BELL: Mr. Ackerman for a  
9 question.

10 MR. ACKERMAN: How is that 114,000 acres  
11 determined? Is it prime land? Is it the worst land that  
12 the federal government could select for us?

13 MR. TROUT: Actually, it is just determined by lot,  
14 Mr. Ackerman. It is the 16th and the 36th sections of the  
15 townships. When they place the grid on the ground, you get  
16 what's there.

17 The situation is that in approximately half of that  
18 volume, when the survey was made somebody else was already  
19 on the land. It was in an Indian reservation or a natural  
20 forest, or some private party already had the land. In that  
21 case we get to select other land.

22 Now in that half we have a significant problem.  
23 We believe we're entitled to equal acreage and that the  
24 state has an absolute right to select any lands in the public  
25 domain. The federal government, as Mr. Northrop said, in

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1 the early sixties -- being a bureaucrat, I guess I can say  
2 that the bureaucrats in the Bureau of Land Management  
3 decided that BLM would only make certain of their lands  
4 available for selection of this purpose and that it required  
5 an equal value: the lands that the state asked for had to  
6 be relatively equal to the value of the lands the state did  
7 not get. That's not written anywhere.

8     The State of Utah has taken that argument through  
9 the federal court system, and it is now pending before the  
10 Supreme Court. Mr. Stevens can probably give you a little  
11 more information on that. Jan and the staff from the  
12 Attorney General's office filed an amicus brief in that case,  
13 in which we and seven other states participated.

14     The other half of the acreage is land that is not  
15 surveyed: in other words, the grid has not been put on the  
16 ground. We cannot get title until the grid has been put on  
17 the ground. However, we can offer that entitlement. We can  
18 agree that when the grid is put on the ground, we're going  
19 to get 1,280 acres, and we can make selections other places  
20 for that land and give up our entitlement. But again, it's  
21 subject to the same question.

22     The real significance of this calendar item is that  
23 we are going to get significantly more acreage than we had  
24 thought we were going to get. We are entitled to more than  
25 we had thought. But we still have a serious problem, which

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1 will be resolved by the Supreme Court.

2 MR. STEVENS: If I could add a comment --

3 ACTING CHAIRPERSON BELL: Mr. Stevens.

4 MR. STEVENS: Thank you, Mr. Chairman. Items 21  
5 and 22 are both indicative of the policy of the BLM, which  
6 is not only to retain those lands which are now in its  
7 possession and not transfer any to states or others, but  
8 also to increase its ownership of public lands. Easements  
9 are no longer favored; they prefer to obtain land in fee.

10 In fact, they have obtained, I believe, an  
11 additional four percent of California, or perhaps three and  
12 a half million acres, from 1970 through today, judging by  
13 the latest GSA figures. Their fee ownerships in California  
14 are increasing enormously because of this policy. So it is  
15 a problem.

16 MR. ACKERMAN: The federal government is becoming  
17 a landholder and manager rather than just the holder of an  
18 easement or the right to use the land.

19 MR. STEVENS: Not only that, but a land acquirer as  
20 well.

21 MR. TROUT: The federal government is about three  
22 million acres from owning half of California.

23 MR. STEVENS: So we did argue on your behalf with  
24 Utah and eight other western states that the federal  
25 government was breaking its promise when it declined to make

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1 additional lands available to us as indemnity lands.

2 ACTING CHAIRPERSON BELL: I think we should be  
3 clear that item 22, which is merely a report to us for  
4 information purposes, is a determination between the state  
5 and BLM that the State of California is eventually entitled  
6 to 114,000-plus acres. But that is no guarantee that we're  
7 going to see those right away. There's a little difference  
8 between deciding, "Yes, you are entitled to it, but no, I  
9 don't intend to give it to you."

10 Since item 22 is informative only and does not  
11 require commission action, we will now go to item 23, which  
12 is the United States of America (National Park Service) item

13 MR. NORTHROP: Mr. Chairman, this will be addressed  
14 by Mr. Les Grimes, assistant manager of the lands section.

15 ACTING CHAIRPERSON BELL: Mr. Grimes.

16 MR. GRIMES: Mr. Chairman, Dave Ackerman, I'd like  
17 to make one more comment on item 22. Because the feds own  
18 so much land, they seldom need anything from us, so if you  
19 want to hold them up and get some attention, this is  
20 probably the last chance you'll get for a year or so.

21 MR. ACKERMAN: One more question on that.

22 ACTING CHAIRPERSON BELL: Mr. Ackerman.

23 MR. ACKERMAN: Do we have any estimate of what  
24 mineral deposits or resources are on federal lands? I  
25 looked at a map last week that showed all the federal land

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1 holdings in the Imperial Valley. You look at practically  
2 the whole eastern half of San Bernardino County, and I  
3 think they owe their life to the federal government out  
4 there. We're looking at geothermal resources and other  
5 resources. Are there any surveys?

6 MR. NORTHROP: Mr. Chairman, Mr. Everitts from our  
7 mineral section may have a comment on that.

8 MR. EVERITTS: We look at specific parcels when  
9 we're asked to, but as to making a general study of all the  
10 land the federal people have, we don't.

11 MR. NORTHROP: Mr. Ackerman, Mr. Stevens wrote a  
12 very scholarly piece on the federal lands.

13 As I recall, Jan, you did discuss the mineral  
14 deposits.

15 MR. STEVENS: There have been some partial studies  
16 made of this subject to date, and they indicate that the  
17 federal estimates of mineral deposits differ vastly from  
18 those of others who are interested in developing those  
19 deposits. There is no comprehensive estimate, but I know  
20 that in one desert area alone the difference is something  
21 like \$500,000 worth of mineral deposits estimated by the  
22 United States and a billion dollars estimated by others. So  
23 there is a lot to be done, and a lot of study needed, and I  
24 think the motives of the various people have to be  
25 evaluated.



1 MR. ACKERMAN: Is my understanding correct that any  
2 royalties for mineral extraction go to the federal  
3 government and the state has no interest in that?

4 MR. NORTHROP: In some areas there is a formula --  
5 I'm thinking of geothermal particularly now, and I think  
6 timber as well. There is a formula by which some of the  
7 local entities participate.

8 Usually -- and this is a problem we're going to  
9 have to face -- the federal government pays some in-lieu  
10 taxes, or some payments in lieu of taxes, on federally held  
11 lands.

12 MR. ACKERMAN: Do they pay that to the state?

13 MR. NORTHROP: They pay that to the local entity.  
14 They do participate. With the OCS they give some coastal  
15 impact funds, as we discussed earlier this meeting. They  
16 do make some payments to the locals to offset it.

17 MR. ACKERMAN: Okay.

18 MR. GRIMES: One more point on that. Earlier in  
19 the year the commission authorized us to make a 3,000-plus-  
20 acre indemnity selection up in the Geysers area. We did  
21 that about two and a half months ago, and we haven't even  
22 had an acknowledgement of receipt of our application from  
23 BLM.

24 MR. ACKERMAN: Maybe we'll hear in three or four  
25 years.

1 (Laughter.)

2 MR. GRIMES: On calendar item 23 the National Park  
3 Service wants to build a headquarters for the Channel  
4 Islands National Monument just south of Ventura. They  
5 bought a piece of land that has a title exception in the  
6 policy for possible interest of the state. The staff has  
7 made a rather exhaustive study and feels that the commission  
8 has no interest in the parcel.

9 However, as Mr. Trout said earlier, the attorneys  
10 for the federal people would like the delivery of a quit-  
11 claim deed for our nonexistent interest.

12 ACTING CHAIRPERSON BELL: I think the title  
13 company would, too.

14 (Laughter.)

15 ACTING CHAIRPERSON BELL: Do you have any  
16 objection to this?

17 MR. ACKERMAN: No. That's okay.

18 ACTING CHAIRPERSON BELL: All right. If there is  
19 no objection to item 23, it will be approved.

20 Now we go to leases and permits, item 24, the  
21 East Bay Regional Park District.

22 MR. NORTHROP: Mr. Chairman, this also falls in  
23 Mr. Grimes' area of purview.

24 MR. GRIMES: This is an application by the East Bay  
25 Regional Park, which has been working down in Contra Costa

1 County with Shell Oil. This is immediately landward of  
2 Shell's long wharf in Martinez. It's 42-plus acres that  
3 will be developed into a bird-viewing type of activity.

4 ACTING CHAIRPERSON BELL: This is on the Martinez  
5 side of Port Costa, isn't it?

6 MR. GRIMES: Yes.

7 ACTING CHAIRPERSON BELL: In fact, it's right  
8 within the flatlands of Martinez, isn't it?

9 MR. GRIMES: Yes. It's between Shell's long wharf  
10 and the boat harbor there.

11 ACTING CHAIRPERSON BELL: Any objection?

12 MR. ACKERMAN: No objection.

13 ACTING CHAIRPERSON BELL: Without objection, item  
14 24 will be approved.

15 Item 25, leases and permits again, Federal  
16 Resources Corporation.

17 MR. NORTHROP: Mr. Chairman, this falls in  
18 Mr. Everitts' area.

19 ACTING CHAIRPERSON BELL: Mr. Everitts.

20 MR. EVERITTS: This is an application by the  
21 Federal Resources Corporation for some prospecting permits  
22 on seven noncontiguous parcels of land comprising about  
23 3,700 acres southerly of Owens Lake. Federal Resources has  
24 a large holding of federal leases in the area, and they  
25 propose to explore for uranium and other minerals, uranium

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1 being the primary target.

2 Basically, it's drilling a series of holes anywhere  
3 from 100 feet deep to 1,500 feet deep and doing core  
4 analysis work.

5 ACTING CHAIRPERSON BELL: I notice that this  
6 excludes oil, gas, or geothermal.

7 MR. EVERITTS: Yes.

8 ACTING CHAIRPERSON BELL: So this is a relatively  
9 limited lease.

10 MR. EVERITTS: Right. In fact, we can't issue  
11 prospecting permits for oil and gas.

12 ACTING CHAIRPERSON BELL: Do you have any  
13 objection to this item?

14 MR. ACKERMAN: No. This is a clear-cut example of  
15 a prospecting permit.

16 MR. NORTHROP: Yes. This is a prospecting permit.

17 MR. ACKERMAN: No objection.

18 ACTING CHAIRPERSON BELL: If there is no objection  
19 to item 25, item 25 will be approved.

20 Item 26 for Chevron U.S.A.

21 MR. NORTHROP: Mr. Chairman, Mr. Everitts would  
22 like to do some work with Chevron on some offshore wells.

23 ACTING CHAIRPERSON BELL: This is existing, under-  
24 water wells?

25 MR. EVERITTS: This is an ocean floor,

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1 yes. They are specifically interested in the Monterey Zone,  
2 which is a highly prolific zone that Exxon has.

3 ACTING CHAIRPERSON BELL: That is where Holly is  
4 working, too?

5 MR. EVERITS: Yes.

6 MR. ACKERMAN: No objection.

7 ACTING CHAIRPERSON BELL: Without objection, item  
8 26 is approved.

9 Now we go to the Long Beach operations. Under the  
10 subject matter of subsidence, item 27 is an agreement for  
11 proposed earthfill of purchased properties.

12 MR. NORTHROP: Mr. Chairman, Mr. Thompson will  
13 address that.

14 ACTING CHAIRPERSON BELL: Mr. Thompson.

15 MR. THOMPSON: There's a difference of opinion  
16 between the commission and the Attorney General's staff and  
17 the City of Long Beach as to the reimbursable costs for  
18 subsidence in raising parcels of land which have been  
19 purchased by the City of Long Beach after substantial  
20 subsidence on those lands has occurred. If the commission  
21 agrees with the staff position and wants to allow the city  
22 to proceed with the first-phase planning, and then act on a  
23 complete presentation by the city and the state within 120  
24 days, that is the gist of this particular calendar item.

25 We recommend this because we'd like to allow the

1 Port of Long Beach to proceed with this harbor expansion on  
2 land that it has purchased or is purchasing, because it's in  
3 the best interests of both parties to proceed and do the  
4 work as planned in order to avoid additional costs due to  
5 inflation, because those costs are going to have to be borne  
6 by one of the two parties eventually.

7 To explain the staff's position on this -- this may  
8 not be precisely in legal terms, but we might use the  
9 following analogy: If you imagine the state as an insurance  
10 company insuring automobiles owned by the City of Long Beach  
11 for collision damage, with any blanket policy as you add  
12 additional cars you just add them under the same policy.  
13 The problem now is that the city is notifying the state, as  
14 its insurance company, that they're purchasing damaged  
15 automobiles to be covered by the insurance policy and it  
16 expects the state as its insurance carrier to pay for the  
17 damage to the cars which occurred before they were purchased  
18 by the City of Long Beach. That is not a rigorous legal  
19 analogy, but this is the way the staff views it.

20 What would happen under this agreement is that we  
21 would have a hearing in which the state's position and the  
22 city's position would be gathered by the executive officer  
23 and presented at a commission meeting within 120 days. The  
24 city may go ahead with their first-phase planning. They may  
25 not deduct the cost of this from oil revenue funds. Then

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1 subject to what happens at that particular meeting in 120  
2 days as far as the commission's attitude on this question  
3 of reimbursable subsidence costs on purchased lands, then we  
4 can proceed to the second phase.

5 MR. NORTHROP: Mr. Chairman, the minutes in the  
6 calendar reflect that the harbor commission has approved  
7 this. However, I understand that due to lack of a quorum  
8 they have not approved it, and Long Beach's premiere used  
9 car dealer, Einar Petersen, may want to make a statement  
10 as to what the recommendation was.

11 ACTING CHAIRPERSON BELL: Mr. Petersen, City of  
12 Long Beach.

13 MR. PETERSEN: That's correct, representing the  
14 city attorney's office. The Board of Harbor Commissioners  
15 was not in a quorum on Monday. This matter was on the  
16 agenda for their consideration. It is a recommendation of  
17 both the general manager of the port and the city attorney's  
18 office that the Board of Harbor Commissioners accept and  
19 approve the agreement as drafted. I make that representa-  
20 tion to you.

21 But we did not have a quorum on Monday, and  
22 probably will not have one next Monday either, being  
23 Christmas Eve. We don't know yet.

24 MR. NORTHROP: It applies to the next item also.

25 MR. PETERSEN: Yes, the next item also, which

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1 relates to the closure of the outstanding AFEs and the  
2 subsidence studies matters. Both of those agreements were  
3 on the agenda for last Monday.

4 ACTING CHAIRPERSON BELL: It doesn't really matter  
5 whether we approve something before the harbor commission  
6 approves it, because if the harbor commission does not  
7 approve it, it is null and void anyway.

8 MR. PETERSEN: Both contracts speak to the question  
9 that they are effective only upon execution by both parties.

10 MR. THOMPSON: The agreements authorize the  
11 executive officer to execute the documents.

12 ACTING CHAIRPERSON BELL: Thank you, Mr. Petersen.  
13 Not being an attorney, I read the words "without prejudice" to  
14 mean that if we approve item 27 before us today, this does  
15 not in any way color our decision or commit us in any way to  
16 a finding of any other type 120 days from now when we have  
17 all the facts before us from both sides; is that correct?

18 MR. THOMPSON: That's my understanding. The  
19 lawyers will have to speak on that.

20 ACTING CHAIRPERSON BELL: I read the agreement, and  
21 that's what it sounded like to me.

22 MR. PETERSEN: That's the city's understanding.

23 MR. STEVENS: That's our understanding, also,  
24 Mr. Chairman. Go ahead and do it, and we'll decide later  
25 who pays for it.

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1 MR. ACKERMAN: This just allows all of us to  
2 proceed?

3 MR. THOMPSON: And to prepare a record in which the  
4 whole issue can be laid before you within 120 days.

5 ACTING CHAIRPERSON BELL: Is there any objection to  
6 item 27?

7 MR. ACKERMAN: None.

8 ACTING CHAIRPERSON BELL: Hearing no objection,  
9 item 27 is approved.

10 Item 28 is Mr. Thompson again, I assume: agreement  
11 to close subsidence accounts that go clear back to April  
12 1956.

13 MR. THOMPSON: Yes, this is a closing of some items  
14 that go back to Chapter 29 and run on through Chapter 138.  
15 They include seven AFEs and all these annuals from 1956.

16 There are differences of opinion between the city  
17 and the state, and this is an attempt to more or less  
18 compromise all these agreements and get these closed. There's  
19 nothing to be gained by keeping them open for this number of  
20 years, and so we've reached a compromise agreement.

21 ACTING CHAIRPERSON BELL: Here again if both parties  
22 agree, we are then in agreement and in effect have closed the  
23 door on all of the subsidence issues up through June 30, 1978?

24 MR. THOMPSON: I'll speak for the lawyers, and they  
25 can comment. We are closing the items, settling the dollar

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1 amount. Both sides again, I think, maintain their  
2 particular legal positions on these.

3 MR. PETERSEN: That is correct.

4 MR. HIGHT: That is correct.

5 MR. ACKERMAN: This is on all subsidence issues?

6 MR. THOMPSON: The specific annuals to date, and  
7 the seven specific AFEs that are mentioned in here. As a  
8 matter of fact, this is all the subsidence project works  
9 that were closed through June 30th, also, as far as projects  
10 are concerned. So this is trying to bring this as current  
11 as possible.

12 MR. ACKERMAN: That's quite an undertaking.

13 MR. THOMPSON: Well, it's something that's been  
14 hanging fire, and I think it shows the cooperation between  
15 the city and the state. We can fight forever on some of  
16 these little legal issues. We might as well get them closed.

17 ACTING CHAIRPERSON BELL: They must want something  
18 else.

19 (Laughter.)

20 ACTING CHAIRPERSON BELL: All right. Is there any  
21 objection to item 28 on the agreement to close the  
22 subsidence accounts?

23 MR. ACKERMAN: No objection.

24 ACTING CHAIRPERSON BELL: Without objection, item  
25 28 is approved.

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1 Item 29 on elevation surveys. Again, Mr. Thompson.

2 MR. NORTHROP: Mr. Thompson has some displays over  
3 on the wall. Long Beach is not sinking.

4 MR. THOMPSON: This is an informative calendar  
5 item, and the main thing we want to place on the record is  
6 the second paragraph of this calendar item, which says:

7 "Staff review of ground eleva-  
8 tion survey data for the period May  
9 1965 to August 1979 substantiates  
10 that no subsidence of the land surface  
11 has occurred as the result of operations  
12 in the Long Beach Unit."

13 That cumulative period of time is shown on the upper right-  
14 hand map. The area between the green which is way over on  
15 the far right and the green in the center indicates that  
16 there has been positive change in ground elevation between  
17 May of 1965, which was prior to the time that any production  
18 occurred at the Long Beach Unit, and August of 1979. That  
19 whole area between the greens there, which is offsetting the  
20 Long Beach Unit --

21 ACTING CHAIRPERSON BELL: Between the greens? From  
22 left to right?

23 MR. THOMPSON: -- between the greens is all  
24 positive. That ground elevation actually has increased  
25 during that period of time.

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1           Now the last survey that was run was anomalous in  
2 the fact that it showed all negatives throughout the whole  
3 Long Beach area. That map is the one on the lower left.  
4 That is contrasted with the one that was run the previous  
5 six months, the one on the lower right, and again you'll see  
6 there that everything outside of the green -- this time  
7 everything outside of the green -- was positive.

8           Because of this last survey having a negative  
9 trend, there was a short survey run in November, and that is  
10 shown on the upper left. That is a blown-up portion of a  
11 very small area. Diane, could you point with your left  
12 hand to the map on the lower left? That area just above her  
13 hand there. That area right there is what is enlarged in  
14 the map on the upper left.

15           So this abbreviated survey was run, and every  
16 benchmark there now comes out to be plus. This again is a  
17 question of determining really what the accuracy is that  
18 we're measuring here, and a matter of the whole area being  
19 somewhat unstable. We really don't understand the inter-  
20 relationships sometimes between tides, possible earth tides,  
21 and the general instability in the area, plus possible  
22 errors in surveying.

23           So again we now have trends that look more like the  
24 previous trend.

25           Do you have the exhibits in front of you, these

1 curves, the benchmark curves?

2 ACTING CHAIRPERSON BELL: Yes.

3 MR. THOMPSON: You can see how the points run on  
4 these, which are shown by the large red circles there. The  
5 top of your stack is from the west, from your left moving  
6 to the right. You'll see that they appear to be back on  
7 previous trends.

8 ACTING CHAIRPERSON BELL: Each one of those red  
9 marks is one of these charts here?

10 MR. THOMPSON: Right, starting from left to right.  
11 Again, you can see the rebound phenomena there. So what  
12 this says is that whatever is happening is not suddenly  
13 showing a change of trend. We will be running another  
14 survey in February, which will help establish any trends.  
15 There actually is rebound here, as you can see from the  
16 curves. It's the stability of that rebound that time will  
17 establish.

18 This is purely an informational calendar item.

19 ACTING CHAIRPERSON BELL: Thank you, Mr. Thompson.  
20 Since it is an informational item only, and designed, I  
21 think, primarily to assure the public that Long Beach is not  
22 sinking into the ocean, we do not require an action on this  
23 item.

24 We will now go to the Downtown Shoreline Marina,  
25 item 30, capital improvement project.

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1 MR. THOMPSON: The main purpose of the commission  
2 here is to make a finding that the expenditure proposed by  
3 the City of Long Beach falls within one of the categories  
4 of Section 6(a) through (f) of Chapter 138. There are  
5 certain uses for tideland revenue expenditures that are  
6 outlined in Chapter 138. Section 6(d) specifically mentions  
7 small boat harbors and marinas, so therefore this  
8 expenditure for these marinas is a proper expenditure. That  
9 is really the finding here.

10 There is a combining of a previous action by the  
11 commission with this, because there is some overlap between  
12 the two marinas, so they want the approvals to go in  
13 together.

14 ACTING CHAIRPERSON BELL: Mr. Thompson, part of  
15 this is to rescind a prior action, isn't it, for a small --

16 MR. THOMPSON: Well, "rescind" or "incorporate into  
17 this", whichever way you want to think about it. Again,  
18 it's the same finding that you made before.

19 MR. ACKERMAN: So the action we're being asked to  
20 do is the same?

21 MR. THOMPSON: Right. We're merely making the  
22 finding that this particular use is authorized by Chapter  
23 138, Sections 6(d) and (f).

24 MR. ACKERMAN: We weren't asked to pass any  
25 judgment on the Shoreline Marina?

1 MR. THOMPSON: No.

2 ACTING CHAIRPERSON BELL: This is a purely a  
3 finding as required by Chapter 138.

4 MR. THOMPSON: The city manager notifies us that  
5 they're going to make this expenditure, and the commission  
6 then makes the finding that it's authorized by Chapter 138.

7 ACTING CHAIRPERSON BELL: In reading the pertinent  
8 information on the calendar item -- not in the summary, but  
9 in the back -- there is a sentence here that intrigues me,  
10 because there are three actions that we could possibly take.  
11 One is no action at all. The second is to determine that it  
12 is in accordance with Section 138 authorization, and the  
13 third is to determine that it isn't.

14 Two of the actions apparently would allow this  
15 project to go ahead. One of them is the one that you are  
16 recommending for us to accept -- saying that it is qualified  
17 under Section 6(d) and (f) of Chapter 138 -- and the other  
18 action is to say no action at all. I'm rather curious to  
19 know what happens if we take no action at all.

20 MR. THOMPSON: There's a time limitation in  
21 Chapter 138 according to which you must act. If you don't  
22 act, I gather that's taken to be approval. The lawyers  
23 would have to comment further on that. That's the way the  
24 language in 138 reads.

25 ACTING CHAIRPERSON BELL: I admit I should have

1 asked the question earlier, but that just caught my eye last  
2 night when I was going over the agenda.

3 MR. THOMPSON: In effect, this is protection for  
4 the city so the commission can't in effect extend forever  
5 without giving them some kind of approval. There's a fixed  
6 time in which you must make a decision.

7 ACTING CHAIRPERSON BELL: Thank you.

8 MR. ACKERMAN: Thirty days? six months?

9 MR. PETERSEN: Sixty days.

10 MR. ACKERMAN: No objection.

11 ACTING CHAIRPERSON BELL: Is there any objection  
12 from anyone in the audience on this item?

13 If not, calendar item 30 is approved. We will now  
14 go to calendar item 31. This is an informative item?

15 MR. NORTHROP: Right, Mr. Chairman. Mr. Thompson is  
16 going to review Parcel A revenue.

17 MR. THOMPSON: This is just capping up for the  
18 '78-79 year and giving a forecast for the future year. As  
19 far as revenue for the coming year, we merely said it would  
20 exceed \$3.1 million. This is because of the uncertainty  
21 involved with oil pricing and heavy-oil decontrol and the  
22 federal excise tax. But it will exceed that amount.

23 ACTING CHAIRPERSON BELL: As to whether they will  
24 tax state oil.

25 MR. THOMPSON: Right. That particular issue is now

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1 in conference committee between the House of Representatives  
2 and the Senate. The state exemption is in both bills in one  
3 form or another, the House bill version being primarily for  
4 educational purposes, and the Senate bill being a complete  
5 exemption.

6 ACTING CHAIRPERSON BELL: I don't know whether this  
7 question should go to Mr. Thompson or to the attorneys or to  
8 Mr. Northrop. Perhaps it should go to Mr. Northrop for  
9 inquiry back in Washington.

10 I would like to know what alternatives are left to  
11 the State of California if the House version prevails, which  
12 in effect exempts that state oil which is used for  
13 educational purposes, but not for general state purposes.

14 MR. THOMPSON: I think at the present time the  
15 lawyers are looking into what would happen in the exact  
16 definition of how the Long Beach entitlements would have to  
17 be handled in a legal way and if legislation would be  
18 required.

19 MR. NORTHROP: I have discussed this with  
20 Mr. Lamont.

21 ACTING CHAIRPERSON BELL: I was wondering whether  
22 Mr. Lamont was looking into it.

23 MR. NORTHROP: He is, and we have found another  
24 problem and we are proceeding on that line now, Mr. Bell. If  
25 the House version passes, we may have some fast footwork to

1 do, which would involve not only the state but possibly the  
2 City of Long Beach.

3 MR. THOMPSON: Mr. Northrop also pointed this out  
4 with the staffs of the Finance Department and the  
5 Legislative Analyst and also brought it out at the Joint  
6 Finance Committee hearing in Long Beach that this probably  
7 would require some legislative action.

8 MR. NORTHROP: But we didn't realize it may also  
9 involve Long Beach. This is what we're looking at now.

10 MR. THOMPSON: In hindsight we hope this is the  
11 last time we'll bring this type of adverse deal, but in  
12 '78-79 you can see what happened when we did one additional  
13 redrill. It actually knocked 17 percent of our revenue down.  
14 In effect, we could have redrilled six more wells and come  
15 up with no revenue, and that's exactly the state we have  
16 been in for the last six or eight years. Hopefully, it's  
17 not going to be that way in the future.

18 ACTING CHAIRPERSON BELL: If my memory does not  
19 fail me, Parcel A was one of those that was becoming quite  
20 marginal at the time the federal government was putting those  
21 very restrictive prices on us.

22 MR. THOMPSON: That's right.

23 ACTING CHAIRPERSON BELL: All right. This is an  
24 informative item only and does not require action by the  
25 commission.

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1 We now go to the litigation items. Item 32 is  
2 Guard C. Darrah V. State of California.

3 MR. NORTHROP: This will be handled by our counsel,  
4 Mr. Hight, Mr. Chairman.

5 ACTING CHAIRPERSON BELL: Mr. Hight.

6 MR. HIGHT: Mr. Chairman, this is a settlement of  
7 a lawsuit initiated by Mr. Darrah against the commission.  
8 In settlement of the lawsuit the state will give Mr. Darrah  
9 some land along the Calaveras River in return for an island.

10 ACTING CHAIRPERSON BELL: This is land exchange?

11 MR. HIGHT: Yes.

12 ACTING CHAIRPERSON BELL: Equal value?

13 MR. HIGHT: Yes.

14 ACTING CHAIRPERSON BELL: Without objection --

15 MR. ACKERMAN: Without objection.

16 ACTING CHAIRPERSON BELL: Without objection, item  
17 32 is approved.

18 Item 33, United States of America.

19 MR. HIGHT: Mr. Chairman, this is a federal  
20 condemnation for the Miramar Naval Air Station in which the  
21 Lands Commission has no interest.

22 ACTING CHAIRPERSON BELL: Without objection --

23 MR. ACKERMAN: Without objection.

24 ACTING CHAIRPERSON BELL: -- item 33 is approved.

25 Item 34, Andrus V. Idaho.

1 MR. HIGHT: If I can give that one to Mr. Stevens --

2 MR. NORTHROP: Mr. Stevens has been working on this,  
3 Mr. Chairman. This is the request of the Attorney General  
4 to file an amicus brief.

5 MR. STEVENS: This is another issue, Mr. Chairman,  
6 involving the rights of the state as against the federal  
7 government, and specifically the Bureau of Land Management.  
8 Basically, the same principles are involved in this as in the  
9 indemnity case that is now before the U.S. Supreme Court.  
10 This one is up there now. We have the same basic principle  
11 of a federal grant of land which by interpretation is now  
12 being withdrawn.

13 There is an opportunity to join in a brief which is  
14 being filed by the Western States Water Council, and I expect  
15 it to be satisfactory and to represent California as being on  
16 the side of Idaho and a number of other western states on  
17 the same issue.

18 ACTING CHAIRPERSON BELL: This would appear to be a  
19 common problem for a number of western states and not just  
20 Idaho and California.

21 MR. STEVENS: It's so common that we formed a sub-  
22 committee of the Western Attorneys General, and I believe  
23 there is a similar group in Western State Lands Commissioners  
24 to deal with that very thing. We have a lot of common  
25 problems in this area.

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1           ACTING CHAIRPERSON BELL: It's my understanding  
2 that although the Carey Act is still enabling legislation,  
3 the commission is inactive. So our joining in the suit here  
4 is primarily to protect the right of the State of California  
5 to this Carey Act land if we choose to exercise it.

6           MR. STEVENS: That's correct, Mr. Bell. We have an  
7 entitlement of desert lands, but getting the water necessary  
8 to reclaim these lands under present circumstances could be  
9 a problem. However, we believe we should protect our rights.

10          ACTING CHAIRPERSON BELL: This is primarily  
11 protective action to protect our rights.

12          MR. STEVENS: Exactly.

13          MR. ACKERMAN: I think it's a good action.

14          ACTING CHAIRPERSON BELL: Okay. Without objection,  
15 item 34 is approved.

16          Item 35, Bruce Martin.

17          MR. HIGHT: Item 35, Mr. Chairman, is authorization  
18 for litigation against Mr. Martin. He has filled in a  
19 portion of the old bed of the San Joaquin River. We've had  
20 recent communication with him, and it is hoped that this  
21 item can be settled without litigation.

22          ACTING CHAIRPERSON BELL: All right. Our action  
23 here would authorize you both to negotiate with him and to  
24 go to litigation if necessary as a trespasser.

25          MR. HIGHT: Correct, Mr. Chairman.

1 ACTING CHAIRPERSON BELL: Without objection --

2 MR. ACKERMAN: No objection.

3 ACTING CHAIRPERSON BELL: Without objection, item  
4 35 is approved.

5 Item 36 is again litigation; Department of the  
6 Army, Corps of Engineers.

7 MR. HIGHT: Mr. Chairman, the Oakland Army Station  
8 desires a cession of concurrent criminal jurisdiction over  
9 a portion of a street within the army base. The Army now  
10 has criminal jurisdiction over the entire area with the  
11 exception of this street. There has apparently been some  
12 speeding and some driving problems there, and they desire  
13 this.

14 This is the authorization to hold a hearing, and we  
15 will be back at a subsequent commission meeting with the  
16 results of that hearing.

17 MR. ACKERMAN: This piece of property is under our  
18 jurisdiction?

19 MR. HIGHT: No, the property is not under our  
20 jurisdiction, but the Government Code has given the  
21 commission the jurisdiction to determine whether or not the  
22 federal government should be given criminal jurisdiction or  
23 can give the state criminal jurisdiction.

24 ACTING CHAIRPERSON BELL: Actually, this is a  
25 determination as to whether the federal government can arrest

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1 somebody who is speeding on that street and apply its laws  
2 to him or whether it has to be done by the state under the  
3 state's laws. Concurrent jurisdiction allows the exercise  
4 of both.

5 In some areas which are sensitive to some local  
6 sheriffs, they have objected to giving the United States  
7 concurrent jurisdiction in past meetings. I would ask if  
8 the Sheriff of Alameda County has expressed any problems of  
9 this nature.

10 MR. HIGHT: He has not, but that would be one of  
11 the purposes of the public hearing: to determine whether  
12 there is any opposition to this. We don't anticipate at the  
13 present time that there will be any opposition.

14 ACTING CHAIRPERSON BELL: All right. All this does  
15 is authorize a public hearing?

16 MR. HIGHT: That's all this does, Mr. Chairman.

17 ACTING CHAIRPERSON BELL: All right. Without  
18 objection, item 36 is approved.

19 Item 37, State Lands Commission standard lease  
20 provisions.

21 MR. NORTHROP: Mr. Chairman, there has been some  
22 criticism with all governmental leases that they are so  
23 encumbered with legalese that it's difficult for the lay  
24 person to understand it. With this in mind we have attempted  
25 to revise the State Lands Commission standard lease covenant

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1 into lay language. I think we've accomplished that with  
2 some degree of success. The staff recommends that you  
3 approve these new lease covenants.

4 (Thereupon a brief discussion was held  
5 off the record.)

6 ACTING CHAIRPERSON BELL: Our private conversation  
7 here merely dealt with the fact that as part of all legal  
8 documents it's always printed in type that guarantees that  
9 most of the people can't read it without a magnifying glass.

10 (Laughter.)

11 ACTING CHAIRPERSON BELL: We happen to have an  
12 example of that here, and we were kidding that we ought to  
13 insist that you put it in readable type.

14 MR. NORTROP: Mr. Chairman, that criticism is well  
15 taken, and we will take those steps.

16 ACTING CHAIRPERSON BELL: Without objection --

17 MR. ACKERMAN: No objection.

18 ACTING CHAIRPERSON BELL: I've read them, and  
19 frankly I congratulate the staff, and particularly the  
20 lawyers who have sacrificed their sacrilegious language so  
21 that ordinary people can understand it. I think it's a very  
22 good job.

23 Without objection, then, item 37 will be approved.

24 Item 38, the last item on the agenda, is the Lake  
25 Tahoe shorezone assessment.



1 MR. NORTHROP: Mr. Chairman, as you recall,  
2 Mr. Trout at some previous meeting asked the commission to  
3 hold off things on the Tahoe shorezone, so I will ask him to  
4 respond to this item.

5 ACTING CHAIRPERSON BELL: Mr. Trout.

6 MR. TROUT: Mr. Chairman: We had a considerable  
7 concern from the staff's standpoint at Tahoe as to how many  
8 individual piers could be built up there without having a  
9 significant environmental impact. Many people were coming  
10 up with categorical exemptions from CEQA because the piers  
11 were less than 3,000 square feet in area.

12 The primary governing agency up there was the Tahoe  
13 Regional Planning Agency. As a bi-state creation, they did  
14 not feel they came under the provisions of the California  
15 Environmental Quality Act.

16 Until we could do something about that, we asked  
17 the commission to adopt a policy of not granting any further  
18 recreational pier permits at Lake Tahoe with a couple of  
19 exceptions: existing piers would be permitted and assigned;  
20 multiple-use piers (in other words, where several people got  
21 together and built a joint pier, a homeowners' association or  
22 some other kind of thing which shared the use of a pier)  
23 would be approved under the policy; and mooring buoys off  
24 shore.

25 MR. ACKERMAN: Would that be like two adjoining lots

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1 could get together and jointly build a pier?

2 MR. TROUT: Right, any shared use, so that you  
3 reduce the number of piers, with more than one party sharing  
4 the use of a common pier.

5 At the time I recommended that to the commission,  
6 we had thought that the funding of a cumulative environmental  
7 impact report would be soon available. We were unable to  
8 get that funding from several sources during the year, and  
9 in the summer the commission extended the policy through  
10 December 30th of this year.

11 The Resources Agency has now included -- from the  
12 funds from the sale of personalized license plates, they  
13 have approved the funding of a cumulative environmental  
14 impact report. We understand that \$175,000 will probably be  
15 included in the Governor's budget for this purpose. That  
16 money would become available July 1st.

17 We'd like to suggest that the commission continue  
18 its policy either until that cumulative environmental impact  
19 report is completed, or December 31, 1980, or until the  
20 adoption by the California Tahoe Regional Planning Agency of  
21 shorezone development criteria.

22 We continue to feel that an unlimited number of  
23 piers being permitted without an environmental report is  
24 probably a poor position for the state, so we recommend that  
25 we just continue the policy.

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1           ACTING CHAIRPERSON BELL: Do we have a cutoff on  
2 this of one year, or would this extend beyond one year?

3           MR. TROUT: Yes, sir. We don't believe it would  
4 extend beyond a year. We're asking your permission, as part  
5 of the calendar item, to somewhat anticipate favorable  
6 legislative and gubernatorial action on that budget item.  
7 We would be prepared on July 1st to contract with consultants  
8 to make the study, and we believe that prior to the  
9 expiration of the year, which is the maximum extension of  
10 this policy, that Cal-TRPA would have adopted the shorezone  
11 development criteria and we will have had completion of a  
12 cumulative EIR.

13           ACTING CHAIRPERSON BELL: Thank you, Mr. Trout.

14           MR. ACKERMAN: How long has the moratorium been in  
15 effect? about a year?

16           MR. TROUT: Yes. It was adopted, I believe, at the  
17 November commission meeting last year. Yes, it was the  
18 November 1978 commission meeting.

19           MR. ACKERMAN: Do you have any idea how many  
20 applications have been received for piers?

21           MR. TROUT: No, I don't. Mr. Grimes might.

22           MR. GRIMES: Seven or eight. I know of seven that  
23 we have deferred action on, and I think there's another one  
24 in shop now that we'll have to defer.

25           MR. ACKERMAN: Did any of those then come back as a

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1 multiple-use request?

2 MR. GRIMES: Not yet.

3 MR. ACKERMAN: They were all single requests?

4 MR. GRIMES: Right.

5 ACTING CHAIRPERSON BELL: Okay. Without objection,  
6 item 38 is approved.

7 That completes the regular part of our agenda. I  
8 am informed that the commission will now go into executive  
9 session.

10 MR. NORTHROP: Mr. Chairman, I notice the city  
11 attorney of Long Beach is here, and while this deals with a  
12 tax problem, I would think it might be helpful if he would  
13 be willing to sit in on the executive session. It would be  
14 helpful to the staff to get his thinking on it.

15 ACTING CHAIRPERSON BELL: All right. If  
16 Mr. Petersen has no objection --

17 MR. NORTHROP: No, it would be Mr. Bob Parkin.

18 ACTING CHAIRPERSON BELL: All right. I will now  
19 declare that we are in executive session, and we will  
20 to ask everyone else to leave the room.

21 (Thereupon the public portion of  
22 this meeting of the State Lands  
23 Commission was adjourned at 11:07  
24 a.m.)

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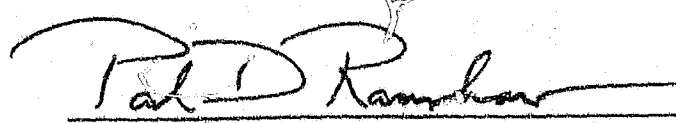
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I, PAUL D. RAMSHAW, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing meeting of the State Lands Commission was reported in shorthand by me, Paul D. Ramshaw, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have herouno set my hand this 16<sup>th</sup> day of January, 1980.



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