

MINUTE ITEM

37. RECOMMENDATION TO THE LEGISLATURE RE PROPOSED LEGISLATIVE GRANTS - W.O. 4900.

After consideration of Calendar Item 7 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO PRESENT TO THE LEGISLATURE THE RECOMMENDATION THAT BECAUSE OF THE NEED FOR THE ESTABLISHMENT OF EFFECTIVE CRITERIA AND STANDARDS ON THE PART OF THE STATE IN CONVEYING TIDE AND SUBMERGED LANDS AND BECAUSE OF THE IMMENSE VALUE OF THESE LANDS AS A STATE RESOURCE, THERE SHOULD BE CONDUCTED IN EACH INSTANCE, AS A PRELIMINARY STEP TO ANY LEGISLATIVE CONVEYANCE OF TIDE AND SUBMERGED LANDS, A REVIEW TO DETERMINE THE USE TO BE MADE OF THE LANDS AND THE RELATIONSHIP OF SUCH USE TO THE LOCAL, REGIONAL AND STATE INTERESTS. ADDITIONAL STUDIES SHOULD BE AIMED AT DETERMINING POTENTIAL GEOLOGIC HAZARDS IN THE AREA, E.G., EARTHQUAKES.

BECAUSE OF THE STATE LANDS COMMISSION'S STATUTORY JURISDICTION AND RESPONSIBILITY OVER THE SOVEREIGN LANDS OF THE STATE, SUCH A REVIEW SHOULD BE CONDUCTED BY THE COMMISSION UPON REQUEST BY THE LEGISLATURE. THE FINDINGS OF THE INQUIRY SHOULD BE REPORTED TO THE LEGISLATURE TOGETHER WITH THE COMMISSION'S RECOMMENDATIONS ON THE PROPOSED CONVEYANCE.

Attachment

Calendar Item 7 (3 pages)

CALENDAR ITEM

7.

RECOMMENDATION TO THE LEGISLATURE RE PROPOSED LEGISLATIVE GRANTS - W.O. 4300.

On August 18, 1964, the State Lands Commission adopted certain recommendations for presentation to legislative interim study committees. (See Exhibit "A".) The purpose of the recommendations was to propose standardization in the area of grant administration and to invite attention to the need for the State to monitor the development activities of grantees more closely than has been authorized in the past.

The recommendations were presented by the Executive Officer to the Assembly Interim Committee on Natural Resources, Planning and Public Works, the San Francisco Bay Conservation Study Commission, and the Joint Legislative Committee on Tidelands, on September 17, 1964, September 29, 1964, and December 21, 1964, respectively.

The recommendations were offered subject to continuing studies by staff on the general subject of tide and submerged land grants. It has become increasingly evident in the conduct of these studies that conveyances of tide and submerged lands in the first instance should be preceded by effective research and inquiry into the use to be made of the lands by a prospective grantee, and the relationship of such use to the local, regional, and State interests. Additional studies should be aimed at determining the feasibility of the proposed use relative to geologic conditions in the area, e.g., earthquake hazards, etc.

It is recommended that the Commission should conduct the type of inquiry described above since:

1. By statute, it has exclusive jurisdiction and responsibility over the sovereign lands of the State.
2. It has the necessary staff competence.
3. It has the statutory authority to call on other State agencies for advice and consultation.

Therefore:

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO PRESENT TO THE LEGISLATURE THE RECOMMENDATION THAT BECAUSE OF THE NEED FOR THE ESTABLISHMENT OF EFFECTIVE CRITERIA AND STANDARDS ON THE PART OF THE STATE IN CONVEYING TIDE AND SUBMERGED LANDS AND BECAUSE OF THE IMMENSE VALUE OF THESE LANDS AS A STATE RESOURCE, THERE SHOULD BE CONDUCTED IN EACH INSTANCE, AS A PRELIMINARY STEP TO ANY LEGISLATIVE CONVEYANCE OF TIDE AND SUBMERGED LANDS, A REVIEW TO DETERMINE THE USE TO BE MADE OF THE LANDS AND THE RELATIONSHIP OF SUCH USE TO THE LOCAL, REGIONAL AND STATE INTERESTS. ADDITIONAL STUDIES SHOULD BE AIMED AT DETERMINING POTENTIAL GEOLOGIC HAZARDS IN THE AREA, E.G., EARTHQUAKES.

CALENDAR ITEM 7. (CONTD.)

BECAUSE OF THE STATE LANDS COMMISSION'S STATUTORY JURISDICTION AND RESPONSIBILITY OVER THE SOVEREIGN LANDS OF THE STATE, SUCH A REVIEW SHOULD BE CONDUCTED BY THE COMMISSION UPON REQUEST BY THE LEGISLATURE. THE FINDINGS OF THE INQUIRY WOULD BE REPORTED TO THE LEGISLATURE TOGETHER WITH THE COMMISSION'S RECOMMENDATIONS ON THE PROPOSED CONVEYANCE.

Attachment
Exhibit "A"

(EXCERPT FROM MINUTES OF MEETING OF AUGUST 18, 1964)

MINUTE ITEM

29. LEGISLATIVE COMMITTEE HEARINGS ON H.R. 512/63; ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES, PLANNING AND PUBLIC WORKS, EDWIN L. Z'BERG, CHAIRMAN - W.O. 4550.10.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REPORT TO THE ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES AND PUBLIC WORKS AT THE HEARINGS TO BE HELD ON SEPTEMBER 17 AND 18, 1964. THE REPORT IS TO GIVE THE COMMITTEE AN OUTLINE HISTORICAL REVIEW OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL ACTIONS THAT HAVE CULMINATED IN THE CURRENT STATE POSITION WITH RESPECT TO TIDE AND SUBMERGED LANDS. THE REPORT IS ALSO TO PRESENT THE FOLLOWING GENERAL AND SPECIFIC RECOMMENDATIONS FOR CONSIDERATION AS TO LEGISLATIVE IMPLEMENTATION:

GENERAL:

1. PLACEMENT OF A MORATORIUM ON THE ISSUANCE OF NEW GRANTS UNTIL SUCH TIME AS THE VARIOUS STUDIES BEING CONDUCTED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT ARE COMPLETED AND APPROPRIATE LEGISLATIVE CONTROL SPECIFICATIONS HAVE BEEN ADOPTED.
2. AMENDMENT OF EXISTING GRANTING STATUTES AND STATUTES RELATED TO TIDE AND SUBMERGED LAND DEVELOPMENT (AND INCORPORATION IN FUTURE GRANTING ACTS) OF THE REQUIREMENT THAT THE LANDS THEREUNDER GRANTED BE DEVELOPED IN ACCORDANCE WITH APPROVED PLANNING CONCEPTS, THE FORMER TO BE DONE WHERE THE LANDS SO GRANTED ARE NOT YET DEVELOPED OR WHERE DEVELOPMENT HAS NOT PROCEEDED BEYOND A CRITICAL POINT.
3. ASSIGNMENT TO THE STATE LANDS COMMISSION OF APPROVAL RESPONSIBILITY FOR PROGRAMS FOR THE DEVELOPMENT OF GRANTED LANDS.
4. DETERMINATION OF PRIORITIES, ON GRANTED LANDS HAVING A MINERAL RESERVATION TO THE STATE, BETWEEN MINERAL AND SURFACE DEVELOPMENT WHEN THE TWO ARE NOT IN IMMEDIATE CONFLICT IN POINT OF SPACE OR TIME.
5. DETERMINATION OF THE CRITERIA BY WHICH THE STATE WILL SHARE IN REVENUES GAINED BY GRANTEEES AS A RESULT OF OPERATIONS ON LANDS GRANTED WITHOUT A MINERAL RESERVATION TO THE STATE.

SPECIFIC:

1. PRECISE SPECIFICATION OF THE EFFECTIVE DATE OF GRANTS.
2. SPECIFICATION OF THE STATE LANDS COMMISSION'S RESPONSIBILITY TO DETERMINE COMPLIANCE OF GRANTEEES WITH THE TERMS OF GRANTING STATUTES.
3. DEFINITION OF THE CRITERIA FOR COMPLIANCE WITH A GRANTING STATUTE.
4. SPECIFICATION OF GUIDELINES FOR ALLOWABLE EXPENDITURES OF TRUST FUNDS BY A GRANTEE.