

STATE OF CALIFORNIA

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

APPEARANCES

Commissioners Present:

Carl J. D'Agostino, Chief Deputy Controller, Acting
Chairman for Kenneth Cory, State Controller, Chairman
David Ackerman, Deputy Executive Assistant, Alternate
for Mike Curb, Lieutenant Governor
Roy M. Bell, Deputy Director of Finance, Alternate for
Richard T. Silberman, Director of Finance

Staff Members in Attendance:

William F. Northrop, Executive Officer
James F. Trout, Assistant Executive Officer
R. C. Hight, Chief Counsel
R. S. Golden, Chief, Division of Land Management
and Conservation
Dwight E. Sanders, Chief, Planning and Environmental
Coordination
D. J. Everitts, Chief, Extractive Development--State
Leases
W. M. Thompson, Chief, Extractive Development--Long
Beach Operations
Leslie H. Grimes, Deputy Chief, Division of Land
Management and Conservation
Diane Jones, Secretary

Representing the Office of the Attorney General:

Jan Stevens, Assistant Attorney General
Peter H. F. Graber, Deputy Attorney General
Steve Mills, Deputy Attorney General
Lewis R. Allen, Senior Land Agent

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MINUTES OF THE STATE LANDS COMMISSION
MEETING OF
MARCH 28, 1979

The regular meeting of the State Lands Commission was called to order by Acting Chairman Carl J. D'Agostino at 10:21 a.m., in Room 2170, State Capitol, Sacramento.

Also present were Commission Alternate Roy Bell, Deputy Director of Finance (voting), representing Richard T. Silberman, Director of Finance; and David Ackerman, Deputy Executive Assistant, (non-voting), representing Mike Curb, Lieutenant Governor.

The minutes of the meeting of February 22, 1979 were approved as presented.

EXECUTIVE OFFICER'S REPORT

Robert Hight, Chief Counsel, noted for the record that David Ackerman, Deputy Executive Assistant, representing Commissioner Mike Curb, was sitting on the Commission in a Non-Voting capacity, but that he would participate in the discussions.

Mr. William F. Northrop, Executive Officer, announced that it appears the successful bidder in the sell off of royalty oil from State Oil and Gas Leases PRC 91.1, PRC 426.1, and those leases included in the 91 Main Zone Unit, Orange County, was Lunday-Thagard Company.

Mr. Donald J. Everitts, Chief, Division of Energy and Mineral Resources, presented a status report on the Ad Hoc Committee on Oil and Tar Seeps, which he chairs. He indicated that various sources of funding were being considered, one of which is the possibility of the County of Santa Barbara introducing special legislation.

Mr. James F. Trout, Assistant Executive Officer, gave a report on the C & H Sugar Company, a written copy of which is attached hereto, as Exhibit "A".

Mr. Northrop requested that the Commission take Calendar Item C15 off the consent calendar and consider it as part of the regular calendar. He also advised that Calendar Item 21 was pulled from the agenda.

STAFF REPORT ON STATE COASTAL COMMISSION

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

Attachments: Exhibits "A" and "B"

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EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

By

WILLIAM F. NORTHROP
MARCH 27, 1979

LETTER OF PERMISSION ISSUED MARCH 12, 1979

W 8733

THE CALIFORNIA AND HAWAIIAN SUGAR COMPANY HAS BEEN GIVEN ADVANCE PERMISSION BY STAFF TO ALLOW THE CROCKETT-VALONA SANITARY DISTRICT TO DISCHARGE ITS DOMESTIC FLOWS INTO THE SUGAR COMPANY'S WASTE TREATMENT PLANT AT CROCKETT.

THE PLANT IS ON COMMISSION PROPERTY, AND C & H HAS A LEASE FROM THE COMMISSION FOR IMPROVEMENTS AND EQUIPMENT TO HANDLE THEIR INDUSTRIAL FLOWS. CONNECTION BY THE SANITARY DISTRICT WAS CONTEMPLATED FROM THE START OF THIS PROJECT.

AT PRESENT, THE SANITARY DISTRICT DISCHARGES UNACCEPTABLE WASTES INTO CARQUINEZ STRAIT. THIS CAN BE AVOIDED BY A PROMPT CONNECTION (ON OR ABOUT APRIL 2, 1979) BY THE DISTRICT AND TO C & H FACILITIES. STAFF GRANTED ITS LETTER OF PERMISSION TO EXPEDITE THIS WORK. A SUBLEASE PROPOSAL, BETWEEN C & H AND THE DISTRICT, WILL BE PRESENTED TO THE COMMISSION FOR APPROVAL IN THE NEAR FUTURE.

PENDING APPROVAL OF THE SUBLEASE, C & H REMAINS LIABLE FOR ALL PROVISIONS OF ITS CURRENT LEASE, INCLUDING PAYMENT OF FULL RENTAL.

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STAFF REPORT ON STATE COASTAL COMMISSION
AND B.C.D.C. ACTIVITIES

By R. S. GOLDEN

TWO ITEMS ARE SUBMITTED FOR YOUR INFORMATION RELATING TO STATE LANDS COMMISSION INTERFACE WITH THE STATE COASTAL COMMISSION AND THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION.

MARINE SANCTUARIES

W. 40117

ON MARCH 6, 1979, THE STATE COASTAL COMMISSION HELD A HEARING ON THREE PROPOSED MARINE SANCTUARY SITES AND ALTERNATIVES PRESENTED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S DECEMBER 1978 ISSUE PAPER ON POSSIBLE CALIFORNIA MARINE SANCTUARY SITES. THE HEARING ADDRESSED THE MERITS OF ADVISING NOAA TO PROCEED WITH A DESIGNATION PROCESS FOR THE PROPOSED MARINE SANCTUARIES OFFSHORE AT: POINT REYES-FARALLON, MONTEREY BAY, AND THE SANTA BARBARA CHANNEL ISLANDS.

THE COMMISSION HEARD EXTENSIVE TESTIMONY FROM ENVIRONMENTAL GROUPS SUPPORTING THE DESIGNATIONS AND FROM REPRESENTATIVES OF THE COMMERCIAL FISHING, KELP HARVESTING, AND PETROLEUM INDUSTRIES GENERALLY OPPOSING DESIGNATION. THOSE SUPPORTING THE DESIGNATIONS SEE THE MARINE SANCTUARY DESIGNATIONS AS A VEHICLE TO STOP OCS DEVELOPMENT.

AT THE CLOSE OF ITS MARCH 6 HEARING, THE COASTAL COMMISSION VOTED TO ADVISE NOAA TO PROCEED WITH THE DESIGNATION PROCESS FOR THE PROPOSED SANTA BARBARA CHANNEL ISLANDS MARINE SANCTUARY

BY PREPARING A DRAFT ENVIRONMENTAL IMPACT STATEMENT. IMMEDIATE ACTION BY THE COMMISSION WAS URGED BY STAFF PRIOR TO THE SECRETARY OF THE INTERIOR'S DECISION ON OCS LEASE SALE 48.

AT THE SAME MEETING, THE COASTAL COMMISSION ALSO VOTED TO CONSIDER ADVISING NOAA TO PROCEED WITH THE DESIGNATION OF THE PROPOSED POINT REYES-FARALLON ISLANDS AND MONTEREY BAY MARINE SANCTUARIES AT THEIR APRIL 3 AND 4 MEETING. THE COASTAL STAFF'S PRELIMINARY RECOMMENDATION IS TO ADVISE NOAA TO PROCEED WITH THESE TWO ADDITIONAL MARINE SANCTUARIES WHILE FURTHER ADVISING NOAA TO AVOID INTERFERENCE WITH THE AUTHORITY OF THE STATE OF CALIFORNIA IN MANAGEMENT AND REGULATION OF THE LIVING MARINE RESOURCES WITHIN THE STATE'S TERRITORIAL WATERS UNLESS SUCH ACTION IS REQUESTED BY THE RESOURCES AGENCY, AND TO AVOID DUPLICATION OF THE JURISDICTION OF THE PACIFIC FISHERY MANAGEMENT COUNCIL WITHIN THE PROPOSED BOUNDARIES OF THE SANCTUARIES.

PRC 4562
PRC 4580 -
PRC 4691

ANZA-PACIFIC DEVELOPMENT ON SAN FRANCISCO BAY

IN 1972, THE STATE LANDS COMMISSION EXECUTED BOUNDARY LINE AGREEMENT #131 WITH ANZA-PACIFIC CORPORATION. THE BOUNDARY LINE AGREEMENT INVOLVED 13 PARCELS IN BURLINGAME. ALL BUT ONE OF THESE FRONT ON SAN FRANCISCO BAY. THE BOUNDARY LINE AGREEMENT INVOLVED TIDELANDS FILLED BY ANZA-PACIFIC PRIOR TO THE CREATION OF BCDC. SINCE THIS BOUNDARY LINE AGREEMENT,

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THE OWNERSHIP OF THE ANZA-PACIFIC CORPORATION HAS CHANGED. IN PART, THE COMPANY WAS TRANSFORMED FROM A DEVELOPMENT COMPANY TO THE ANZA-SHAREHOLDERS' LIQUIDATING TRUST. IN ADDITION, ANZA'S CURRENT DEVELOPMENT PLANS ARE SUBSTANTIALLY DIFFERENT FROM THE ANZA-PACIFIC PLAN APPROVED AS A PART OF THE 1972 BOUNDARY LINE AGREEMENT.

THEREFORE, THE BCDC HAS ASSERTED JURISDICTION OVER ITS 100' SHORELINE BAND OWNED BY THE ANZA TRUST, AND HAS REQUESTED THE COMPANY TO SUBMIT A MASTER DEVELOPMENT PLAN FOR ITS PARCELS, WITH PARTICULAR EMPHASIS ON THE PROVISIONS FOR MAXIMUM FEASIBLE PUBLIC ACCESS WITHIN THE 100' SHORELINE BAND. AT THIS POINT, WE ARE INSERTING LANGUAGE IN OUR SUB-LEASE APPROVALS WHICH HAS BEEN SUGGESTED TO US BY BCDC AND ARE WORKING TOWARD RESOLUTION OF THE REMAINING PROBLEMS.

RECORD OF ACTION TAKEN BY THE
STATE LANDS COMMISSION
AT ITS MEETING OF MARCH 28, 1979

During the meeting, the recommendations of the staff relative to Calendar Items C1-C14, 17, 19, 20, 22, 23, 24, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items 16, 18, 25, and 30 is set forth on pages 505, 523, 581, and 596.

Calendar Item 21 was withdrawn from the agenda prior to the meeting (see page 557).

Status of Major Litigation is set forth on page 638.