

CONVENED: 10:45 a.m.

ADJOURNED: 12:10 p.m.

PRESENT: Gray Davis *

Leo McCarthy

Susanne Burton

Cleatta Simpson **

= Yes N=No A=Abstain

FOR INFORMATION, PLEASE CONTACT:

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SUMMARY

MEETING OF THE STATE LANDS COMMISSION
STATE CAPITOL, ROOM 126
SACRAMENTO, CALIFORNIA

GRAY DAVIS, STATE CONTROLLER, CHAIRMAN
LEO T. MCCARTHY, LIEUTENANT GOVERNOR, COMMISSIONER
THOMAS W. HAYES, DIRECTOR OF FINANCE, COMMISSIONER

THURSDAY - DECEMBER 17, 1992

ORDER OF BUSINESS

I. 10:00 A.M. - CLOSED SESSION. "CONSIDERATION OF POSSIBLE AND PENDING LITIGATION." THESE MATTERS WILL BE DISCUSSED IN A SESSION CLOSED TO THE PUBLIC, PURSUANT TO ATTORNEY-CLIENT PRIVILEGES. (SEE GOVERNMENT CODE SECTION 11126.)

THE FOLLOWING MATTERS WILL BE CONSIDERED UNDER GOVERNMENT CODE SECTION 11126(Q)(1):

STATE OF ARIZONA v. STATE OF CALIFORNIA, ET AL.

IN ADDITION, THE COMMISSION SHALL CONSIDER MATTERS WHICH FALL UNDER GOVERNMENT CODE SECTION 11126(Q)(2) AND (3).

II. AT THE CONCLUSION OF CLOSED SESSION WILL BE OPEN SESSION (PUBLIC MEETING).

A SIGN LANGUAGE INTERPRETER WILL BE PROVIDED UPON ADVANCE NOTIFICATION OF NEED BY A DEAF OR HEARING IMPAIRED PERSON. SUCH NOTIFICATION SHOULD BE MADE AS SOON AS POSSIBLE PRIOR TO DATE OF THE EVENT.

III. CONFIRMATION OF MINUTES FOR THE MEETING OF SEPTEMBER 23, 1992.

* - Present for Calendar Items 53 thru 55

** - Present for Calendar Items C01 thru C52

Table with 10 columns: Amended*, Deferred, Ruled, Considered - No Action Taken, Informational Only - No Action Taken, Approved As Presented, Controller, Lt. Governor, Director of Finance, VOTE. Row 1 has checkmarks in the last three columns.

* See Attached

| | Amended* | Deferred | Pulled | Considered - No Action Taken | Informational Only - No Action Taken | Approved As Presented | VOTE | | |
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ANYONE WISHING TO ADDRESS AN ITEM ON THE AGENDA MAY COME FORWARD AND STATE THEIR NAME FOR THE RECORD.

IV. CONSENT CALENDAR C01 - C52. THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL.

C01 A) MS. SUSAN D. GRAY; B) RONALD E. MULLER AND JACK L. GRAYSON; C) CALIDO BAY HOMEOWNERS ASSOCIATION; D) NARA GARDENS HOMEOWNERS ASSOCIATION; E) MR. AND MRS. CHARLES SADERQUIST; F) MR. AND MRS. JOHN GARAMENDI; G) MR. RONALD RULE; H) THOMAS G. AND URSULA WERTZ; I) THOMAS W. CALLINAN AND DANIEL McNAMARA (LESSEES): Consider approval of nine (9) Recreational Pier Permits: Five (5) in Sacramento River, Sacramento County; three (3) in Corte Madera Creek, Marin County; and one (1) in Gold Lake, Sierra County. (Fong, D. Jones, N. Smith, J. Ludlow; (PRC 4760, PRC 5077, PRC 5411, PRC 5459, WP 6180, WP 6351, WP 6352, W 24724). (A 3, 9, 10; S 1, 3, 5, 6)

C02 A) CHEVRON U.S.A., INC.; B) BEDFORD PROPERTIES, INC.; C) HUMBOLDT BAY PULP MILL; D) JOHN E. VILICICH, JEANNE VILICICH AND E. VILICICH; E) PEARSON ELECTRONICS, INC.; F) SAN DIEGO GAS & ELECTRIC COMPANY; G) GAIL C. HIGH; H) ROBERT H. AND MARGARET PELHAM (APPLICANTS/LESSEES): Consider approving eight (8) Rent Reviews/Continuations: One (1) in Santa Monica Bay in El Segundo, Los Angeles County; one (1) in San Joaquin River, Contra Costa County; one (1) in Pacific Ocean at Fairhaven, Samoa Peninsula, Humboldt County; one (1) in the bed of Tomales Bay, Marin County; two (2) in Lake Tahoe, Placer County; one (1) in Colorado River, Imperial County; and one (1) in the Sacramento River at Los Molinas, Tehama County. (A. Scott, Grimmitt, Gordon, J. Ludlow, D. Jones; PRC 628, PRC 2931, PRC 3929, PRC 5470, PRC 5632, PRC 6406, PRC 6526, PRC 7248) (A 1, 2, 7, 9, 10, 50, 80; S 1, 2, 3, 4, 7, 29, 37)

C03 CITY OF STOCKTON (APPLICANT): Consider approving issuance of a General Permit - Public Agency Use for installation of monitoring equipment for gathering of river-flow data located within San Joaquin River, downstream of Highway 4 crossing, San Joaquin County. (Fong; W 24819) (A 26; S 5)

* See Attached

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- C04 RECLAMATION BOARD (APPLICANT):** Consider approval of a one-year General Permit - Public Agency Use of tide and submerged land located along the Sacramento River, Yolo County, for repair and restoration of levee berm. (Fong; W 24919) (A 2, 8; S 1, 4)
- C05 JANE STAFFORD (PARTY):** Consider authorization of title settlement agreement covering a portion of abandoned channel of Colorado River, Palo Verde Valley, Imperial County. (Fossum/Scott/Perez; W 24848) (A 80; S 37)
- C06 M. J. RUDDY & SON, INC. (APPLICANT):** Consider termination of General Lease - Industrial Use PRC 5409 and consider approval of a 25-year General Lease - Industrial Use of land in the bed of old Tuolumne River channel located near Waterford, Stanislaus County, maintained in its natural condition for stock piling processed and unprocessed gravel and related equipment right-of-way crossing purposes. (Gordon; PRC 5409) (A 27; S 12)
- C07 RMC LONESTAR (LESSEE):** Consider approval of a ten-year renewal of General Lease - Industrial Use, PRC 1992 of tide and submerged land located in Sacramento River at West Sacramento, Yolo County, for a wharf and dolphins. (Grimmett; PRC 1992) (A 4; S 5)
- C08 LEROY E. AND GINGER BORBA (ASSIGNOR); JERRY D. POWER (ASSIGNEE):** Consider approval of assignment of a General Permit - Recreational Use, PRC 2363, of tide and submerged land located in San Joaquin River, near French Camp, San Joaquin County, for maintenance of existing floating dock and ramp. (Grimmett; PRC 2363) (A 26; S 5)
- C09 STATE LANDS COMMISSION (PARTY):** Consider authorization to purchase, with Kapiloff Land Bank funds, a parcel of land located on the Napa River, Solano County, and to lease said land to the California Department of Fish and Game for habitat restoration and wildlife management. (Hcwe; W 23929) (A 8; S 4)

* See Attached

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| C13 | | | | | | ✓ | ✓ | ✓ | |

C10 STILLWATER YACHT CLUB (APPLICANT): Consider approval of a five-year General Permit - Recreational Use of tide and submerged land located in Stillwater Cove, Carmel Bay, Monterey County, for installation and operation of mooring buoys and floating wood platforms, to be used seasonally. (D. Jones; WP 6764) (A 28; S 17)

C11 CYNTHIA CAULK (APPLICANT): Consider approval of a ten-year General Permit - Recreational Use of tide and submerged lands located in Steamboat Slough, Grand Island, Sacramento County, for existing concrete launching ramp boat dock gangway. (D. Jones; WP 5910) (A 10; S 5)

C12 SAN FRANCISCO PORT COMMISSION; SAN FRANCISCO REDEVELOPMENT AGENCY; SITE K, INC., A NONPROFIT AFFILIATE OF BRIDGE HOUSING CORPORATION; SOUTH BEACH FAMILY ASSOCIATES (PARTY): Consider approving Nondisturbance and Attornment agreements between the Port of San Francisco, Site K, Inc., and South Beach Family Associates (SBFA), and between the Redevelopment Agency of San Francisco (RASf) and SBFA; and the first amendment to development sublease between the RASf and Site K, Inc., and the first amended and restated Site K sublease between Site K, Inc. and SBFA concerning the use of granted lands in conjunction with the Rincon Point-South Beach Redevelopment Plan, pursuant to Chapter 310, Statutes of 1987. (D. Jones; G 11-01) (A 16; S 3, 8)

C13 JOHN G. BOURDET, ET AL. v. STATE OF CALIFORNIA, ET AL. (PARTY): Consider disclaimer of Commission interest in property at issue in the property at issue in John G. Bourdet v. State of California, et al., Santa Clara County, Superior Court Case No. 722622. (Kiley; W503.1748) (A 24; S 12)

* See Attached

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- C14 **STATE LANDS COMMISSION, HOLLAND AND MERCURIO, A NEVADA GENERAL PARTNERSHIP, STANLEY HILLER AND CAROLYN B. HILLER (PARTIES):** Consider corrections of Calendar Item C-11 and Calendar Item C01(E), approved by State Lands Commission on September 23, 1992. Calendar Item C11: to amend a General Permit - Recreational Use to include an additional permittee. This correction reflects the corrected amount of insurance required and effective date of the lease amendment for continued use and maintenance of a multi-use pier and mooring buoys located on submerged land in bed of Lake Tahoe, Tahoe Pines, Placer County. Calendar Item C01(E): approved by Commission for a Recreational Pier Permit which authorized pier and mooring buoys located on submerged land in bed of Lake Tahoe, Tahoe Pines, Placer County. (J. Ludlow, Clark; PRC 3905, PRC 5113) (A 7; S 1)

- C15 **CITY OF BENICIA (APPLICANT):** Consider approval of maintenance dredging of material, over a thirty-month (30-mo.) period, from ungranted sovereign lands in Carquinez Straits at entrance to Benicia Marina, Solano County, for purpose of maintaining a navigable depth. (J. Ludlow; PRC 7466) (A 4; S 2)

- C16 **DONALD A. WELLS, DONALD A. WELLS, JR., DEBBIE BAKER, KATHY LA LONDE, AND WILLIAM G. ROBINSON (APPLICANTS):** Consider an application for retention of existing unauthorized pier and mooring buoys at Lake Tahoe, Placer County, as set forth in Chapter 1200, Statutes of 1977 (AB 884), and consider authorization for litigation for ejection and damages for unauthorized occupation of State-owned land. (J. Ludlow; W 22081) (A 1; S 1)

- C17 **STRAWBERRY RECREATION DISTRICT (APPLICANT):** Consider amendment to a one-year Dredging Permit for maintenance dredging of granted mineral reservation lands in Richardson Bay, Marin County, to extend permit termination date for one year. (J. Ludlow; PRC 7432) (A 9; S 3)

- C18 **DEPARTMENT OF TRANSPORTATION (APPLICANT):** Consider approval of a map and General Permit - Public Agency Use, for an indefinite term, for sovereign land located in bed of Smith River, Del Norte County, for replacement of a bridge on State Highway 199 at Hiouchi, pursuant to Section 101.5 of the Street and Highways Code. (J. Ludlow; PRC 7356) (A 2; S 2)

* See Attached

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- C19 **PETER L. MUHS AND ROBERT M. TOMASELLO, SUCCESSOR TRUSTEES (APPLICANT):** Consider approval of a five-year Recreational Pier Permit located on a parcel of submerged land in the bed of Lake Tahoe near Sunnyside, Placer County, for reconstruction of existing pier, including addition of low-level boatlift and retention of two existing mooring buoys. (J. Ludlow; PRC 4918) (A 7; S 1)
- C20 **CITY OF PISMO BEACH (APPLICANT):** Consider approval of a 49-year General Permit - Public Agency Use of tide and submerged land located in Pacific Ocean, San Luis Obispo County, for construction of a seawall and retention of existing storm drain facility. (Maricle; W 24925) (A 29; S 14)
- C21 **EXXON CORPORATION (APPLICANT):** Consider approval of a ten-year General Lease - Industrial Use of submerged land located in Pacific Ocean, Santa Barbara Channel, Santa Barbara County, for retention and use of existing mooring buoy. (Maricle; W 24854) (A 35; S 18)
- C22 **COLT PROPERTIES (APPLICANT):** Consider approval of a ten-year General Lease - Protective Structure Use of tide and submerged lands located in Monterey Bay City of Capitola, County of Santa Cruz, for construction and maintenance of erosion control wall. (Plummer; W 24679) (A 28; S 17)
- C23 **STATE LANDS COMMISSION (PARTY):** Rescind Calendar Item 52, approved September 23, 1992, and consider approving Executive Officer's execution of a Transfer of Jurisdiction from State Lands Commission to Department of General Services (OREDS) of the Los Angeles prison site, Los Angeles County. (Reese/Pelkofer; W 24167) (A 56; S 24)
- C24 **STATE LANDS COMMISSION (PARTY):** Authorize, as both State Lands Commission and School Land Bank Trustee, to offer for sale State school land in Kern County. (Reese; W 21613) (A 33; S 16)
- C25 **INFORMATIONAL: STATE LANDS COMMISSION (PARTY):** The State Lands Commission's annual staff report on management of school lands for fiscal year 1991-92 submitted pursuant to P.R.C. 6477. (Reese; W 23691)

* See Attached

CALENDAR PAGE
MINUTE PAGE 3624

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C26 **KERN RIVER GAS TRANSMISSION COMPANY, A GENERAL PARTNERSHIP; MOJAVE PIPELINE COMPANY, A GENERAL PARTNERSHIP; DEPARTMENT OF FISH AND GAME (PARTIES):** Consider authorizing, as School Land Bank Trustee, the sale and subsequent issuance of a transfer of control and possession to the Department of Fish and Game or a patent to Kern River Gas Transmission and Mojave Pipeline companies for State school land in compliance with habitat mitigation and acquisition agreements. (Reese, Pelkofer; SA 5703) (A 61; S 25)

C27 **A) CEDAR POINT HOMEOWNERS ASSOCIATION; B) CHAMBERS LANDING II HOMEOWNERS ASSOCIATION; C) DOLLAR POINT SUBDIVISION HOMEOWNERS ASSOCIATION; D) CHINQUAPIN HOMEOWNERS ASSOCIATION (PARTIES):** Consider revision of rent of four permits authorizing recreational use of State-owned lands in the bed of Lake Tahoe, El Dorado County and Placer County. (J. Sekelsky; PRC 3859, PRC 3044, PRC 5391, PRC 5423) (A 7; S 1)

C28 **STATE LANDS COMMISSION (PARTY):** Consider approval of modification to application lists and criteria (surface leasing). (J. Sekelsky; W 5125.4)

C29 **A) CALIFORNIA COASTAL CONSERVANCY, ET AL.; B) CALIFORNIA COASTAL COMMISSION; C) STATE LANDS COMMISSION; D) GARFIELD FAMILY TRUST; E) IRVING AZOFF; F) GENE HIMMELSTEIN; G) ANGELA RICH TRUST; H) TERRY SEMEL; I) J. WILLIAM HAYES; J) JERRY MONKARSH; K) MICHAEL KAPLAN; L) LOUISE DANELIAN; M) EMERSON U. GLAZER TRUST (PARTIES):** Acceptance of dedication of lateral public access easements to properties located along Pacific Ocean in Malibu, Los Angeles County. (Sledd, Pelkofer; W 24665) (A 44; S 22)

C30 **DAVID J. AND BETTY J. LAMOREE (LESSEE):** Consider approving an Agreement and Consent to Encumbrancing of Lease PRC 5782, a General Lease - Recreational and Residential Use, of tide and submerged land in Mare Island Straits, Sandy Beach, Vallejo, Solano County. (N. Smith; PRC 5782) (A 4; S 2)

* See Attached

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- C31 TIDEWATER SAND & GRAVEL, INC. (PARTY):** Consider approval of a 20-year General Lease - Industrial Use of tide and submerged land located in Suisun Bay, west of Pacheco Creek, City of Martinez, Contra Costa County, for continued use and maintenance of commercial sand yard mooring, pipeline, and discharge weir. (N. Smith; W 24629) (A 11; S 7)
- C32 PORT OF SAN FRANCISCO (APPLICANT):** Consider authorization to dredge material from Pier 35 East, Port of San Francisco, San Francisco County. Disposal at Alcatraz. (J. Smith; W 24956) (A 13; S 3)
- C33 EXXON COMPANY U.S.A. (APPLICANT):** Consider authorization to dredge material annually adjacent to Exxon Dock Facility, Carquinez Strait, Benicia, Solano County. Disposal at Carquinez Disposal Site No. 9. (J. Smith; WP 4941) (A 4; S 2)
- C34 PORT OF REDWOOD CITY (APPLICANT):** Consider authorization to dredge material from Redwood City Yacht Harbor, San Mateo County. Disposal at Alcatraz. (J. Smith; W 24843, PRC 7535) (A 21; S 11)
- C35 CITY OF LARKSPUR (APPLICANT):** Consider approval of a 25-year General Lease - Public Agency Use of tide and submerged land located in Corte Madera Creek, Larkspur, Marin County, for a public dock. (N. Smith; W 24747) (A 9; S 3)
- C36 CITY OF LONG BEACH (APPLICANT):** Approve closing accounts of tideland oil revenue expenditures for subsidence vertical and horizontal measurements and studies between July 1, 1991 and June 30, 1992, City of Long Beach Harbor District, Los Angeles County. (Gaal; W 10424) (A 57, 58; S 29)
- C37 INFORMATIONAL: STATE LANDS COMMISSION (PARTY):** Monitoring for possible subsidence and seismic hazards, Long Beach Unit, Wilmington Oil Field, Los Angeles County. (Gaal; W 16008, W 10424) (A 57, 58; S 29)
- C38 CHEVRON U.S.A. INC. (LESSEE):** Approve abandonment of oil and gas wells on Platform Hope, State oil and gas lease PRC 3150, Carpinteria Offshore Field, Santa Barbara County. (Gonzalez; PRC 3150, W 40654) (A 35, S 18)

* See Attached

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- C39 **MOUNTAIN STATES MINERAL ENTERPRISES INC. (ASSIGNOR); FORT CADY CALIFORNIA CORPORATION (ASSIGNEE):** Approve assignment of preferential right in State mineral prospecting permit PRC 5906, San Bernardino County. (Kruger; PRC 5906) (A 61; S 25).
- C40 **CHEVRON U.S.A. INC., NIPPON OIL EXPLORATION U.S., LTD (LESSEES):** Accept quitclaim deed for State oil and gas lease PRC 6189, Montezuma and Suisun sloughs, Solano County. (Nitsche; PRC 6189) (A 4; S 2)
- C41 **DAMSON OIL CORPORATION (APPLICANT):** Accept quitclaim deed for State oil and gas lease PRC 3809, Los Angeles County. (Nitsche; PRC 3809) (A 44; S 28)
- C42 **RIO DELTA RESOURCES, INC., RUSSELL H. GREEN, JR. (APPLICANTS):** Approve issuance of negotiated subsurface State Oil and Gas Lease on land in the bed of False River and Piper Slough, Contra Costa County. (Nitsche; W 40657) (A 10; S 7)
- C43 **THE TERMO COMPANY (APPLICANT):** Approve issuance of negotiated subsurface State Oil and Gas Lease on land in the bed of Luco Slough, Solano County. (Nitsche; W 40679) (A 4; S 2)
- C44 **CITY OF LONG BEACH (APPLICANT):** Approve first amendment to the Annual Plan (July 1, 1992 - June 30, 1993), revising economic projections, Optimized Waterflood Agreement, Long Beach Unit, Wilmington Oil Field, Los Angeles County. (Pepper; W 17099) (A 57, 58; S 29)
- C45 **CITY OF LONG BEACH (APPLICANT):** Approve second amendment of the Annual Plan (January 1, 1992 through June 30, 1992), Final Report and Closing Statement, Long Beach Unit, Wilmington Oil Field, Los Angeles County. (Pepper; W 17099) (A 57, 58; S 29)
- C46 **CITY OF LONG BEACH (APPLICANT):** Approve award of crude oil sales contract for the City of Long Beach's share of crude oil produced from certain tracts within Fault Block IV Unit and Fault Block V Ranger Zone Unit, Wilmington Oil Field, Los Angeles County, to highest responsible bidder, Ultramar Inc. (Tanner; W 9603.56) (A 57, 58; S 29)

* See Attached

CALENDAR PAGE _____
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- C47 **CITY OF LONG BEACH (APPLICANT):** Approve award by City of Long Beach of crude oil sales contracts, Tract No. 1, Long Beach Unit, Wilmington Oil Field, Los Angeles County, to the highest responsible bidder, Ultramar, Inc. (Tanner; W 9603.27) (A 57, 58; S 29)
- C48 **BLACK MOUNTAIN OIL COMPANY (ASSIGNOR); MONTIS NIGER, INC. (ASSIGNEE):** Approve assignment of 100 percent interest in State oil and gas lease PRC 7282 and PRC 7658, Yolo and Sutter counties. (Tanner; PRC 7282, PRC 7658) (A 3, 8; S 1)
- C49 **STATE LANDS COMMISSION (PARTY):** Approve proposed sale of royalty crude oil, State oil and gas leases, Orange, Ventura, and Santa Barbara counties. (Tanner; W 9603.91, W 9603.93, W 9603.94, W 9603.95, W 9603.96, W 9603.97) (A 35, 57, 58, 59, 69; S 18, 29, 37)
- C50 **STATE LANDS COMMISSION (PARTY):** Approve proposed leasing for geothermal resources development of certain State lands within The Geysers Area in Lake, Mendocino, and Sonoma counties. (Willard; W 40571) (A 2, 8; S 2, 4)
- C51 **MAGMA POWER COMPANY (APPLICANT):** Consent to unitize leased lands of State geothermal resources lease PRC 6837 into Truckhaven II Geothermal Unit, Imperial County. (Willard, Kruger; PRC 6837) (A 80; S 37)
- C52 **STATE LANDS COMMISSION (PARTY):** Consider authorization of Memorandum of Understanding among California Department of Fish & Game, California State Lands Commission, U.S. Fish & Wildlife Service, and Port San Luis Harbor District for purposes of coordination and cooperation in assessing injuries to natural resources resulting from release of crude oil at Avila Beach, San Luis Obispo County. (Fossum/Valentine; G 13-01) (A 33; S 18)
- V. **REGULAR CALENDAR ITEMS 53 - 55**
- 53 **AUBURN INVESTORS (APPLICANT):** Consider denying, without prejudice, the application of Auburn Investors for establishment of marina in Sacramento River at Verona, Sutter County. (D. Jones, Simmons; W 21216) (A 3; S 1)

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* See Attached

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| MINUTE PAGE <u>3628</u> |

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54 M & T STATEN RANCH, STATE LANDS COMMISSION (PARTIES): Consider authorizing Executive Officer to enter into Memorandum of Understanding (MOU) with M & T Staten Ranch for purposes of developing a berm restoration plan for south fork of Mokelumne River. (Simmons/J. Sekelsky/Sanders; W 24964) (A 26; S 5)

55 SUTTER COUNTY (APPLICANT): Consider an application for construction of extension to existing boat-launching ramp and use and maintenance of boat-launching ramp in Feather River, Sutter County, as set forth in Ch. 1200, Stat. of 1977 (AB 884) and consider authorization for ejection and damages for unauthorized occupation of State-owned land. (Martinez; W 24733) (A 3; S 1)

VI. EXECUTIVE OFFICER'S REPORT

* Omit staff recommendation number 5, otherwise approved as presented.

* See Attached

NO MINUTE PAGE NUMBERS 3631 - 3650

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| CALENDAR PAGE _____ |
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