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TRANSCRIPT OF
MEETING
of
STATE LANDS COMMISSION
SACRAMENTO, CALIFORNIA
JULY 28, 1960 -- 9:00 A.M.

PARTICIPANTS:

THE COMMISSION:

Messrs. Alan Cranston, Controller, Chairman
Glenn M. Anderson, Lieutenant Governor
John E. Carr, Director of Finance

Following recess, Lieutenant Governor
Anderson was represented by:

Mr. Don Rose, his Executive Secretary

STATE LANDS DIVISION:

Messrs. F. J. Hortig, Executive Officer
Fred Kreft, Assistant Executive Officer
Kenneth C. Smith, Public Lands Officer

OFFICE OF THE ATTORNEY GENERAL:

Mr. Paul M. Joseph, Deputy Attorney General

APPEARANCES: (In the order of their appearance)

RE: RED ROCK MARINA - Item 2(1) of Summary

Messrs. Rudolf Hess, Division of Highways
Harold R. Farrow, Attorney-at-Law
representing E. N. Kettenhoffen
E. N. Kettenhoffen

RE: WILLIAM KENT ESTATE CO. Item 6 of Summary

Bryan R. McCarthy, Esq. representing
William Kent Estate Co.

RE: MINERAL EXTRACTION LEASES

James Dunham, Division Engineer
Division of Small Craft Harbors
Charles Nichols, Dames and Moore, Engineers

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(IN ACCORDANCE WITH CALENDAR SUMMARY)

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1 GOV. ANDERSON: The meeting of the State Lands
2 Commission will come to order. The first item is the con-
3 firmation of minutes of May 24th.

4 MR. CRANSTON: I move approval.

5 GOV. ANDERSON: It has been moved and seconded --
6 approved without reading. Also, the secretary will take
7 note that all the members are present.

8 At the last meeting I announced that I would be
9 stepping down as Chairman of the Lands Commission today and
10 this was in view of our somewhat stated policy a year ago
11 that we would try to rotate the chairmanship of the Commission,
12 with a new chairman every year, and so at this time I would
13 like to, however it is done, tender my resignation as Chair-
14 man of the State Lands Commission. Is it accepted?

15 MR. CARR: I move the acceptance.

16 GOV. ANDERSON: No objection, it's accepted and
17 I will act as the Acting Chairman, if there is no objection,
18 while we select a new permanent chairman.

19 MR. CARR: Mr. Chairman, I would like to do two
20 things, if you please. I'd like to correct your semantics --
21 you are not stepping down; you are stepping sideways and the
22 question is whether you step from right to left or left to
23 right. So I should say, as my privilege, that I want to
24 nominate Mr. Cranston and I would also like to move the nomi-
25 nations be closed.

26 GOV. ANDERSON: I will second both of your motions.

1 If there is no further discussion, it is adopted unanimously;
 2 and at this time we will turn the chair over to Mr. Cranston
 3 and you can move over here if you wish; and you will note it
 4 is going from the left to the right.

5 MR. CRANSTON: Thank you both very much. The
 6 second item on our agenda is permits, easements, leases, and
 7 rights-of-way issued pursuant to statutes and established
 8 rental policies of the Commission. The first is Harley and
 9 Mary Austin. Unless there is some comment from the staff or
 10 anyone else, I will just name the titles and go on through.

11 MR. HORTIG: Yes sir. The items under sub-item 2
 12 are standard and, as noted, are in accordance with standard
 13 policy of the Commission and not known to be controversial.

14 MR. CRANSTON: Item (b), Jack Benton; item (c),
 15 Leonard Goodwin; item (d), Richard N. Goss; item (e), Kern
 16 County Land Company; item (f), C. C. and Rena E. Button
 17 Norwood; item (g), Pacific Gas and Electric Company; item (h),
 18 Pacific Gas and Electric Company; item (i) Pacific Gas and
 19 Electric Company; item (j), Pacific Lighting Gas Supply Com-
 20 pany; item (k), Phillips Petroleum Company; item (l), Redrock
 21 Marina;

22 MR. CARR: Mr. Chairman, I'd like to ask some ques-
 23 tions about Redrock Marina. I understand that this is tide
 24 and submerged lands in San Francisco Bay, Contra Costa County.
 25 I believe there is someone here from Public Works, isn't there?
 26 I wish they would give us a little fill-in on this. The

1 reason is there is quite a bit of interest in San Francisco
 2 and surrounding the Bay concerning the possibilities of
 3 restoring public transportation on a waterborne basis; and if
 4 that is done, terminal facilities and wharves around the Bay
 5 of San Francisco will be important.

6 I think as far as the merits of this particular
 7 application are concerned they are all right. I just have
 8 this one observation. I understand the Redrock Marina operates
 9 a small boat harbor facility and they wish to expand that by
 10 acquiring a lease from Public Works. Who is here from Public
 11 Works? Would you please explain this -- just what this is?
 12 I think we might want to make some sort of reservation. I
 13 believe if they go into waterborne transportation in San
 14 Francisco Bay, I think we might wish to set this up so that
 15 this facility might not be foreclosed.

16 MR. HESS: My name is Hess, Division of Highways,
 17 Public Works. This is a former pier of the Richmond-San Rafael
 18 Ferry. It become a faaility we couldn't use. We have been
 19 attempting to dispose of this to relieve the Department of
 20 its obligation for a matter of four years. It has fixed
 21 leases other than this on the State land to the Wells Fargo
 22 Bank. The people going in there are taking over the leases
 23 on assignment which pertain to the location of the pier itself
 24 and the buildings and so forth. The particular lease you have
 25 under consideration is the area lying within the confines of
 26 the pier sections, so that they can utilize that with the pier

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1 units. As I say, in four years this is the only real proposi-
2 tion we have had that we have been able to dispose of our
3 obligations on this. This amounts to obligations of about
4 forty-one hundred dollars a year in leases, plus maintenance,
5 watchmen, and so forth. The leases are fixed for a good time.
6 I don't know any way to circumvent them other than by leasing
7 it in this manner.

8 MR. CARR: Do you have any sort of diagram or map
9 or something of the area, so we can see just what is involved?

10 MR. HESS: Yes sir.

11 MR. CARR: There is a rather wide interest in ex-
12 ploring this and Senator McAteer and others are having a
13 meeting shortly to explore this thing, so I think we wouldn't
14 be wise to dispose irrevocably of anything that might affect
15 that.

16 MR. HESS: Here are the pier sections (indicating
17 on map)

18 MR. CARR: Where is the Bay?

19 MR. HESS: Here is the Bay. This is the shoreline;
20 this is the road....

21 MR. HORTIG: ... to the old Richmond-San Rafael Ferry.

22 MR. CARR: ... which is connected here by existing
23 roads.

24 MR. HESS: By an easement. This blue section is the
25 easement that was obtained from the Wells Fargo Bank Company
26 and their trustees to gain access.

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MR. CARR: Where is the bridge?

MR. HESS: The bridge is way over here.

GOV. ANDERSON: Well, there are roads that are used by people that used to own the ferry.

MR. CARR: What does the State own and what does Wells Fargo own?

MR. HESS: The State owns the section in there. That's the only thing the State has fee to.

MR. CARR: Wells Fargo owns this and the State leases it?

MR. HORTIG: This is the Division of Public Works' on the upland. You must distinguish from the water line the State of California, under the jurisdiction of the State Lands Commission, owns the tide and submerged lands.

MR. CARR: How much of this is proposed to be leased to Redrock Marina?

MR. HESS: They are proposing leasing from us this entire pier. That would be all the material covered here in color. The thing under consideration here is the intervening area lying right in here, so they can control the docking of boats within that area. (Indicating throughout on map)

MR. CARR: What about the rest of this? This is also probably the State's.

MR. HORTIG: Under lease to Department of Public Works and under this action and approval by the Commission, as proposed today, would be transferred to and assigned to

1 Redrock Marina.

2 MR. CARR: The whole thing?

3 MR. HORTIG: That's right.

4 MR. CARR: Mr. Chairman, I'd like to take this
5 under submission and talk a little bit to the Redrock Marina
6 people and see what they are doing. At the next meeting I
7 think we would know whether there is going to be any conflict.
8 I move we take this under submission until we can explore a
9 little further the possibilities.

10 GOV. ANDERSON: I'll second.

11 MR. CRANSTON: All in favor of taking item (1),
12 Redrock Marina, under submission say "aye." (Unanimous)
13 Unanimously carried.

14 MR. HESS: It is an attempt on our part to dispose
15 of this obligation.

16 MR. CARR: I think it can be disposed of at another
17 time. I think we can at least wait until the next meeting.

18 MR. HORTIG: I believe there may have been a repre-
19 sentative

20 MR. CARR: Is anybody here from Redrock Marina?

21 MR. FARROW: My name is Farrow. I am representing
22 Mr. Kettenhoffen, one of the stockholders of Redrock Marina.
23 I'd like to ask you to reconsider putting this over for
24 another meeting if possible. The investment required is
25 quite substantial already. The hope is and has been for some
26 time that we could get this matter cleared up so we would not

1 have lost the rest of this summer season. There is very
 2 little of it left and the interest of the principal investors
 3 would be wiped out for another year.

4 The idea - - I don't know your name - - someone
 5 suggested the possibility it might be useful to have this
 6 available later for public transportation. Of course, it
 7 would always be available, just as it was available when the
 8 State wanted it for the Richmond-San Rafael Ferry, to take it
 9 by condemnation.

10 We would like to see the Commission go ahead with
 11 this today. We are prepared to discuss all aspects of it. I
 12 have proposed plans and all the leases are available.

13 MR. CARR: You spoke of considerable investment.
 14 Do you propose extensive improvements in the area? What is
 15 the proposal?

16 MR. FARROW: The proposal, as I understand it now,
 17 is to take this existing rather long pier with several ferry
 18 slips into it and develop the whole area into a small boat
 19 harbor. That would be to build the necessary bulkheads and
 20 what have you for small boats, and to improve all existing
 21 structures of the building; put in retail stores -- boat and
 22 tackle shops, things of this nature; a restaurant, I believe,
 23 would be one of the proposals; in other words, to make some-
 24 thing of a feasible recreation area of what is now and has
 25 been for a good number of years a slowly eroding installation.

26 MR. GRANSTON: What is your own time schedule on

1 development?

2 MR. CARR: We don't want to put you to any loss.

3 MR. FARROW: Of course, we have anticipated. We
4 have, of course, already made arrangements to have our assign-
5 ment of leases from the Department of Public Works and the
6 particular thing we are here today on is just a lease of a
7 piece of open water next to the existing facilities. We
8 already have an advertising schedule on this thing and are
9 trying to get our tenants lined up and contracts signed up
10 with the oil companies and for the restaurant building.

11 MR. CARR: There are some pictures here. Would
12 you care to come up here and point out just what your plans
13 are?

14 MR. FARROW: If you don't mind, Mr. Chairman.

15 MR. CARR: This is the area you are proposing to
16 develop now? (Indicating)

17 MR. FARROW: This area.

18 MR. CARR: Mr. Hess indicated this here, but this
19 is the old ferry. Now, is this a fill or something in here
20 existing? Is this a new fill or

21 (Conversations over maps and pictures are not
22 complete, as parts were inaudible to reporter)

23 MR. KETTENHOFFEN: The brown is the leases that were
24 condemned from the ferry transportation company.

25 MR. CARR: The permanent structure is this much?

26 MR. KETTENHOFFEN: That's right. We will build a

1 breakwater right here and put finger piers in there.

2 MR. FARROW: May I point out the color merely indi-
3 cates the area.

4 MR. CARR: There is a ferry slip apparently here,
5 and apparently there is one out here further, is that right?

6 MR. KETTENHOFFEN: We have been in negotiation for six
7 months and it is going to be rather drastic to get out.

8 MR. CARR: How much of an investment is there?

9 MR. KETTENHOFFEN: I'd say eventually probably over
10 two hundred thousand dollars. We are planning on the first
11 phase fifty thousand dollars.

12 MR. CARR: And the proposed rent is eighteen
13 hundred a year? That is quite a bargain.

14 MR. HESS: Well, the existing obligations now are
15 eighteen hundred a year. In addition, Redrock propose to
16 lease this portion at the same rate per square acre as this
17 land here was rented.

18 MR. HORTIG: The total rental is larger than that.

19 MR. KETTENHOFFEN: It would be about four or five
20 thousand dollars a year. It is my understanding the State
21 Lands Commission is leasing only the ground under fifteen feet
22 of water. The improvements were condemned.

23 MR. CARR: Who owns this?

24 MR. KETTENHOFFEN: We will own it.

25 MR. CARR: Is this an outright purchase or is this
26 a lease?

1 MR. KETTENHOFFEN: No, this is a lease.

2 MR. CARR: And who are you leasing it from?

3 MR. KETTENHOFFEN: We are taking it over from the
4 Wells Fargo Bank.

5 MR. CARR: Do the Wells Fargo Bank own it?

6 MR. KETTENHOFFEN: They own the land, the upland.

7 MR. HESS: Perhaps I can straighten it out. The
8 only thing that the State has fee to is this little strip
9 here and the State Lands Commission

10 GOV. ANDERSON: We also have the ownership of the
11 leases because we condemned this when we took this over for
12 building the bridge, we took over the ferry.

13 MR. HESS: These leases are all assigned to the
14 Department of Public Works and what has been proposed and
15 has been done so far and what you see in color here is an
16 assignment of the lease-interest of the Department of Public
17 Works and the only thing Redrock Marina wants is this little
18 tiny piece over here.

19 MR. CARR: What are they paying for that?

20 MR. HESS: They are taking the obligation of paying
21 the rent for some twenty-odd years at the rate of seventeen
22 hundred a year.

23 MR. CARR: And this has been thrown in?

24 MR. HESS: And this little piece of land is thrown in.

25 MR. CARR: And that little piece of land is how
26 big -- 100 feet by 642?

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MR. HESS: Under about fifteen feet of water.

MR. CARR: No, I wouldn't approve this today. You are in business now over there, are you?

MR. FARROW: No, we can't

MR. CARR: Don't you have some other facilities there that you are presently operating?

MR. FARROW: No. There has been a considerable amount of money spent in preparing this.

MR. CARR: I am not in favor of this, are you?

MR. CRANSTON: You know more about this than I do.

MR. FARROW: It, of course, has been looked into by the Department of Public Works.

MR. CARR: Well, it hasn't by the State Lands Commission, apparently.

MR. CRANSTON: Frank, you are handling this. Do you have any knowledge of this?

MR. HORTIG: No sir. The staff recommendation, of course, is predicated upon the Department of Public Works' request that they be relieved of this obligation by having an assignee to whom they propose to assign.

MR. CARR: Public Works is paying how much?

MR. HORTIG: \$1870.36. They have requested approval to assign the lease. The fact that they had a potential customer, an assignee; the fact that the project has not brought forth any recommendations by Small Craft Harbors Commission -- to that extent the staff recommendation

1 was that the Commission approve these assignments. The
2 specific objections raised by Director Carr are over and
3 beyond anything that the staff has reviewed or could possibly
4 recommend on.

5 MR. CARR: Do I read this correctly that this is
6 100.0 feet -- 100 by 642?

7 MR. HESS: I might add that Mr. Tooker of the Los
8 Angeles office came up before this was reviewed and appraised
9 it.

10 MR. KETTENHOFFEN: Yes. I think if I interrupted a
11 moment, the true position here today is to approve assignment
12 of the leases in effect and the new lease. The only thing in
13 issue today is the brown and this little spot here.

14 MR. CARR: (Indicating on map) What has this to
15 do with it?

16 MR. FARROW: That has nothing to do with it. That
17 is a fee title in the Department of Public Works.

18 MR. CARR: I thought somebody just told me this was
19 taken in as a bonus.

20 MR. FARROW: It doesn't affect the State Lands Commis-
21 sion.

22 MR. KETTENHOFFEN: That's a separate piece of property

23 MR. FARROW: ... and over which the State Lands Com-
24 mission has no interest at all of any sort.

25 MR. HORTIG: That is technically correct from the
26 title standpoint and it is solely under the disposition of the

1 Department of Public Works.

2 MR. CARR: Where is the shoreline?

3 MR. HESS: The shoreline is over here.

4 MR. CRANSTON: Which is the parcel on which the
5 rental would be \$1870?

6 (This was pointed out on map)

7 MR. CARR: You just stated the only thing that was
8 involved in this \$1800 rental is the white area that appears
9 to be water. Is it true you also get these piers?

10 MR. KETTENHOFFEN: That is under a different rental.

11 MR. FARROW: Under this assignment from the Department
12 of Public Works we will now pay the rent on this area. Right
13 now the Department of Public Works itself have been renting
14 this. We will now pay that if we assume the assignment, by
15 paying \$1700 a year. In addition, we would like this addition
16 from the State Lands Commission at \$264 per acre a year.

17 MR. HORTIG: Well, that's the total rental, isn't it?

18 MR. KREFT: \$264.55 per acre.

19 MR. CARR: We have a long agenda. I would move we
20 set this over one meeting or we set it over to the end of the
21 agenda and see if we have time.

22 MR. CRANSTON: Yes, you can move to bring it up at
23 the end of the agenda if you wish.

24 Item (m), Shell Oil Company; item (n), Lindsey
25 Spight, doing business as Diablo Communications Center....

26 MR. HORTIG: Mr. Chairman, might we refer back to

1 item (m) for a supplemental report? You went by there rather
 2 rapidly. The noted counties offshore from which the proposed
 3 submarine geophysical exploration would be conducted, all
 4 noted counties, were notified of the pendency of this request
 5 and statements of nonobjection to the conduct of such opera-
 6 tion have been received from Marin, Mendocino, Monterey,
 7 Santa Cruz, and San Luis Obispo. The receipt of the notice
 8 was acknowledged by the County of San Francisco without any
 9 comment; and Santa Barbara similarly noted receipt of the
 10 notice, did not offer any objections, asked for additional
 11 specific descriptions where operation is to be performed and
 12 this has been furnished to the County of Santa Barbara.

13 In other words, we have not been in receipt of a
 14 single objection to this operation from any of the counties
 15 listed in this item.

16 GOV. ANDERSON: There is no one that has made any
 17 objection to this and they all knew this was coming up?

18 MR. HORTIG: Yes sir.

19 MR. CRANSTON: And, finally, we have Lindsey
 20 Spight. That concludes the items under number 2 and a
 21 motion is in order to approve all with the exception of (1).

22 GOV. ANDERSON: I'll move all the items with the
 23 exception of item (1), Redrock Marina.

24 MR. CARR: I'd like to ask a question before we
 25 vote, Mr. Chairman. On (n) and (o), what is involved in the
 26 lease for the operation of mobile transmission and receiving

1 station? If it's mobile, why do they need a lease?

2 MR. HORTIG: Possibly a stenographic translation
3 for the desirability of placing on Mt. Diablo a fixed station
4 in conjunction with mobile field units.

5 MR. CARR: Would this tie in with existing opera-
6 tions on Mt. Diablo?

7 MR. HORTIG: Yes, and also operations on each of
8 these have been cleared by the Division of Communications of
9 your Department of Finance.

10 MR. CARR: I am familiar with the fixed installa-
11 tions up there but I was wondering about the "mobile."

12 MR. HORTIG: This is simply a base station under
13 an existing lease to service other mobile equipment in the
14 field.

15 MR. CARR: I second the motion.

16 MR. CRANSTON: All in favor say "aye." (Unanimous)
17 Opposed, none. Unanimous.

18 We go then to Item 3 -- City of Long Beach projects.
19 Item (a) -- Addition No. 1 to Roads and Streets project;
20 (1) Pico Avenue, second phase. Is there any comment on that?

21 MR. HORTIG: As the Commission will recognize be-
22 cause of the reference to "second phase" on both items (1)
23 and (2) now being considered, this necessarily means the
24 requisite advance approval to actually get into operations
25 on projects for which the Commission has previously given
26 advance approvals for the necessary preliminary study, bid

1 preparation work, and so forth. The items herein estimated
2 as necessary to complete the projects are again being requested
3 to be approved, subject to the standard conditions that the
4 amount of subsidence cost ultimately to be allowed will be
5 determined by the Commission upon an engineering review and
6 final audit subsequent to the time when the work under any
7 of these items is actually completed.

8 MR. CARR: Did anybody hear from Long Beach object-
9 ing to the approval of these? (Laughter)

10 MR. CRANSTON: Does anyone wish to be heard in
11 opposition to these items? (No response) Apparently not.

12 MR. CARR: I move approval.

13 GOV. ANDERSON: Second.

14 MR. CRANSTON: Without objection, unanimously
15 approved. So ordered.

16 Item 4 is authorization for Executive Officer to
17 give advance consent to agreement amending and supplementing
18 contracts for sale of natural gas between Board of Harbor
19 Commissioners of the City of Long Beach and Lomita-Signal-
20 Wilmington Associates, Fault Blocks II and III, Wilmington
21 Oil Field.

22 MR. HORTIG: As the Commissioners will recall,
23 Fault Blocks II and III have been through a series of contrac-
24 tual agreements approved by the Lands Commission insofar as
25 required under Chapter 29 of the Statutes of 1956 -- first, a
26 series of cooperative agreements under which operations were

27

1 initiated in Fault Blocks II and III for pressure restoration
2 which agreements were superseded by unit agreements for unit
3 operation of Fault Blocks II and III, which were also approved
4 by the Lands Commission; and the net result of these contractual
5 changes has been the requirement that there be amendments to
6 the natural gas purchase contracts in existence for delivery,
7 or covering delivery of natural gas from Fault Blocks II and
8 II because delivery simply cannot be conducted precisely in
9 the manner originally contemplated in the contract prior to
10 the time there was a unit plan for operating the field.

11 The proposals to amend and the necessity for the
12 amendment have been reviewed by the staff and the office of
13 the Attorney General has advised that the Commission may
14 approve these amendments in its discretion and give its
15 advance consent to this amendatory agreement; and, therefore,
16 it is recommended that the Commission authorize the approval
17 of the cited natural gas purchase contracts between Long
18 Beach Oil Development Company - - involving operations of
19 the Long Beach Oil Development Company and also involving the
20 Board of Harbor Commissioners and the Lomita-Signal-Wilmington
21 Associates, who are the actual purchasers of the gas when
22 delivered. There are no objections.

23 MR. GRANSTON: Without objection, unanimously
24 approved.

25 (Gov. Anderson left the meeting for a short time
26 at this point)

1 MR. CRANSTON: Item 5 -- approval of entry into
 2 unit agreement and unit operating agreement, Fault Block II,
 3 Wilmington Oil Field, by City of Los Angeles Harbor Department
 4 and in behalf of the State pursuant to Section 7060(b) of the
 5 Public Resources Code.

6 MR. HORTIG: Again, as a supplement to your necess-
 7 ary condition of completing the entire program for unit opera-
 8 tions in Fault Blocks II and III-- which the Commission by
 9 the approval of the previous item has completed all the necess-
 10 ary approvals as required on behalf of the City of Long Beach
 11 and its contractors -- the operation of Fault Blocks II and
 12 III also exists within the city limits of Los Angeles and we
 13 have here before the Commission a recommendation that the Com-
 14 mission approve in a similar manner and for identical purposes,
 15 on behalf of the area within the City of Los Angeles, the unit
 16 agreement and unit operating agreement for Fault Block II --
 17 excuse me, I misspoke earlier and included Fault Block III
 18 in this discussion; it should have been restricted to Fault
 19 Block II -- relating to that portion in the City of Los
 20 Angeles in the identical manner which has been approved for
 21 the City of Long Beach operation before.

22 MR. CARR: Move approval.

23 MR. CRANSTON: It has been moved by Mr. Carr and
 24 seconded by myself, and so ordered.

25 Item 6 -- authorization for Executive Officer to
 26 request Office of Attorney General to take necessary legal

1 action to reconfirm the boundary line between State-owned
2 tidelands and the Kent Estate on the ocean side of the
3 Bolinas Sandspit, Marin County.

4 MR. HORTIG: Mr. Chairman, I believe for the sake
5 of being certain that all understand the elements involved
6 here, I should summarize that basically the problems involved
7 with respect to the boundaries of the Bolinas Sandspit are
8 questions that are of particular local interest. Because of
9 that local interest and the fact that there is existing on
10 the beach a fence, which is contended to be a public nuisance
11 by some people and, of course, exactly the converse by the
12 people who erected the fence, we understand that the District
13 Attorney of Marin County has been ordered by the Board of
14 Supervisors to abate this fence as a public nuisance.

15 Strictly, legally and also hypertechnically, the
16 fence constitutes a trespass on State lands of the State,
17 but the fact as to whether or not it is an objectionable one
18 as such is primarily a local problem.

19 In connection with the proposal to abate this fence
20 as a public nuisance in Marin County, we have been informed
21 by the owners of the said fence, the William Kent Estate,
22 that the contention would be made that the fence is not, in
23 fact, on public lands and is on privately owned lands of the
24 Kent Estate Company. Therefore, following conferences with
25 representatives of the William Kent Estate Company, the
26 District Attorney of Marin County, and complete review by the

1 office of the Attorney General, the office of the Attorney
2 General indicated that, in the event the State's title to
3 these particular lands was to be questioned in an action
4 brought by the District Attorney of Marin County, it appeared
5 preferable that the State be represented in order that the
6 court could be fully informed as to the State records and the
7 State's legal contention as to the ownership of the property;
8 and, therefore, it is recommended that the Commission author-
9 ize the Executive Officer to request the office of the Attorney
10 General to take whatever legal action is necessary to reconfirm
11 the boundary line between State-owned tidelands and the Kent
12 Estate on the ocean side of the Bolinas Sandspit at the
13 ordinary high water mark if such action is necessary as the
14 result of the legal proceedings proposed by the District
15 Attorney of Marin County to have the William Kent Estate Co.
16 remove that portion of the fence erected waterward of the
17 present ordinary high water mark.

18 Mr. McCarthy is here this morning representing the
19 Kent Estate Co.

20 MR. McCARTHY: Mr. Chairman and members of the Com-
21 mission - I assume it is satisfactory to remain seated, is
22 that correct? - - I do believe there are certain facts (I am
23 not here to argue law) that this Commission should know before
24 it takes any action, particularly the one requested by the
25 Executive Officer. Now, I conservatively estimate that if I
26 would have the permission it would take approximately fifteen