

1 MR. CHAMPION: Outside of your protest, you never
2 discussed it with the party to get exact knowledge of his
3 project?

4 MR. LEACH: Not to my knowledge.

5 MR. CHAMPION: It would seem to me that would be
6 the initial setup.

7 GOV. ANDERSON: Yes, but it is also our part to make
8 sure there is some contact back and forth on something as im-
9 portant to all of us as wildlife.

10 MR. CHAMPION: Is there anything further, Mr. Leach?

11 MR. LEACH: No, sir.

12 MR. CHAMPION: Mr. Gardiner?

13 MR. GARDINER: The only further thing I would add is
14 that filed with the application, of course, was a diagram indi-
15 cating the kind of development. That diagram indicates more
16 than thirty per cent of the acreage would be dredged. There
17 is no secret of the kind of development planned. I submit
18 on thirty acres which are largely accreted, if you are going
19 to dredge out fifteen, you are going to increase the net total
20 waterways.

21 (Mr. Cranston returned to meeting)

22 GOV. ANDERSON: Up until this meeting you have had
23 no further contact?

24 MR. GARDINER: Yes, sir.

25 GOV. ANDERSON: Frank, I am a little confused.

26 When we have a protest like this since January, what do we do --

1 just let it hang there?

2 MR. HORTIG: We continue to discuss with the divi-
3 sion as to whether or not they can resolve their problem on
4 the protest. As of October 28, 1963, for example, we were
5 furnished copies of discussions which the Department of Fish
6 and Game and the U. S. Fish and Wildlife Service had had on
7 this very problem and which they had referred to the District
8 Engineer.

9 GOV. ANDERSON: With this company?

10 MR. HORTIG: No sir, between themselves as to the
11 proposed operation by this company, which discussions they
12 furnished to the U. S. Corps of Engineers as a basis for not
13 issuing the dredging permit; but the Army Corps of Engineers,
14 on evaluation, proceeded and did issue the dredging permit.

15 GOV. ANDERSON: I would think that there should be
16 a contact between the applicant and our Division to work out
17 some of these things that might be worked out. Again, until
18 we get it in front of us, the public access is one thing.....

19 MR. HORTIG: I would agree with you, and we had
20 assumed -- obviously not a correct assumption -- that Fish
21 and Game having protested and, as I understood, having involved
22 the U. S. Fish and Wildlife, in a three-corner discussion with
23 the U. S. Corps of Engineers, that they had discussed this
24 operation with the applicant.

25 GOV. ANDERSON: Had the applicant been advised of
26 the Fish and Game protest?

1 MR. HORTIG: Yes, sir.

2 GOV. ANDERSON: Had it been suggested they get in
3 touch with them?

4 MR. HORTIG: Not in so many words. The logical assump-
5 tion would be that Fish and Game would be contacted because of
6 the protest.

7 MR. CHAMPION: I see Senator Rattigan has arrived.
8 Senator, would you care to speak on this subject at all?

9 SENATOR RATTIGAN: Thank you, Mr. Chairman. Since
10 I did just arrive, I have to ask: Is this the dredging com-
11 pany application?

12 MR. CHAMPION: Yes. Both parties have made their
13 presentations and the present discussion revolves around the
14 fact that apparently there has never been a direct discussion
15 between the Department of Fish and Game and the dredging com-
16 pany on a resolution. There has been some suggestion from
17 Fish and Game that something might be worked out, although it
18 is pretty cloudy how it could be worked out.

19 SENATOR RATTIGAN: That goes directly to what I had
20 hoped might materialize. As a matter of record, there is a
21 complete conflict between the applicant and the Department of
22 Fish and Game. When I received the notice of this hearing
23 which referred to two pieces of correspondence, I obtained
24 copies of the correspondence from the Department of Fish and
25 Game, one of which sets forth its objections -- which, on
26 their face, appear to me to be very well taken; and it occurred

1 to me that perhaps they could discuss the matter and arrive
2 at a mutually acceptable solution.

3 I certainly don't want to contribute to delaying it
4 but insofar as it involves my district, we have a very import-
5 ant set of commercial assets on one side and a very valuable
6 recreational interest on the other.

7 MR. CHAMPION: Let me ask Mr. Gardiner -- Is there
8 any pressing reason why we should^{not}/delay this until such
9 conversations take place?

10 MR. GARDINER: I don't see any reason why it can't
11 be done. As you indicated a while ago, the room for negotia-
12 tion doesn't seem to be very good. The nature of this devel-
13 opment is pretty clear. Actually, we have assumed this is
14 simply a part of the whole Fish and Game and Conservation
15 opposition to development of the tidelands. We didn't think
16 there was any point in contacting them.

17 MR. CHAMPION: I think in light of the discussion
18 this morning it might be. We are not going to try to set a
19 new policy for the State of California ourselves, but if
20 there is any possible compromise that can be made, we would
21 like to see it.

22 MR. GARDINER: Is the representative of Fish and
23 Game here?

24 MR. LEACH: Yes.

25 MR. GARDINER: I'd like to know if they have any-
26 thing in mind. We might as well discuss it. If they are

1 going to oppose it, we might as well get it over.

2 MR. CHAMPION: I think the indication from Mr.
3 Shannon is they might, and we would like to defer it for one
4 month in order to see if anything might be done.

5 MISS HILTON: Gentlemen, I might point out to you
6 the reason under which Fish and Game was contacted comes under
7 Section 6818, Public Resources Code: "All applications to
8 the Commission ***** for depositing thereon or removal there-
9 from of any material shall be submitted by the Commission to
10 the Director of Natural Resources to make an examination and
11 report concerning possible interference with the recreational
12 use of lands littoral to the tidelands or submerged lands in-
13 volved in such application. ***** Should it be found by the
14 Commission that the action proposed in any such application
15 would unreasonably interfere with the maintenance or use of
16 the lands involved for recreational purposes or protection of
17 shore properties, such application shall not be granted unless
18 modified in a manner which may avoid such interference."

19 That's the standard that they are seeking -- the
20 recreational purpose or protection of the shore property.

21 MR. CRANSTON: Mr. Chairman, I move the matter go
22 over one month, with the hope expressed by the Commission
23 that the parties will negotiate at once.

24 MR. CHAMPION: I think what was said here provides
25 a clue to this -- the matter of public access, the matter of
26 anything specific as being of damage to fish and wildlife.

1 I don't think there is anything of record. Perhaps this
2 matter of public access might be discussed.

3 MR. GARDINER: We will discuss it with them.

4 GOV. ANDERSON: I'll second it.

5 MR. CHAMPION: Any further question or comment?

6 (No response) The motion stands approved unanimously.

7 Anything further to come before the Commission.

8 MR. HORTIG: Confirmation of the next meeting, which

9 should be Wednesday, April 29th, ten o'clock, in Sacramento.

10 It has been cleared with all your individual calendars.

11 MR. CHAMPION: That, then, will be the time and

12 place of our next meeting.

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14 ADJOURNED 11:50 a.m.

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CERTIFICATE OF REPORTER

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I, LOUISE H. LILLICO, reporter for the Office of Administrative Procedure, hereby certify that the foregoing fifty pages contain a full, true and correct transcript of the shorthand notes taken by me in the meeting of the STATE LANDS COMMISSION held at Sacramento, California, on March 26, 1964.

Dated: Los Angeles, California, April 7, 1964.

Louise H. Lillico