curtailed but will be augmented. If it is augmented, they will have a navigable waterway with forty feet of clearance from Sonoma Creek -- from the Bay of San Pablo to Sonoma Creek.

MR. HORTIG: Mr. Chairman, may the record show that this application from the Division of Highways was processed in the normal manner and on report from the Division of Highways that the Division has a permit dated December 24, 1963 from the U. S. Corps of Engineers -- which, in fact, was also referred to by Supervisor Vella; and it is in this permit that the determination was made and the authorization was granted as to the vertical clearance of the bridge.

The issuance of a permit for an easement by the State Lands Commission, of course, does not determine whether or not there be an impairment of navigation. This is a matter that is under the jurisdiction and control of and is determined by the United States Corps of Engineers, who previously -- and, again, as Supervisor Vella indicated -- under different circumstances have already made a determination and issued an authorization for construction of a bridge at this location.

Therefore, the only matter that is before the State Lands Commission as such is the issuance of the underlying easement upon which the Division of Highways would construct the authorized bridge.

The representatives of the Division of Highways are also here this morning if the Commission would wish to hear

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the position of the Division of Highways with respect to this particular application.

GOV. ANDERSON: Were you aware of this controversy before this moment?

MR. HORTIG: Well, yes, as of Tuesday of this week, tentatively that there might be a controversy.

GOV. ANDERSON: So your recommendation was made after and with the knowledge that there was this opposition of the County, or before?

MR. HORTIG: No sir; it was before.

GOV. ANDERSON: Would it have changed your recommendation?

MR. HORTIG: Well, not having all the facts before us yet and this being the first opportunity to get all the facts both from Sonoma County and the Division of Highways, we couldn't say whether there would have been a change in our recommendation because we haven't been given the opportunity to hear all these facts previously.

MR. VELLA: Mr. Chairman, may I respectfully point out that the gentleman is absolutely correct as far as it went, but that facts change and situations change very rapidly in our particular day and age. As you well know, we are sending Marines into the Dominican Republic. We feel - - this is the reason I am up here. The County Board of Supervisors of Sonoma County respectfully wish to bring more facts, not only before the State Lands Commission but also the Highway Division.

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We feel this is the place to begin, at least by protocol; and our able State Senator Rattigan suggested this protocol, and this is why we are asking here.

Consequently, we are asking no action by your Commission until all parties have had an opportunity to resolve these aforementioned differences. We don't feel this is going to be a deprivation in any way. Certainly if the facts don't sustain themselves, we will take our hats off and say we are sorry. However, we expect exactly the same sort of return if we are right. This is why we are up here -- to bring some facts to your attention that we feel have not been brought before, and likewise to the Division of Highways.

GOV. ANDERSON: What would happen if this were delayed to the next meeting? Would this delay their program?

MR. HORTIG: This, of course, the Division of Highways could comment on; and their Project Chairman is here today. I think we should have an answer from him.

GOV. ANDERSON: Are there any questions to the Supervisor before we ask for the representative of the Division of Highways? (No response)

There is a representative of the Division of Highways?

VOICE: Yes, sir. There is a representative of the Highway Department and of the Design Department.

GOV. ANDERSON: Who would like to answer the question: If we delayed this to the next meeting, would this hurt

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your project?

MR. MOFFATT: Yes, it would. Would you like me to come up?

GOV. ANDERSON: Yes.

MR. MOFFATT: I am Charles Moffatt. I am the District Design Engineer for District 10, Division of Highways and this happens to be one of our budgeted projects for this fiscal year. You asked the question whether this would delay the project. Yes -- because we, of course, need the right-of-way to construct the bridge.

I might add also that the present bridge is in a very critical condition and it is becoming increasingly difficult to maintain it; and it could, in my opinion, fall at any time, which would mean a detour through Napa for traffic on Highway 37. This is the main urgency -- the critical condition of the present bridge.

GOV. ANDERSON: How mush would this delay your project? Usually right-of-ways can be delayed a month or so without upsetting you too much, unless you have waited until the last minute to make the application.

MR. MOFFATT: Will the bridge fall down in the next month? I don't know.

MR. VELLA: May I speak to that question, Mr. Chairman? I would point out that on February 5, 1965, a clipping from the San Francisco Examiner points out that a barge in the mud blocks the Sears Point Highway bridge. This

did happen and I might point out it did happen because there has been no dredging in this particular area for some time, plus the floods which I know you know hit us -- we have some $899,000 flood damage pending in our present budget. And one of the reasons I feel these barges got stuck in the mud was the fact that there wasn't any dredging in the area, and the flood control did not dredge, and I would submit the forty-foot bridge would allow passage. This would probably save the life of the bascule bridge. This has been standing up critically from 1963 and I think for one month, if I have to talk personally to the Mayor, who is a contractor down there, we will assure you it will stand up for another month.

I would also point out, as you did, if this right-of-way action was taken at the last minute, certainly this isn't going to affect it.

I would also point out, since this is from the Solano side, you might allow section (b) here and then we will go into the rest of it later. I am not being facetious. I feel this can be resolved and, as I said, Senator Rattigan said this is the place to request solution.

MR. CRANSTON: Mr. Chairman, I move we put the matter over one month, until we can get additional facts on the matter.

MR. SHEEHAN: Second.

GOV. ANDERSON: Moved and seconded.

MR. CRANSTON: I move approval of all the other items.

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GOV. ANDERSON: All other items except (c) are moved; and seconded?

MR. SHEEHAN: I'll second it.

GOV. ANDERSON: Carried unanimously.

Item 3 is permits, easements, leases, and rights-of-way issued pursuant to statutes and established rental policies of the Commission:

Applicant (a) Gene Celli -- Ten-year renewal of Lease P.R.C. 494.1, 1.05 acre tide and submerged lands of the Sacramento River, Sacramento County, at minimum commercial rate rental of $150 a year.

Applicant (b) Decon Corporation -- Fifteen-year lease, 1.344 acres tide and submerged lands in Sunset Bay, Orange County, annual rental $4,844.58. (For construction of 92 small-boat slips.)

MR. CRANSTON: I'd like to ask one question about that. How automatic are the renewals indicated?

MR. HORTIG: They are upon such reasonable terms and conditions as the State may prescribe at the time of application for renewal.

MR. CRANSTON: If there is any feeling that better use may be made of that area at that time, would we have the right not to renew?

MR. HORTIG: In view of the control over the terms and conditions that might be assigned to it, the practical effect and answer is yes.

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MR. CRANSTON: That is the only question I have.

GOV. ANDERSON: Where is the reference to the renewal in the recommendation?

MR. HORTIG: The last three lines of the second paragraph of the item on page 11.

GOV. ANDERSON: That would be three ten-year renewal options?

MR. HORTIG: Yes, sir.

GOV. ANDERSON: How much freedom do you have in review of those options at that time?

MR. HORTIG: Complete control on review.

GOV. ANDERSON: You can change the rate or anything you want at that time?

MR. HORTIG: Yes, sir -- as long as they are reasonable terms and conditions.

GOV. ANDERSON: As of that time?

MR. HORTIG: As the State might then impose in the judgment of the Lands Commission, as of the conditions that pertain at that time.

MR. CRANSTON: This would include the possibility of some other use of that area, if that seemed to be in the best interest, would you say?

MR. HORTIG: Again, I am having difficulty in evaluating all possibilities; but other modifications and other possibilities because the public interest required a higher and better use would certainly be a matter for

consideration by the State Lands Commission; and to the degree that such changes and conditions were still reasonable in the light of the circumstances and the judgment of the Commission, these would be authorized.

GOV. ANDERSON: Does the lessee understand this, then, as you understand it -- that they really have a fifteen-year lease with a first chance of taking a look at it at that time; or do they think they have three ten-year options, as most leases have, where you pick it up at the same rate?

MR. HORTIG: To be certain of the lessee's understanding, the Chairman of the lessee is here this morning, would you consider directing this question to him?

GOV. ANDERSON: I didn't know he was here.

MR. KRUEGER: Mr. Chairman, Robert Krueger, representing Decon Corporation. We do indeed understand that the firm period of this lease is fifteen years, and when time comes for renewal the State may consider its position and exact such rental or, as it deems best, terminate the lease.

GOV. ANDERSON: Applicant (c) Mr. and Mrs. Al Eames -- Ten-year permit for construction and maintenance of floating cabin site, 0.086 acre tide and submerged lands of Georgiana Slough, Sacramento County, annual rental $65.

MR. CRANSTON: I'd like to ask about that item, also. I haven't noticed items like this. Is this a fairly common practice?

MR. HORTIG: No, it is not. It is unusual, it is

unique, and, as a matter of fact, we explored rather thoroughly with all county agencies that might have any control, either from the standpoint of planning, public health and otherwise, whether they had issued a permit authorizing this type of occupancy -- and the county did.

MR. CRANSTON: It is consistent with local zoning, then?

MR. HORTIG: Yes, sir.

MR. CRANSTON: Did we check as to navigational problems?

MR. HORTIG: Yes, and this has also been cleared with the U. S. Army Corps of Engineers as not constituting a navigation hazard at the location at which it is proposed to be constructed.

GOV. ANDERSON: I was trying to construct in my mind how big an area that would be. Is the area about the size of the cabin itself?

MR. HORTIG: No. That is the amount of water area in the bed of the slough it occupies.

GOV. ANDERSON: How big is that?

MR. HORTIG: I am doing a rapid calculation. It is about one hundred feet out into the waterway and about fifty feet wide, as you can see from the Exhibit A following page 12, Governor. Actually, it is seventy-five feet into the waterway from the high water mark and a total width of fifty feet.

GOV. ANDERSON: Wouldn't that be a lot more than .086 of an acre? .086 of an acre is a pretty small piece of ground.

MR. HORTIG: This is right.

GOV. ANDERSON: And the plot that you describe is more like a third of an acre.

MR. HORTIG: Well, a tenth of an acre is 4,356 square feet; and seventy-five times fifty is 3750 square feet; so this is less than a tenth of an acre.

GOV. ANDERSON: Applicant (d) Hastings Farms -- Fifteen-year lease, 1.37 acres tide and submerged land in Lindsey Slough, Solano County, annual rental $72.82. (For a bridge joining Hastings Island Tract and Egbert Tract.)

MR. HORTIG: Mr. Chairman, it is requested that this item be deferred to the next meeting.

GOV. ANDERSON: Applicant (d), then, will be deferred to the next meeting, no objection.

Applicant (e) is Mrs. Percy Louise Jebsen -- One-year extension of Prospecting Permit P.R.C. 2972.2, 160 acres State School land, San Bernardino County.

Applicant (f) George W. Ladd -- One-year renewal of Lease P.R.C. 400.1, 2.3 acres submerged lands of San Joaquin River, rental $280.80. (Used for floating boat sheds and marine ways).

Applicant (g) Pacific Gas and Electric Company -- Fifteen-year easement, 0.515 acre tide and submerged lands,

Calaveras River, San Joaquin County, total rental $512.40. (For construction, operation and maintenance of overhead power transmission line.)

MR. CRANSTON: I'd like to ask about that item. Is there a possibility of putting that underground?

MR. HORTIG: There would be a possibility of putting it underwater, but the line lays extensively over surface and authorized to run over private property overhead on both sides of the river crossing, which is a very narrow crossing of the Calaveras River -- which would result in the physical picture consisting of a tower on each side of the Calaveras River anyway, with overhead transmission lines coming to the river and running down below.

MR. CRANSTON: Are there presently towers coming right to the river?

MR. HORTIG: There are presently towers in the general area and this would be an extension of the existent line going through the farming community, and this is intended to provide service which is desired by the occupants of Schenkel's Island.

GOV. ANDERSON: I understood it was going over a country club and individual homes.

MR. HORTIG: No. It adjoins the Stockton Golf and Country Club property.

GOV. ANDERSON: Not over private homes? Isn't it new lines coming in?

MR. HORTIG: Adjoining a subdivision, but over a right-of-way of the Pacific Gas and Electric Company. It does not go over homes as such. It is on a transmission right-of-way for the power which these transmission lines transmit and industrial safety regulations require clearance beneath the lines, similar to the lines going down parallel Century Boulevard, a wide right-of-way on which there are homes on both sides, and certainly no lines go over the homes.

MISS KIMBALL: Would the towers have to be seventy-five feet in any case?

MR. HORTIG: No. The towers are determined by the safety laws. There are industrial accident specifications.

MISS KIMBALL: But regardless, they would have to be seventy-five feet high?

MR. HORTIG: To meet the design requirements for this proposed line, yes. In other words, the overhead line would come in on towers of this height, whether the transmission was to cross the river overhead or go under the river.

GOV. ANDERSON: Where are we at the present time on our request for a sort of long-range policy statement from our Division on this particular question? It seems to me we can't ever start this thing and stop it. You have lines going up so far and can't stop it. You have to stop somewhere. Here it looks to me like the type of thing we want to correct.

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