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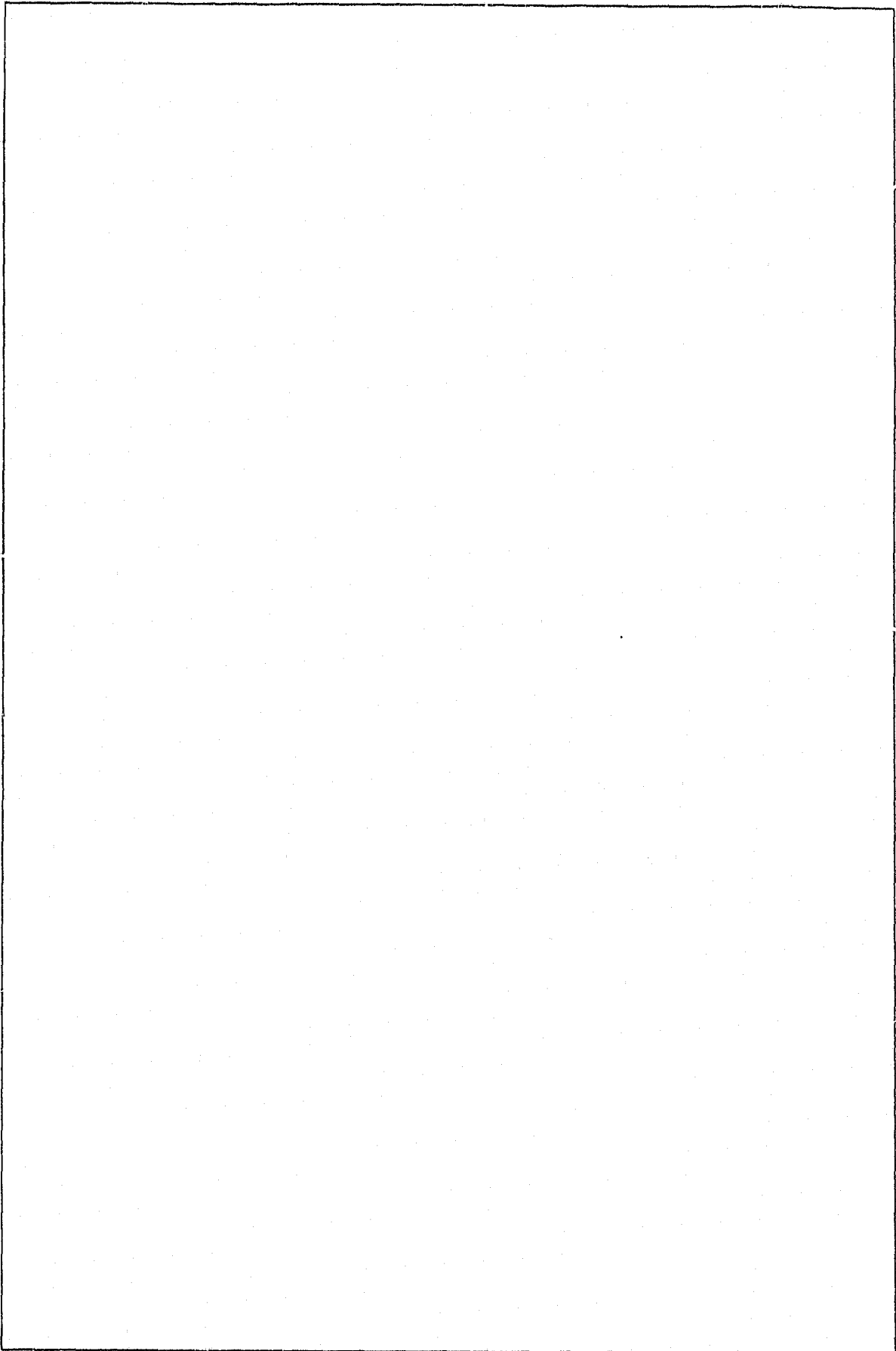
MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

CITY COUNCIL CHAMBERS
330 W. 20th Avenue
San Mateo, California

TUESDAY, JULY 26, 1977
10:00 A.M.

ORIGINAL

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MEMBERS PRESENT

1
2 Mr. Kenneth Cory, State Controller, Chairman
3 Mr. Roy Bell, Director of Finance, Commissioner
4 Ms. Betty Jo Smith, Alternate

MEMBERS ABSENT

5
6
7 Mr. Mervyn M. Dymally, Lieutenant Governor

STAFF PRESENT

8
9
10 Mr. R. S. Golden, Assistant Executive Officer
11 Mr. Robert C. Hight, Chief Counsel
12 Mr. William F. Northrop, Executive Officer
13 Mr. N. Gregory Taylor, Assistant Attorney General
14 Mr. James F. Trout, Manager, Land Operations
15 Ms. Diane Jones, Secretary

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1 The second item, Mr. Chairman, is in regard to
2 the tax on the Long Beach oil properties by the Long Beach
3 County Assessor. Instead of using crude oil prices being
4 paid on the lien date, an estimated future crude oil price
5 level is being established. This level is probably twice the
6 current price, but we feel we must take some action on this.

7 So I bring it to your attention to see what we
8 can do with it.

9 COMMISSIONER BELL: Mr. Chairman?

10 CHAIRMAN CORY: Mr. Bell.

11 COMMISSIONER BELL: It's obvious to me from seeing
12 the charts and looking at the assessor's I guess you'd say
13 initial appraisal, or whatever it is, that there just is no
14 rhyme or reason to what he charges.

15 I would certainly recommend that the Chairman
16 instruct the Executive Officer to get together with the
17 Los Angeles assessor, see if he can work out some more
18 reasonable tax approach toward this possessory interest
19 problem or whatever he's charging the state, and report
20 back at our August meeting. Because I think it is so
21 outrageous that if we don't get this adjusted, I would suggest
22 that the Commission take legal action.

23 MR. NORTHROP: Thank you.

24 CHAIRMAN CORY: I don't have any problems with
25 that. Betty?

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1 I think you should proceed, and at least for
2 our own point of view, I think we should keep in mind that
3 my recollection is that that thing can be alleviated by a
4 statutory change. They don't have a constitutional right
5 even to charge that tax. If they want to get too carried
6 away, there might be a way in one of the tax reform programs
7 to solve that problem, so that the man ought to negotiate
8 from some reasonableness.

9 COMMISSIONER BELL: And since the Legislature is
10 still here until September 15th, maybe we can get a favorable
11 report back in August.

12 CHAIRMAN CORY: And if not --

13 MR. NORTHROP: That completes my report, Mr.
14 Chairman.

15 CHAIRMAN CORY: Thank you.

16 The Assistant Executive Officer has a word for us.

17 MR. GOLDEN: Yes, a very short report, Mr.
18 Chairman. Last Thursday the San Francisco Bay Conservation
19 Development Commission passed a resolution commending both
20 the State Lands Commission and Westbay Community Associates
21 for reaching a resolution of the proposed partial settlement,
22 which is on our calendar today, and are urging our adoption
23 of this today.

24 In addition, the Coastal Commission staff and the
25 staff of the Attorney General's Office and our staff are

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1 working conscientiously to plan, to sort out our varied
2 responsibilities under the Public Trust Requirements, both
3 of the Coastal Act, and our continuing responsibilities
4 under the Public Trust.

5 We should be reporting back to you before too long
6 on where we are on that.

7 CHAIRMAN CORY: Okay. Any questions from members?

8 COMMISSIONER BELL: I have no questions.

9 CHAIRMAN CORY: Thank you.

10 The next item on our agenda are the consent
11 calendar items C1 through 17.

12 Is there anyone in the audience who wishes to
13 address the Commission on any of these items, C1 through 17?

14 MR. HIGHT: Mr. Chairman?

15 CHAIRMAN CORY: Yes.

16 MR. HIGHT: On item C15, W21223, we would like to
17 remove that one for this month.

18 CHAIRMAN CORY: Item C15, John C. Vilicich.

19 Okay. That item is removed from the calendar.

20 Are there any other corrections, any questions from members
21 of the Commission?

22 Without objection, the consent calendar items
23 C1 through 17 will be approved -- or accepted as presented.
24 The 17th item is an informational item that is on the calen-
25 dar.

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1 Item 18, a request for approval of partial
2 settlement of pending litigation in South San Francisco Bay.

3 MR. NORTHROP: Mr. Chairman, Mr. Trout from our
4 staff will be making a presentation on this.

5 MR. TROUT: We just have a very brief presentation,
6 Mr. Chairman. You do have before you the staff proposal on
7 this partial settlement on Westbay, and each of the
8 Commissioners has been provided with a summary of the
9 transaction. You have the blue-covered actual proposed
10 agreement; two survey maps, one of the settlement and one
11 of the grant to the County of San Mateo; the summary of
12 two staff public hearings; and the transcript of the staff
13 hearings.

14 Now, copies of most of this material is in the
15 back of the room. There may be a limited number of copies
16 of the agreement itself. All the rest of the material, there
17 are plenty of copies for the public.

18 These documents are submitted as a part of the
19 permanent record of this hearing today together with the
20 exhibit maps that are displayed around the room. These
21 consist of eight infra-red aerial photographs of the area
22 showing the various lines; the wall display map of the
23 settlement, which is over here; the low water air photos
24 of the area submitted by Westbay Community Associates,
25 which is under the easel by the clock there. These show

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1 the various lines.

2 The Westbay claim lines are depicted on the small
3 scale US Coast and Geodetic Survey map of the Bay Area showing
4 the large areas included within this settlement. Various
5 other maps are attached to the summary that you displayed,
6 Mr. Chairman.

7 The proposed settlement satisfactorily resolves
8 the major state objectives in the following manner: The
9 location of the old low water mark is established, and that
10 is approximated by the red lines on the aerial photographs
11 within the yellow area; the state's old patterns are
12 determined to be invalid to divest the state of title to
13 the submerged lands below the ordinary low water mark; and
14 the tide lands trust easement applies to valid conveyances
15 into private ownership of tide lands above the ordinary
16 low water mark.

17 As a result of this, the state's fee title,
18 unencumbered by private claims is being confirmed to about
19 7,300 acres within South San Francisco Bay. That basically
20 is the area lying outside of the red lines on the maps
21 out to the limits shown by the yellow pattern lines.

22 The private underlying fee title to some 2,300
23 acres above the ordinary low water mark -- stress above
24 there -- will be confirmed in Westbay subject to the public
25 tide lands easement. That's the area landward of the red

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1 line to the upward limit of Westbay's ownership.

2 Left out of the settlement are three areas which
3 will be resolved subsequently. This is a parcel near Bird
4 Island, consisting of Bird Island near Foster City, a small
5 triangle at Greco Island, and one parcel near Coyote Point.

6 Included in the settlement are two access easements
7 to Westbay located in the San Mateo County grant boundaries
8 and clearance of title ambiguities in these areas.

9 Two staff public hearings were held in this room
10 on July 7th. The proceedings are described in the transcript
11 and the summary. We also have cassette recordings of the
12 staff hearings and copies of the written public comments
13 received after the hearings which have also been provided to
14 the Commission.

15 As Mr. Golden indicated, a staff briefing was
16 provided to the Bay Conservation and Development Commission
17 on July 21st, and their resolution of approval is also
18 before you.

19 There are two small corrections in the material
20 that was made available earlier. The Summary of Proposed
21 Partial Settlement on page 3 and the staff comments indicated
22 a total of 900 acres in the '65 trust grant to the County of
23 Coyote Point when the total in fact is 750 acres.

24 In addition, the two access leases which were
25 earlier indicated as being 49-year leases, they are 66-year

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1 leases.

2 In the audience today, in case there are questions
3 are Tom Casey, of San Mateo County, and Henry Dietz of the
4 County, recently retired, who put a lot of effort into this.
5 There is Jerry Coleman, City Attorney for Burlingame;
6 Maurice Hamilton, from San Mateo; and Allen Littman,
7 representing Westbay Community Associates.

8 CHAIRMAN CORY: Any questions from Commissioners?

9 COMMISSIONER BELL: None.

10 CHAIRMAN CORY: Is there anybody in the audience
11 who would like to comment on these items, on this particular
12 item?

13 Are we ready for a motion?

14 COMMISSIONER BELL: Yes, I'm ready.

15 COMMISSIONER CORY: Mr. Bell moves.

16 MS. SMITH: I second.

17 CHAIRMAN CORY: Betty Jo seconds. The partial
18 settlement is approved as presented. All those in favor
19 signify by saying aye.

20 COMMISSIONER BELL: Aye.

21 MS. SMITH: Aye.

22 CHAIRMAN CORY: Motion is carried.

23 (Applause.)

24 CHAIRMAN CORY: I'd like to thank all those who
25 labored so hard on this, and I particularly want to thank

1 Maurice Hamilton for the hospitality here in providing our
2 meeting room and all of you who have worked so hard on a
3 very difficult project. We thank you very much.

4 Moving to agenda item 19, approval of settlement
5 agreements regarding tide and submerged lands under the
6 jurisdiction of the Los Angeles Board of Harbor Commissioners.

7 MR. NORTHROP: Mr. Chairman, this settlement
8 consists of eight points in the settlement. The points are:
9 Maximum repayment to the general fund has been established;
10 interest monies owing to the Harbor Revenue Fund, claims
11 have been waived; city claims for reimbursement for retirement
12 costs have been waived; city claims for reimbursement for
13 cost of services provided to and for the Harbor Department,
14 the city shall bill the Board of Harbor Commissioners on
15 July 1, past claims have been waived; the city's use of
16 the Harbor Department trust lands for general municipal
17 purposes, the city shall be billed and billings shall be
18 allocated on the basis of benefit. Past claims have been
19 waived.

20 The sixth point, property transferred to the
21 Harbor Department, segregation of revenues from Parcel One
22 so as to preclude comingling of trust and non-trust
23 revenues. After deductions for a management fee and an
24 amortization of and a return on Harbor investments, the
25 Harbor may transfer all or portions of the remaining

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1 non-trust revenues to the General Fund as meant for the use
2 of the land.

3 The seventh point, the comingling of revenues from
4 trust and non-trust assets, all lands under the administra-
5 tion of the Harbor Department, except Parcel One, are declared
6 to be impressed with the trust created by the grant to the
7 city.

8 The last point, all other controverted claims
9 are waived.

10 The staff has reviewed this, the Attorney General
11 has reviewed this, and the Attorney General informs us that
12 it is an acceptable settlement. The staff feels that there
13 would be some areas that they would have liked to have got,
14 but unfortunately in negotiations you cannot get everything
15 you ask for. We recommend approval.

16 CHAIRMAN CORY: Any questions from members?
17 Anybody in the audience on item 19?

18 COMMISSIONER BELL: If not, I would move, Mr.
19 Chairman, approval of the settlement agreement regarding
20 tide and submerged lands under the jurisdiction of the
21 LA Board of Harbor Commissioners as shown on page 66 and
22 62.

23 MS. SMITH: I second.

24 CHAIRMAN CORY: Without objection, the motion
25 is approved as presented.

1 Item 20, permit for Agate Bay Properties Incor-
2 porated.

3 I think we ought to back up and thank Kathy for
4 service above and beyond the call of duty in the LA Harbor.

5 MS. SMITH: I agree.

6 CHAIRMAN CORY: We appreciate what you've done.
7 You avoid us having to go to those meetings.

8 Item 20, Agate Bay Properties, Incorporated,
9 40 foot diameter, 14 circular parcels.

10 MR. NORTHROP: For 14 existing mooring buoys
11 and one existing floating platform to be utilized for
12 recreational boating and swimming respectively. We get in
13 excess of \$3,000 back rent and establish a rent going
14 forward of 450 a year.

15 CHAIRMAN CORY: Anybody in the audience on item
16 20?

17 Any questions from Commissioners?

18 Without objection, item 20 will be approved
19 as presented.

20 Item 21, Dowrelia Boat Works.

21 MR. NORTHROP: Mr. Chairman, this has been on the
22 agenda before, and the approval was given for an experimental
23 subaqueous disbursal method, and that unfortunately the
24 time ran. They did not get started, and they have asked
25 for an extension through June 30th.

1 The Corps of Engineers, California Water Quality
2 and Marine Affairs and several others are interested --
3 several other organizations are interested in the movement
4 of sands and such a disposal area. We recommended no fee
5 because of the experimental nature.

6 CHAIRMAN CORY: Anybody on item 21 in the audience?
7 Questions from the Commissioners?

8 Without objection, item 21 will be approved as
9 presented.

10 Item 22, Carl Bennett Rodeo Marina, a dredging
11 permit.

12 MR. NORTHROP: This is on dredging --

13 CHAIRMAN CORY: Fifteen cents per cubic yard,
14 and this will be disposed of on the disposal site as opposed
15 to the experimental.

16 MR. NORTHROP: Right.

17 CHAIRMAN CORY: Anybody in the audience on item
18 22?

19 Without objection, item 22 will be approved as
20 presented.

21 Item 23, Lake Minerals Corporation in Owens
22 Lake, Inyo County. They want to go from two feet to twelve
23 feet, but they are giving up something on the other side
24 and going to a standard lease?

25 MR. NORTHROP: Right. They are going to a standard

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1 lease and the material they will be using will be environ-
2 mentally helpful because it's going to be used in a stack
3 scrubber -- stack-gas scrubber program.

4 CHAIRMAN CORY: So it helps the urban environment
5 and puts some dust in the air in any event. Anybody in
6 the audience on item 23?

7 Questions from members?

8 COMMISSIONER BELL: No problem.

9 CHAIRMAN CORY: Without objection, item 23 is
10 approved as presented.

11 Item 24, recommendation to extend, upon request
12 by the County of Santa Barbara -- oh, this is --

13 MR. NORTHROP: This is the pier.

14 CHAIRMAN CORY: Okay.

15 COMMISSIONER BELL: This is that pier again.

16 CHAIRMAN CORY: That's the ship?

17 MR. NORTHROP: All right. No, this is the Ellwood
18 Pier.

19 COMMISSIONER BELL: This is that old Ellwood
20 Pier, again isn't it?

21 MR. NORTHROP: Yes. There have been some studies
22 on --

23 CHAIRMAN CORY: They haven't decided what to do
24 with their pier yet?

25 MR. NORTHROP: They have got the studies out now,

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1 and there are two gentlemen here from Santa Barbara County
2 if you have some questions on it. But Aminoil has agreed
3 to stand in the shoes they were in originally as to the
4 removal if the County does not want to use it for a fishing
5 pier.

6 They are now analyzing the report that was given
7 to them on the costs of converting it to a fishing pier in the
8 area.

9 COMMISSIONER BELL: How much time?

10 MR. NORTHROP: January 31, 1978, Mr. Bell.

11 COMMISSIONER BELL: Hopefully in six months?

12 MR. NORTHROP: Yes. We should have some resolution
13 on this problem.

14 COMMISSIONER BELL: No problem.

15 CHAIRMAN CORY: Anybody in the audience on item
16 24?

17 Without objection, item 24 will be approved as
18 presented.

19 Item 25, Long Beach operations First Modification
20 of the plan of development. In the first months, it's
21 always the first modification, isn't it?

22 MR. NORTHROP: That's right. This consists of --
23 (Laughter.)

24 CHAIRMAN CORY: One of these days we're going to
25 get through a month without modifying.

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1 MR. NORTHROP: Mr. Chairman, this substantially
2 reduces the revenue estimate by almost 30 million dollars
3 and increases the cost of actual expenditures by nearly five,
4 in excess of five million dollars.

5 CHAIRMAN CORY: Any questions by anybody in the
6 audience? Commissioners?

7 COMMISSIONER BELL: No. I've had the bad news
8 already.

9 CHAIRMAN CORY: Okay. Item 26, project review,
10 developments in Los Angeles County.

11 MR. NORTHROP: Yes, Mr. Chairman. This item is
12 a reduction from 70-odd percent to 13 percent of the state
13 participation in a sewer project.

14 CHAIRMAN CORY: Anyone in the audience on item 26?
15 Okay. Without objection, item 26 will be
16 approved as presented.

17 Item 27, project review on Pier A, Berth 5,
18 Storm Drain Pump Station Reconstruction.

19 MR. NORTHROP: This adjusts a subsidence amount
20 to make us responsible for nearly seven million dollars.

21 CHAIRMAN CORY: Any questions from the Commissioners?
22 Anybody in the audience on item 27?

23 Without objection --

24 MR. HIGHT: Seven.

25 MR. NORTHROP: Seven thousand. I stand corrected.

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1 I missed it.

2 COMMISSIONER BELL: Corrected to \$7,000, right.

3 CHAIRMAN CORY: Seven thousand or \$6,989.79.

4 MR. HIGHT: And not a penny more.

5 CHAIRMAN CORY: I presume we are approving what's
6 written before us, not --

7 MR. NORTHROP: What I'm saying. Okay.

8 CHAIRMAN CORY: Okay.

9 COMMISSIONER BELL: Okay. Without objection,
10 item 27 --

11 CHAIRMAN CORY: Twenty-seven is approved as
12 presented in writing.

13 Item 28, boundary line agreement on the Feather
14 River adjacent to upland owned by Mathews Readymix near
15 Gridley, Butte County. Is there anybody in the audience
16 on item 28?

17 Any questions by Commissioners?

18 COMMISSIONER BELL: No questions.

19 CHAIRMAN CORY: Without objection the boundary
20 line agreement is approved as presented.

21 Item 29, approve the Special Area Plan, South
22 Richmond Shoreline -- what are we doing here? I forgot my
23 briefing.

24 MR. NORTHROP: Mr. Hight will respond to that.

25 MR. HIGHT: Mr. Chairman, the City of Richmond

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1 has a plan for the development and the Commission must
2 approve its consistency wit' the grant. This is a finding
3 that it is consistent.

4 CHAIRMAN CORY: Questions? Anybody in the audience
5 on item 29?

6 Without objection, item 29 is approved as
7 presented.

8 Item 30. This deals with encroachment agreements
9 for Piers numbers 6, 7, 9, 10, and 11 in Mission Bay.
10 It's a declaration that those piers are not consistent with
11 the terms of the grant and do not promote statewide purposes
12 and are not in the best interests of the state.

13 These are piers as I recall from the briefing,
14 that cannot be adapted to public use for unique circumstances
15 relating to them, and --

16 COMMISSIONER BELL: This action affects us.

17 MR. HIGHT: Yes. In the event the grant should
18 be revoked for some reason, then the state would not be
19 bound by saying that these were consistent with the trust.

20 COMMISSIONER BELL: Right.

21 CHAIRMAN CORY: Anybody in the audience on these
22 items?

23 Without objection, item 30 is approved as
24 presented.

25 Norm, do you want to tell us about litigation?

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1 MR. TAYLOR: Mr. Chairman, we received the
2 Notice of Intended Decision in the Pariani case. The court
3 held in favor of the state's position that geothermal
4 resources are a mineral and therefore retained by the state
5 in a mineral reservation contained in early state patents.
6 There is now more than four million dollars on deposit with
7 the court drawing interest, and we are adding to that amount
8 at the rate of \$200,000 a month from the geysers area.

9 I would anticipate there would be an approval by
10 the private parties, and if that occurs, I would say that
11 we probably still are looking at approximately three years
12 before we will be able to collect the money. At that time,
13 it will be a very substantial amount, probably in excess of
14 ten million dollars and it may be closer to twenty.

15 CHAIRMAN CORY: Okay. Anything else?

16 MR. NORTHROP: Mr. Chairman, in line with that
17 and the fact that it has been determined that the geothermal
18 resource is a mineral, we probably will expand our operation,
19 perhaps assign one man to the geysers to follow that very
20 closely.

21 CHAIRMAN CORY: Okay.

22 MR. TAYLOR: There are several other matters, but
23 I believe they should be handled in a subsequent executive
24 session of the Commission.

25 CHAIRMAN CORY: Okay. We'll probably try to

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1 have one later this week or next week in Sacramento before
2 we go to litigation.

3 Any other items before the Commission?

4 Okay. We stand adjourned. Or wait, before we
5 do that, our next meeting is --

6 MR. TAYLOR: August 25th in Sacramento.

7 CHAIRMAN CORY: August 25, Sacramento.

8 All right. And we stand adjourned.

9 (Thereupon at the hour of 10:23 o'clock a.m.
10 the meeting of the State Lands Commission
11 was adjourned.)

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1 State of California)
2 County of Sacramento) ss.

3

4 I, DIANE FATTIG, a Notary Public in and for
5 the County of Sacramento, State of California, duly
6 appointed and commissioned to administer oaths, do hereby
7 certify:

8 That I am a disinterested person herein; that
9 the foregoing State Land Commission Meeting was reported
10 in shorthand by me, Diane Fattig, a Certified Shorthand
11 Reporter of the State of California, and thereafter
12 transcribed into typewriting.

13 I further certify that I am not of counsel or
14 attorney for any of the parties to said meeting, nor in
15 any way interested in the outcome of said meeting.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed by seal of office this 11th day of August,
18 1977.

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21

Diane Fattig
Notary Public in and for the County
of Sacramento, State of California

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