

PLACE, TERMINATION TO BE EFFECTIVE ON THE NEXT ANNIVERSARY DATE, FEBRUARY 20, 1951, SURETY BOND IN THE AMOUNT OF \$1,000 TO BE RELEASED UPON TERMINATION OF THE EASEMENT, RENTALS TO BE PAID IN FULL TO DATE OF TERMINATION.

15. (APPLICATION OF STANDARD OIL COMPANY TO DEPOSIT DREDGER SPOILS ON STATE TIDE AND SUBMERGED LANDS, RICHMOND, CONTRA COSTA COUNTY - W.O. 761, P.R.C. 548) The Commission was informed as follows: Application has been received and filing fee paid by the Standard Oil Company of California to deposit approximately 15,000 cubic yards of dredger spoils on State-owned tide and submerged lands in San Pablo Bay northerly from the legislative grant to the City of Richmond. The spoils are to come from a channel to be dredged in tidelands owned in fee by the Standard Oil Company. Application has been made by the Standard Oil Company to the Corps of Engineers for this project which involves the building of a small Boat Yacht Harbor adjacent to their Richmond Refinery. There is a possibility of these deposited spoils making an island in San Pablo Bay. Thus the State would get some land reclaimed within San Pablo Bay. Statutory filing fee has been paid.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO THE STANDARD OIL COMPANY OF CALIFORNIA TO DEPOSIT APPROXIMATELY 15,000 CUBIC YARDS OF DREDGER SPOILS IN SAN PABLO BAY NORTHERLY FROM THE CITY OF RICHMOND, SUBJECT TO ISSUANCE OF A PERMIT BY THE U. S. CORPS OF ENGINEERS, THE CONSIDERATION TO THE STATE BEING THE DEPOSIT OF THESE SPOILS ON STATE-OWNED TIDE AND SUBMERGED LANDS.

16. (REEDPORT PROPERTIES, INC., APPLICATION TO DREDGE AND CONSTRUCT FILLS ON TIDELANDS, RICHARDSON BAY, MARIN COUNTY - W.O. 744, P.R.C. 549) The Commission was informed as follows: Reedport Properties, Inc., a private corporation, has applied for a permit to dredge "East Canal" in Richardson Bay at Belvedere, Marin County, and deposit the spoils on tidelands owned by that corporation for the purpose of creating an area of firm land adjacent to "East Canal" and a small craft basin which they proposed to dredge on the same tidelands owned by that corporation. "East Canal" was planned by the Tideland Commission as a navigable channel in the early 1870's but has never been dredged or made navigable. Tidelands on both sides of "East Canal" have been sold, the canal itself having been retained by the State as sovereign land. It is considered that the dredging proposed will be an aid to navigation and partial fulfillment of the proposed development of the area now long deferred.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO REEDPORT PROPERTIES, INC., A PERMIT TO DREDGE "EAST CANAL" IN RICHARDSON BAY IN MARIN COUNTY, AND DEPOSIT THE SPOILS ON TIDELANDS NOW OWNED BY THE APPLICANT FOR THE CONSIDERATION THAT THE PROPOSED WORK IS AN AID TO NAVIGATION AND THUS IN THE INTEREST OF THE STATE, PERMIT TO REQUIRE NO RENTAL OR PERFORMANCE BOND.

17. (TIDELAND CONTROVERSY, U. S. v. STATE OF CALIFORNIA - W.O. 721) The Commission was informed as follows: At the meeting of the Commission on August 29, 1950, Minute Item No. 30, Page 1181, a resolution was adopted authorizing the Executive Officer (among other things) to consult with the Attorney General's office on (1) the legal methods to be employed in making payments to the United States and (2) on the clearance of rentals other than from mineral leases to the State Lands Act Fund. Conference with the Assistant Attorney General, Mr. Everett W. Mattoon, established the fact that the stipulation between the Attorney General of the State of California and the Attorney General of the

United States, as modified and renewed, effective October 1, 1950, applies only to mineral leases, and that therefore there is no requirement under the stipulation on and after that date to deposit in a Special Fund for transfer to the Treasurer of the United States, any rentals or royalties or other sums received from leases of tide and submerged lands for occupation by piers and other structures. Mr. Mattoon pointed out, however, that while the stipulation was binding as regards the Department of the Interior and the Department of Justice of the United States, it was not effective against other Federal agencies. Furthermore, the United States Supreme Court has not yet established the landward boundary line of the marginal belt, and it is conceivable that, at some locations at least, this line will follow the low water mark on the Coast of the main land of California. That being the case, and through an abundance of caution, it is Mr. Mattoon's opinion that rentals, royalties and other sums received by the State from other than mineral leases in tide and submerged lands along the Coast of California, be held in a Special Trust Fund in the State Treasury until such time as the United States Supreme Court makes a final ruling in this matter.

Discussion was held with the Office of the State Controller as to the method of accounting for moneys received under items (1) and (2) mentioned above.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE STATE CONTROLLER TO ESTABLISH AS OF OCTOBER 1, 1950 (1) AN ACCOUNT ENTITLED "IMPOUNDED TIDE AND SUBMERGED LANDS REVENUE PER STIPULATION OF AUGUST 21, 1950" WHEREIN WOULD BE ACCOUNTED AND UNDER WHICH THE DIVISION OF STATE LANDS WOULD REMIT TO THE STATE TREASURER FOR DEPOSIT ALL MONEYS RECEIVED FROM TIDE AND SUBMERGED LAND MINERAL LEASES AFFECTED BY SAID STIPULATION; ALSO AN ACCOUNT ENTITLED "RENTALS - COMMERCIAL AND RECREATIONAL TIDE AND SUBMERGED LAND LEASES SUBSEQUENT TO OCTOBER 1, 1950" WHEREIN WOULD BE ACCOUNTED AND UNDER WHICH THE DIVISION OF STATE LANDS WOULD REMIT TO THE STATE TREASURER FOR DEPOSIT ALL MONEYS RECEIVED FROM TIDE AND SUBMERGED LAND COMMERCIAL AND RECREATIONAL LEASES WHICH ARE EXCLUDED AS NOT COMING UNDER THE PROVISIONS OF THE STIPULATION OF AUGUST 21, 1950; (2) THAT THE DISPOSITION OF THE MONEYS IN THESE ACCOUNTS SHALL OCCUR ONLY AND UPON A SPECIFIC RESOLUTION OF THE STATE LANDS COMMISSION.

18. (U. S. v. CALIFORNIA, SUBMERGED LAND STIPULATION EFFECTIVE OCTOBER 1, 1950- W.O. 721) The Commission was informed that the Commission on August 29, 1950 (Minute P. 1181) authorized the Executive Officer to consult with the Attorney General (1) with respect to placing impounded funds out at interest and (2) on the legal method to be employed in making payment to the United States.

With reference to item (1) this matter was briefly discussed in Washington by Controller Kuchel and Solicitor General Perlman. Discussions with the Attorney General have as yet not developed conclusions to make a recommendation.

On item (2) informal discussions have been held with Assistant Attorney General Mattoon. He is of the present opinion that until (a) the Commission makes the final deposit of revenue with the State Treasurer for the October 1 - December 31 quarter, which will occur approximately on January 25, 1951, and (b) the debits are on the State Controller's books and (c) the Commission files a claim with the Controller requesting payment to the U. S. Treasury and (d) the Controller declines to make payment, no petition for mandate can be filed on behalf of the Commission against the Controller. However, informal conference will be held with the Chief Justice of the State Supreme Court in the interim.