

to private interests. The Humboldt County Master Plan calls for acquisition of the South Humboldt Bay Sandspit by the Department of Fish and Game, and it is believed by Mr. Drury that the lands on the North Eel River Sandspit, described above, should be included under the program.

Inquiries have been made by individuals for private acquisition of this land, whereby \$336.38 or \$2 an acre was offered. In view of the public interest indicated by the Division of Beaches and Parks and the Department of Fish and Game, it is the opinion of the Staff that the property should be transferred to the Department of Fish and Game. Transfer would be made pursuant to Section 13110 of the Government Code, which requires approval by the Director of Finance.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE TRANSFER OF JURISDICTION TO THE DEPARTMENT OF FISH AND GAME OF LOT 1 OF SECTION 4, LOTS 1, 2, 5, AND 6 OF SECTION 9, LOT 2 OF SECTION 10, AND LOTS 3 AND 4 OF SECTION 16, T. 3 N., R. 2 W., H.M., CONTAINING 168.19 ACRES OF SWAMP AND OVERFLOWED LANDS IN HUMBOLDT COUNTY, PURSUANT TO SECTION 13110 OF THE GOVERNMENT CODE, AND THAT TRANSFER AGREEMENT BE SUBMITTED TO THE DIRECTOR OF FINANCE FOR APPROVAL.

21. (MINERAL EXTRACTION LEASE P.R.C. 382, SAN BERNARDINO COUNTY, INSULATION MINING AND MILLING COMPANY.) Lease P.R.C. 382, issued July 6, 1950, covering 40 acres in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T. 31 S., R. 44 E., M.D.M., and assigned to Insulation Mining and Milling Company on May 8, 1951, provides in part that the Lessee shall complete at least 720 shifts of mining operations on the demised premises during each year of the term of the lease. The lease was issued for the purpose of extraction of perlite and other nonmetallic minerals. Annual rental has been paid to July 1, 1953. The Lessee has reported that while no mineral extraction operations were conducted during the lease year 1951-1952, approximately \$16,000 has been expended for the installation of mining equipment on the premises to permit the processing of the perlite to be mined. In addition, the Lessee has under negotiation an operating contract for substantial mineral extraction during the forthcoming lease year. In consideration of these factors, the Lessee has requested that declaration of a default under the lease be withheld to permit the initiation of active operations under the lease and to protect the investment in the processing equipment installed.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO WITHHOLD SERVING A NOTICE OF DEFAULT AND CANCELLATION OF LEASE P.R.C. 382 FOR A PERIOD OF ONE YEAR FROM JULY 6, 1952, THE BASES FOR ANY FURTHER CONTINUATION OF THE LEASE TO BE DETERMINED FROM OPERATING PERFORMANCE BY THE INSULATION MINING AND MILLING COMPANY DURING THE PERIOD AUTHORIZED HEREIN.

22. (BID FOR SAND AND GRAVEL LEASE, TIDE AND SUBMERGED LANDS, ROCKAWAY BEACH, SAN MATEO COUNTY, KEN ROYCE, INC.- W.O. 1095.) On July 16, 1952, one bid was received from Ken Royce, Inc. in response to a published Notice of Intention of the State Lands Commission to receive offers to enter into a lease for the extraction of sand and gravel from approximately five acres of tide and submerged lands at Rockaway Beach, San Mateo County. Publication of this offer was authorized by the Commission on May 26, 1952. The bid submitted by Ken Royce, Inc. has been reviewed by the Staff and found to be qualified. The

royalty offer is 3¢ per cubic yard for all sand and gravel extracted under the lease.

A resolution of the Board of Supervisors of San Mateo County, upon behalf of the Planning Commission, and 39 individual letters of protest from residents of Rockaway Bay and neighboring communities have been received protesting the issuance of any lease. In summary the protests contend as follows:

1. Recreational use of the beach at Rockaway Bay would be restricted and might be rendered impossible.
2. An outfall sewer line for a recently established sewage disposal plant might be undermined.
3. Previous sand removal operations at the northerly end of Rockaway Beach, upcoast from the area offered for lease, were detrimental to the recreational use of the beach.

The facts relating to these bases of protests are:

1. The beach area upon which sand and gravel removal operations and processing activities would be conducted in conjunction with a lease on tide and submerged lands is owned by Ken Royce, Inc., and is not public beach.
2. The outfall sewer line is suspended upon a cliff well above the possibility of undermining by sand and gravel removal operations, and the sewage disposal plant is a substantial distance landward from the bank above the ordinary high-water mark. Both are well upcoast from the area in which sand and gravel extraction will be conducted.

Further inspection by the Staff of the proposed site of operations has demonstrated the desirability of restricting any sand and gravel extraction operations to the area seaward and southerly of the projection of the centerline of the creek running approximately 60 feet southerly and parallel with the southerly limits of the subdivision of Rockaway Beach. Such restrictions would confine all material-removal operations to the area opposite the uplands of the applicant, and would minimize the likelihood of any damage resulting to any other privately-owned onshore installations located upcoast in Rockaway Beach, as well as limit the basis for objection by the County as stated above.

It is also considered desirable to provide for appropriate protection against the possibility of extreme damage to the existing beach bulkhead and the dedicated County road extending upcoast from the area of proposed sand and gravel removal by increasing the surety bond required under the lease to \$5000.

The lease bid form as offered provides as special conditions:

1. The removal of sand and gravel from the demised premises seaward of the ordinary high-water mark shall be limited to a total of 60,000 cubic yards of material per lease year.
2. The Lessee shall bear the expense of surveys of changes in the

beach resulting from mineral extraction operations under the lease. Such surveys shall be conducted not less than once, nor more than twice each lease year, and shall be performed whenever the Lessee has removed a total of 30,000 cubic yards of material from the demised premises during any lease year.

The following recommendation was submitted by the Staff for consideration:

That the Executive Officer be authorized to issue to Ken Royce, Inc. a mineral extraction lease for a term of 20 years to permit the removal of sand and gravel from tide and submerged lands at Rockaway Beach, San Mateo County, upon payment of an annual advance rental of \$5 and a royalty of 3¢ per cubic yard for all sand and gravel extracted, in accordance with the single bid received pursuant to the published Notice of Intention and form of lease offered for bid, subject to the following conditions:

1. Deposit by the Lessee of a performance bond in the penal sum of \$5000 to guarantee the faithful performance and observance of all covenants and conditions of the lease.
2. Restriction of all sand and gravel extraction operations under the lease to the area opposite the uplands owned by Ken Royce, Inc. and lying southerly of the projection seaward of the centerline of the creek lying approximately 60 feet southerly and parallel with the southerly subdivision line of Rockaway Beach, San Mateo County.
3. Amendment of Section 14(a) of the lease to provide that the lease may be cancelled by the State upon thirty days' notice to the Lessee if it should be determined by the State that the removal of sand and gravel has resulted or will result in permanently damaging effects to the lands littoral to the demised premises.

Mr. Dean submitted for the record a letter of August 18, 1952, from the San Mateo County Recreation Commission, signed by Ralph H. Shaw, Superintendent, Parks and Recreation, protesting the issuance of this or any future permit for the removal of sand and gravel from San Mateo County beaches.

Mr. Frank S. Skillman of the San Mateo County Planning Commission appeared before the Commission, stated that California's beaches are one of its major assets, and should be preserved for the people, and presented the following protests to the issuance of the permit:

Copy of letter of July 9, 1952, from the Shoreline Planning Assn. of Calif., Inc. to Mr. Newton B. Drury, Chief, Division of Beaches and Parks.

Original of Inter-departmental correspondence of July 11, 1952, from M. A. Grant of the County of San Mateo to Mr. Skillman.

Original of Resolution No. 1135, dated July 14, 1952, of the San Mateo County Planning Commission.

Mr. C. S. Pechtel appeared, both as a private citizen and on behalf of the San Mateo County Planning Commission, to protest issuance of the permit.

Mr. Ralph H. Shaw of the San Mateo County Recreation Commission also personally presented his protest, and submitted photographs of the area in question showing the large number of persons who use it for recreational purposes.

Mr. A. B. Court, Engineer, appeared on behalf of his client, Ken Royce, Inc., and stated that the tentative proposal which had been worked out was satisfactory, including the increase in amount of bond.

Upon a question by Mr. Dean as to whether the State or the County had plans for acquiring the particular beach area in question, he was informed by Mr. Skillman that there are no such plans at present, there being only a limited amount of money available for this purpose. Mr. Dean was of the opinion that the State's interests should be protected, but that the applicant, Ken Royce, Inc., as the upland owner, also had certain rights which should be carefully considered.

There was considerable discussion, in which all three members of the Commission took part, about the possible effect in future years upon adjoining beach areas if such sand and gravel removal was permitted.

Lieutenant Governor Knight was of the opinion that further study and consideration should be given to the problem, and stated that he wanted to make a personal investigation before a definite decision was made.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED POSTPONING ACTION ON THE APPLICATION OF KEN ROYCE, INC. FOR A PERMIT TO REMOVE SAND AND GRAVEL FROM APPROXIMATELY FIVE ACRES OF TIDE AND SUBMERGED LANDS AT ROCKAWAY BEACH, SAN MATEO COUNTY, PENDING FURTHER STUDY OF THE POSSIBILITY OF PERMANENT DAMAGE TO THE BEACHES IN THE AREA IN QUESTION.

23. (APPLICATION FOR PROSPECTING PERMIT, FRESNO COUNTY, ANDREW THICKSTUN - W.O. 1161, P.R.G. 1250.2.) An application has been received from Mr. Andrew Thickstun of Coalinga, California, for permission to prospect for minerals on Lots 7, 8, 9, 13, 14, 15, 16, and 17, in the SE $\frac{1}{4}$  of Section 36, T. 18 S., R. 12 E., M.D.M., containing 227.78 acres, in Fresno County. Field reconnaissance by the Staff and review of the records of the Division of Mines has shown that the subject area cannot be classified at this time as known to contain commercially valuable deposits of minerals. Review of the official records in Fresno and San Benito Counties has shown that there are no valid mining claims on the subject Section 36. The statutory filing fee of \$5 and the permit fee of \$227.78 have been deposited by the applicant.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A TWO-YEAR PROSPECTING PERMIT TO MR. ANDREW THICKSTUN FOR 227.78 ACRES OF VACANT STATE SCHOOL LAND IN THE SE $\frac{1}{4}$  OF SECTION 36, T. 18 S., R. 12 E., M.D.M., FRESNO COUNTY, PURSUANT TO THE PUBLIC RESOURCES CODE. THE ROYALTY PAYABLE UNDER ANY PREFERENTIAL LEASE ISSUED UPON DISCOVERY OF COMMERCIALY VALUABLE MINERAL DEPOSITS SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE: