

## 43. APPROVAL OF SAN ELIJO LAGOON BOUNDARY STUDY. W 20725.4.

During consideration of Calendar Item 43, Mr. James F. Trout, Manager, Land Operations, explained the purpose and contents of the subject boundary study. He stated the report is declarative of the general interest of the State in the area, and would be the basis for additional meetings and discussions with private owners and with the County of San Diego.

Mr. James O. Tennant, Park Development Director, County of San Diego, appeared in support of the boundary study.

Mr. Robert B. Krueger, with the law firm of Nossaman, Waters, Krueger & Marsh, appeared representing two landowners--United California Bank, through an option naming Mr. Lewis Akerman; and Dome, Limited. Mr. Krueger distributed the following pieces of correspondence for the record:

- Memo from Robert B. Krueger to File regarding Dome Limited (File: DO-7), dated October 22, 1963.
- Letter from B. H. Hoffmaster, Flood Control Engineer, Department of Special District Services, to Robert B. Krueger regarding Ownership of the State of California in Tide and Submerged Lands in the Vicinity of San Elijo Lagoon - Your File DO-7, dated October 3, 1963.
- Letter from Robert B. Krueger to the County Engineer, County of San Diego, regarding Ownership of the State of California in Tide and Submerged Lands in the Vicinity of San Elijo Lagoon, dated September 4, 1963.
- Letter from Robert B. Krueger to Mr. Berman Swartz, Dome, Ltd., regarding Ownership of the State of California in Tide and Submerged Lands in the Vicinity of the Proposed San Elijo Development of Dome, Ltd., dated September 3, 1963.
- Letter from Admiral Carl E. Bull, USN (Ret.), Maryloyd, Realtor, to Mr. George B. Davis, State Lands Commission, regarding a request for maps containing the high tide line, dated August 5, 1960.
- Letter from John H. Knight, Deputy Chief, Technical Services, Department of Natural Resources, Division of Beaches and Parks, to Carl E. Bull, Rear Admiral U.S. Navy (Ret.), regarding a proposal for the development of the San Elijo Lagoon, dated July 7, 1960.
- Letter from Carl E. Bull, Rear Admiral USN (Ret.), to Mr. George B. Davis, State Lands Commission, regarding the San Elijo Lagoon marina project, dated July 25, 1960.

(Said copies being on file in the Office of the State Lands Commission and by reference made a part hereof.)

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After setting forth his objections to the boundary study, Mr. Krueger requested that the Commission:

- 1) defer taking action on the item at the present time;
- 2) instruct the staff to meet with interested property owners to review the plan and obtain their input;
- 3) request the Office of the Attorney General to prepare a statement concerning the ability of the State to make the claims purported in the subject study and concerning its duty to the property owners.

Mr. N. Gregory Taylor, Assistant Attorney General, stated that if there isn't an immediate need to act on the study at this meeting, it would be appropriate to defer action on it for 30 days to allow for consultations and public hearings in the area. However, Mr. Taylor clarified for the record that Mr. Krueger's characterization of the State actions is not necessarily borne out in the State's position by anything he has submitted. Mr. Taylor also enunciated the State's position in this matter.

Chairman Kenneth Cory stated the report should be published so that all interested parties will know the extent of the State's claim in the area and can therefore submit their input. Mr. Krueger agreed, but expressed concern over the recommendation by the staff in which the Commission's approval of the study is requested. It was therefore suggested, and unanimously approved by the Commission, that in Recommendation No. 1 the word "Approve" be deleted and the words "Receive for consideration" be inserted. In addition, the Commission instructed the staff to report back to the Commission after the public hearings are held.

The Commission unanimously approved the following resolution, as amended:

1. RECEIVES FOR CONSIDERATION THE SAN ELIJO LAGOON BOUNDARY STUDY.
2. DIRECTS THE STAFF TO PROVIDE COPIES OF THE SAN ELIJO LAGOON BOUNDARY STUDY TO THE COUNTY OF SAN DIEGO AND TO INTERESTED PARTIES.
3. AUTHORIZES THE STAFF TO CONDUCT PUBLIC INFORMATION SESSIONS AS MAY BE APPROPRIATE.
4. AUTHORIZES THE STAFF TO CONDUCT SUCH ADDITIONAL STUDIES AS MAY BE NEEDED TO PREPARE ACCURATE MAPS DELINEATING THE EXTENT OF STATE OWNERSHIP IN SAN ELIJO LAGOON.
5. AUTHORIZES THE STAFF TO REPORT BACK TO THE COMMISSION AFTER COMPLETION OF THE STUDY.

Attachment:

Calendar Item 43 (2 pages)

APPROVAL OF SAN ELIJO LAGOON  
BOUNDARY STUDY

The coastal lagoons in San Diego County are environmentally significant because they constitute the last remnants of a rapidly diminishing wildlife habitat in an otherwise developing urban coastal strip. Several years ago State Lands Division staff met with the Comprehensive Planning Organization of San Diego County, which is composed of local government entities. Upon the urging of that organization and the entire San Diego County legislative delegation, staff agreed to study the title and boundary problems in the coastal lagoons of San Diego County and report the findings to the State Lands Commission. The first study was made at San Elijo Lagoon in order to assist and complement the County's multi-phased program for acquisition of the land for park purposes.

In further meetings County officials advised that uncertainties of State and private ownership interests in the lagoon areas have greatly impeded their effort to negotiate with private parties. They have asked that the San Elijo Boundary Study be made available to the public so that all persons will be aware of the nature and extent of the title problems in San Elijo Lagoon.

Staff has intensively studied the title data, maps, and other historical information and concludes that there are tide and submerged lands within the lagoon owned by the State of California and under the jurisdiction of the State Lands Commission.

The present study, being based upon the available historical records, can at best provide only generalized information. It will be necessary to conduct detailed field operations before final maps delineating the exact extent of State ownership interests within the lagoon can be prepared and recorded, and the lines monumented on the ground.

EXHIBITS: Vicinity Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CONCUR IN THE SAN ELIJO LAGOON BOUNDARY STUDY.
2. DIRECT THE STAFF TO PROVIDE COPIES OF THE SAN ELIJO LAGOON BOUNDARY STUDY TO THE COUNTY OF SAN DIEGO AND TO INTERESTED PARTIES.
3. AUTHORIZE THE STAFF TO CONDUCT PUBLIC INFORMATION SESSIONS AS MAY BE APPROPRIATE.

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4. AUTHORIZE THE STAFF TO CONDUCT SUCH ADDITIONAL STUDIES AS MAY BE NEEDED TO PREPARE ACCURATE MAPS DELINEATING THE EXTENT OF STATE OWNERSHIP IN SAN ELIJO LAGOON.