

STATE OF CALIFORNIA

Minutes of the Meeting of the
State Lands Commission
Sacramento, California

APPEARANCES

Commissioners Present:

Kenneth Cory, State Controller, Chairman
Mervyn M. Dymally, Lieutenant Governor, Commissioner
Sid McCausland, Chief Deputy Director of
Finance, alternate for Roy M. Bell, Director
of Finance, Commissioner

Staff Members in Attendance:

William F. Northrop, Executive Officer
R. S. Golden, Assistant Executive Officer
Robert C. Hight, Staff Counsel
James F. Trout, Manager, Land Operations
W. M. Thompson, Manager, Long Beach Operations
Donald J. Everitts, Manager, Energy and
Mineral Resources Development
Diane Jones, Secretary

Representing the Office of the Attorney General:

N. Gregory Taylor, Assistant Attorney General

Mathews Readymix Issue:

Patrick J. Porgans, representing Northern
California Fly Fishers for Conservation,
Federation of Fly Fishermen, Northern California
Council of Fly Fishing Clubs, Altacal,
Audubon Society, the Diablo Valley Fly
Fishermens, Paradise Rod and Gun Club, the
Sierra Club, California Trout, Butte
Environmental Council, Siskiyou Fly
Fishers, California Fly Fishers Unlimited
and Safeguard Environmental Protection
Agency
Bob Baiocchi representing Northern California
Fly Fishers
Gordon Mathews, Vice President and General
Manager of Mathews Readymix

Re Minute Item 20 - Gas Sales Agreement:

D. G. Couvillon, Vice President Western
Operations, Standard Oil Company of
California
John S. Sproul, Vice President, Gas Supply,
Pacific Gas and Electric Company

MINUTES OF THE STATE LANDS COMMISSION
MEETING OF
AUGUST 26, 1976

Chairman Kenneth Cory, State Controller, called the regular meeting of the State Lands Commission to order at 10:05 a.m. in Room 2117, State Capitol. Other members present included Commissioner Mervyn M. Dymally, Lieutenant Governor; and Commission-alternate Sid McCausland, Deputy Director of Finance, representing Roy M. Bell, Director of Finance, Commissioner.

The minutes of the meeting of July 22, 1976, were approved as written.

EXECUTIVE OFFICER'S REPORT

The written report of Mr. William F. Northrop, Executive Officer, is attached as Exhibit "A". With respect to the informational item on the River Marina and Waterways Liaison Committee, Chairman Kenneth Cory wanted to be certain that the Commissioners are contacted for their individual input before appointments are made to the Committee. Mr. Northrop assured him this would be done.

Mathews Readymix Issue

Mr. Northrop reported that Mr. Patrick Porgans has requested to appear before the Commission concerning the Mathews Readymix issue in the Oroville area, Feather River. He stated it is the staff's conclusion that 1) Mathews Readymix has possibly made minor encroachments into State lands within the river; 2) Mathews recognizes the State's ownership and has no objection to use of the river by fishermen, etc.; and 3) Mathews does not object to fishermen using his property for access to the river, and has actually constructed a roadway for such purposes. He stated Mr. Porgans has requested that a line of ownership be surveyed, monumented and posted, and has offered to pay for a licensed surveyor to do the job. Based on the above conclusions, the staff recommends the work not be authorized by the Commission.

Chairman Cory raised the question that if a private party is willing to pay for the survey, why doesn't the Commission proceed as he requests.

Mr. James F. Trout, Manager, Land Operations, stated that, based on current legislation which would authorize acquisition of the subject property through an exchange, the upland would thereby be owned by the State. For this reason, Mr. Trout indicated the expenditure of staff time would be needless. Chairman Cory asked what the status of the bill was presently in the Legislature.

Mr. Patrick Porgans, representing Safeguard Environmental Protection Agency and twelve other fly fishing clubs, appeared. Mr. Porgans briefly summarized the transactions which have occurred to date. He stated that his organization is willing to provide the money to conduct the survey and provide signs to indicate public access, if the subject legislation fails to pass. He also stated that even though Mr. Mathews in good faith is stating the public can go on his property, there should be no unnecessary liability impaired on Mathews or his company.

Mr. Bob Baiocchi, representing Northern California Fly Fishers, appeared. Mr. Baiocchi stated that the Regional Manager, Region 2, of the Department of Fish and Game, has been asked by the State Lands Division to have his personnel in the area specifically monitor that particular property line. Mr. Baiocchi raised the question of how can he monitor a line which is not established.

Chairman Cory asked Mr. Baiocchi to address himself to the question of "If there is going to be an exchange, and the bill is on the Governor's desk, why should the staff spend its time needlessly." Mr. Porgans answered Mr. Cory by stating that the Commission would have to pursue whether in fact that had been an encroachment and to what degree. Therefore, in doing that, it will eventually have to establish a line.

A lengthy discussion followed concerning the boundary line question, and the access problem with the related posted signs.

Commission-alternate Sid McCausland stated it is his opinion the important question is access to which Mr. Porgans agreed.

Mr. William F. Northrop, Executive Officer, reported that staff had indicated excellent cooperation from Mr. Mathews.

Mr. Gordon Mathews, Vice President-General Manager of Mathews Readymix appeared. Mr. Mathews stated that he agreed with everything Messrs. Porgans and Baiocchi had stated. He also stated they had an unofficial survey made by Ted Vande Sande of the Department of Fish and Game. Mr. Mathews also admitted that they had dug on State lands but returned and filled it. He indicated Fish and Game was aware of this. He indicated they had given Fish and Game a key to their property so their game wardens could patrol and monitor the area.

Mr. Porgans inserted that if there were public access signs, the people would read them. Commissioner Dymally asked if Mr. Porgans would be willing to support legislation to exempt Mathews from any liability. Mr. Porgans stated it was his opinion that when people own property, they should manage it so as to avoid these problems.

At the conclusion of the discussion, Chairman Cory stated if the problem cannot be resolved without Commission action--i.e.,

the pending legislation which would make the question moot-- the issue should be calendared for the next Commission meeting. He voiced his appreciation for Mr. Mathews' cooperation and straightforward attitude.

Commission-alternate McCausland stated that as a member of this Commission, he would not like to participate in an action which encouraged a private property owner to subject himself to an attractive nuisance suit. He stated he would rather find a solution to which Commissioner Dymally agreed.

EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

By

WILLIAM F. NORTHROP
EXECUTIVE OFFICER

AUGUST 26, 1976

WESTERN STATES LAND COMMISSIONERS ANNUAL CONFERENCE

W 1093.1

DURING THE FIRST WEEK OF THIS MONTH, REPRESENTATIVES OF WESTERN STATES LANDS OFFICES MET IN RAPID CITY, SOUTH DAKOTA, FOR THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION'S ANNUAL CONFERENCE. ONE ITEM OF INTEREST TO THE COMMISSION IS THAT CALIFORNIA HAS BEEN HONORED WITH THE ROLE OF HOST STATE FOR NEXT YEAR'S CONFERENCE TO BE HELD IN SAN DIEGO.

CALIFORNIA HAS ASSUMED A MAJOR ROLE IN THE LEADERSHIP OF THE ORGANIZATION, AND I HAVE BEEN ELECTED VICE PRESIDENT FOR THE COMING YEAR. COMMUNICATIONS WITH OTHER STATES ARE IMPROVING, AND I SENSE A SPIRIT OF COOPERATION AND CONCERN ON THE PART OF THESE STATES IN DEALING WITH THE FEDERAL GOVERNMENT TO ASSURE A GREATER ROLE FOR THE STATES IN THE MANAGEMENT OF PUBLIC LANDS.

RIVER MARINA AND WATERWAYS LIAISON COMMITTEE

W 21247

SUBSEQUENT TO THE COMMISSION'S AUTHORIZATION TO ESTABLISH A RIVER MARINA AND WATERWAYS LIAISON COMMITTEE, STAFF HAS DEVELOPED A LIST OF SUGGESTED MEMBERS AND HAS PREPARED A COPY OF BYLAWS UNDER WHICH THE COMMITTEE WOULD

OPERATE. AN ATTEMPT WAS MADE TO BALANCE REPRESENTATION FROM THE GOVERNMENTAL AND PRIVATE SECTORS. SUGGESTED BYLAWS MAKE IT CLEAR THAT THE COMMITTEE'S FUNCTION IS ADVISORY, DESIGNED TO PROMOTE THE EXCHANGE OF INFORMATION BETWEEN THE COMMISSION AND GROUPS OR INDIVIDUALS WHO WOULD USE STATE-OWNED LANDS FOR THEIR PROJECTS OR ACTIVITIES. THE SUGGESTED COMMITTEE AND BYLAWS ARE BEFORE YOU.

WITH YOUR CONCURRENCE, WE WILL TAKE IMMEDIATE ACTION TO FORMALLY ESTABLISH THE COMMITTEE AND SCHEDULE ITS INITIAL MEETING. I WILL KEEP YOU INFORMED ON THE COMMITTEE'S EFFORT AND ADVISE YOU ON MATTERS THEY MAY CHOOSE TO BRING BEFORE YOU.

DREDGING STUDY

W 9977

AT LEGISLATIVE DIRECTION, THE RESOURCES AGENCY HAS BEEN ATTEMPTING TO SIMPLIFY THE STATE'S PERMIT PROCEDURES FOR DREDGING OPERATIONS. A REVIEW OF THIS COMMISSION'S DREDGING PROGRAMS INDICATES THAT ITS EXISTING PROCEDURES CAN BE MODIFIED.

ONE STAFF PROPOSAL HAS BEEN DEVELOPED WHICH WOULD REDUCE THE TIME REQUIRED FOR PROCESSING VARIOUS DREDGING PERMITS AND LEASES. IT INVOLVES MINOR PROCEDURAL CHANGES TO THE APPLICATION PROCESS. ADDITIONALLY, STAFF COUNSEL IS STUDYING THE FEASIBILITY OF ISSUING ANNUAL DREDGING LICENSES FOR CONTRACTORS WHO CONSISTENTLY CONDUCT DREDGING OPERATIONS ON STATE-OWNED LANDS. IT WOULD CALL FOR THE ISSUANCE OF AN ANNUAL DREDGING LICENSE AND REQUIRE QUARTERLY AUDITS OF THE CONTRACTOR'S OPERATIONS.

BOTH OF THE OPTIONS MENTIONED ABOVE WILL IMPROVE THE EFFICIENCY FOR HANDLING DREDGING ACTIVITIES ON STATE-OWNED LANDS. IN THE NEAR FUTURE, STAFF WILL MAKE A FORMAL RECOMMENDATION ON THE BEST OF THESE TWO PROPOSALS.

W 9941

MATHEWS READYMIX

AT THE LAST COMMISSION MEETING, MR. PATRICK PORGANS MADE A BRIEF APPEARANCE TO ASK FOR ACTION OF THE COMMISSION IN THE OROVILLE AREA ON THE FEATHER RIVER.

THE STAFF HAS WORKED WITH MR. PORGANS, AND REPRESENTATIVES OF VARIOUS CONSERVATION AND FISHING ORGANIZATIONS OVER THE PAST MONTH, AND HAS MET WITH MATHEWS READYMIX -- THE FIRM NOMINALLY RESPONSIBLE FOR ENCROACHMENT INTO THE RIVER AND RESTRICTION OF ACCESS TO THE RIVER -- AND CONCLUDES THAT:

1. MATHEWS READYMIX HAS POSSIBLY MADE MINOR ENCROACHMENTS INTO STATE LANDS WITHIN THE RIVER.
2. MATHEWS RECOGNIZES THE STATE'S OWNERSHIP AND HAS NO OBJECTION TO USE OF THE RIVER BY FISHERMEN, ETC.
3. MATHEWS DOES NOT OBJECT TO FISHERMEN USING HIS PROPERTY FOR ACCESS TO THE RIVER, AND HAS ACTUALLY CONSTRUCTED A ROADWAY FOR SUCH PURPOSES.

MR. PORGANS HAS ASKED THAT THE LINE OF OWNERSHIP BE SURVEYED, MONUMENTED, AND POSTED. HE HAS OFFERED TO PAY FOR A LICENSED SURVEYOR TO DO THE JOB. THE STATE LANDS DIVISION WOULD STILL HAVE TO DO INITIAL TITLE WORK, WRITE SURVEY SPECIFICATIONS, MONITOR THE JOB, MAKE A FINAL FIELD CHECK, AND RECOMMEND THE SURVEY TO THE COMMISSION.

IN VIEW OF THE FOREGOING, IT IS RECOMMENDED THAT WORK NOT BE AUTHORIZED BY THE COMMISSION. THE STAFF WILL, HOWEVER, LOOK FURTHER INTO THE POSSIBLE MINERAL EXTRACTION MADE BY MATHEWS.

MR. PORGANS HAS INDICATED HE WOULD LIKE TO ADDRESS THE COMMISSION.

RECORD OF ACTION TAKEN BY THE
STATE LANDS COMMISSION
AT ITS MEETING OF AUGUST 26, 1976

During the meeting, the recommendations of the staff relative to Calendar Items C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, 22, 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, and 36 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items C4, 20, 21, 27, and 32 are set forth on pages 1046, 1093, 1100, 1117, and 1131.

Other information items discussed during the meeting included a presentation concerning the Mathews Readymix Issue, Feather River, near Oroville (see page 1028); and a brief report on the status of major litigation (see page 1141).

Chairman Cory left the meeting after consideration of Calendar Item 20, at which time Commissioner Dymally acted as Chairman until the conclusion of the meeting.