TRANSCRIPT OF MEETING OF STATE LANDS COMMISSION SACRAMENTO, CALIFORNIA November 3, 1965
PARTICIPANTS:

THE STATE LANDS COMMISSION:
Hon. Alan Cranston, Controller, Chairman
Hon. Hale Champion, Director of Finance
Mr. F. J. Hortig, Executive Officer

APPEARANCES:
(In the order of their appearance)
ON CALENDAR ITEM 1 -- APPLICATION FOR ADDITIONAL RIGHT-OF-WAY OVER STATE SOVEREIGN LANDS OF SONOMA CREEK - W. O. 5504:
Mr. John G. Meyer, District Engineer, District 10, Division of Highways
Mr. Ignacio A. Vella, Vice Chairman of Board of Supervisors, Sonoma County

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MR. CRANSTON: The meeting will please come to order. Governor Anderson has started to launch the Senate and will be with us shortly.

The first item is application for additional right-of-way over State sovereign lands of Sonoma Creek, Solano and Sonoma counties; State Department of Public Works, Division of Highways - W. O. 5504.

Frank?

MR. HORTIG: Mr. Chairman, as the Commission will recall, this item -- as reported on your agenda page 1 -- appeared on the April 29, 1965 calendar of the State Lands Commission. It developed that there were problems to be resolved with respect to the feasibility and applicability of the bridge construction program as proposed by the Division of Highways, which were considered inadequate or inappropriate by representatives of Sonoma County.

After that discussion, the Lands Commission suggested to Supervisor Vella of Sonoma County, who presented the County position on the matter, and the Division of Highways that those two groups should undertake a resolution of their problems and in due course, and as expeditiously as possible, report back to the State Lands Commission the basis which would be satisfactory to both agencies, under which circumstances the State Lands Commission should grant
the necessary right-of-way easement for the construction.

The State Highway Engineer of the Division of Highways has reported to staff that they feel that the problems, the questions that were raised, have a solution, have been disposed of -- but they have been unable to reach an agreement with Supervisor Vella.

Under those circumstances and because of requirements for contract and requirements and requests for this construction on behalf of the using public and even the Navy Department that this project go forward, they felt that the only way to possibly break the impasse would be for the Land Commission to again schedule a review of this matter and consider what further action could be taken; or whether the right-of-way easement should be granted in the light of the resolution or elimination of the problems as will be reported by the Highway Division here today.

As you gentlemen are aware, Supervisor Vella is here and the Division of Highways is also represented, as a result of this request from the State Highway Engineer.

MR. CRANSTON: Does someone wish to appear on this from the Highway Department?

MR. MEYER: I am John Meyer, District Engineer with the Division of Highways in Stockton. We have District 10, as we are called, and have jurisdiction over this Sonoma Creek bridge.

As Mr. Hortig said, this is principally a problem
of trying to replace an old and shaky bridge. The present
bridge we built in 1927. It is timber construction with a
concrete deck and bascule span; and the timbers are in bad
shape and the bascule span is in shaky condition. We are
doing our best to maintain it, but it is becoming more dif-
cult every day.

We don't say the bridge is going to fall down to-
morrow, but this is a possibility, definitely. These old
bridges, for no reason at all in spite of the best of main-
tenance, with the amount of deterioration involved can col-
lapse without any warning; and in this case there would be a
twenty-one-mile detour through either Napa or through the
Richmond-San Rafael bridge. So this, in effect, would add
a user cost of some six million dollars, considering the
amount of traffic using it, particularly the trucks, and
also the Navy installation.

We started thinking about this bridge in 1962 and
reached the conclusion it couldn't be replaced in time. We
had a design for a four-lane revision and were proposing to
build this to the south of the present bridge. The Army
Engineers in 1963 gave it a thorough investigation, consider-
ing the water traffic and recreational aspects and height
for levee maintenance equipment and over-all development.

They sent out a public notice on April 25, 1963 to
all interested parties and some nine protests were received,
but they were entirely from people maintaining levees; and
the Army Engineers pointed out later that these protests were on the basis of change of equipment, and there was efficient equipment in the Bay area to perform this maintenance work with only slight additional cost to the drainage district.

So the Corps went ahead with the bridge on a twenty-foot height and, in the mean time, we went ahead with acquisition of right-of-way easements.

The Army granted authority in 1963; and in 1964, the Board of Supervisors passed a resolution opposing this fixed span bridge. I should point out this must be a fixed span -- with nine thousand cars and trucks a day, a lift span would not be acceptable.

The County also pointed out in their resolution that it would adversely affect public boating in that area.

The Corps considered the recreational and boating aspects, and pointed out that the proposed twenty-foot clearance would not hinder any such use or development. They also pointed out, as I stated before, this would be no particular hindrance and only slight additional expense for dredging for levee maintenance.

During 1962-'64, the Corps of Engineers were considering a recreational project in the Sonoma Basin and they have since published a report to the Chief of Engineers and the Secretary of Commerce which points out that the recreational aspects of this proposed plan should be dropped because the boating is such a small part of the total water recreational
envisioned.

In addition to that, the Corps in all of their reports have never pointed out or included the need of dredging of the channel. The mouth of Sonoma Creek is still about six or seven miles from deep water in San Pablo Bay and in order to make it usable for any type of boating, yachts or cruising would require dredging in the channel probably in the order of four or five hundred thousand dollars, which expense was never mentioned in the report.

The forty-foot height indicated by the County and the additional recreational groups of Sonoma County would be an added $1,400,000 and, moreover, it would delay the project because of the additional time required and the requirement of additional rights-of-way. This would delay us two years further. In other words, it would be four years before we could get rid of this bridge.

A thirty-foot bridge, sometimes talked about, would cost $600,000 more, but, again, we would lose two years' time in construction.

So, generally, our conclusion is that the responsibility for any further delay and the added risk and expense is just something that we would have a difficult time accepting and, in addition, we have no public record that would justify the additional cost of the higher bridge.

So we respectfully recommend your approval of our application for granting the sovereign land.
MR. CRANSTON: Thank you very much.

Is there a representative of the County?

MR. VELLA: Mr. Chairman, members of the State Lands Commission, I am Ignacio A. Vella, Vice Chairman of the Sonoma County Board of Supervisors, and again their official representative at this hearing regarding 7.68 acres at the mouth of Sonoma Creek on Highway 37.

If I might, prior to my launching into my present reasons to the continued opposition to the granting of these acres to the Division of Highways, I would like to express my heartfelt and sincere thanks -- I do not say this if I do not mean it -- to your Chairmen, because I owe the absent Governor Anderson a vote of thanks and the present Chairman, Mr. Cranston, for having delayed this particular hearing because I was in Eureka at the time of the last meeting.

I would also like to note into the record certainly the efficiency and fairness of your Executive Officer, Mr. Hortig, who has kept me and my county apprised of just exactly what has gone on; and for this I am genuinely thankful and I will say that this is a somewhat refreshing experience in this particular profession.

Being new at the task of government, if you wish to call it that, and also having been raised to do what you are directed to do by both my parents and the Air Force -- and the latter one had a fixation on what you were supposed to do -- I'd like to take as my first point the admonition
to myself and the representatives of the Division of High-
ways on April 29, 1965, and I am fairly sure that all of us 
understood it, because in a letter from Mr. Hortig of July 
14th which I'd like to quote, and I won't quote it out of 
context because it is a very short letter, he said:

"Dear Mr. Vella:

As requested today by telephone 
by Mr. Jack Prather, Executive Officer of 
the Sonoma County Planning Commission, you 
will be notified at such time as the appli- 
cation of the State Division of Highways for 
a right-of-way easement over State sovereign 
lands, in connection with building a bridge 
as shown on Map No. 10,04-Sol., Son.,-37, is 
again placed on the agenda for action by the 
State Lands Commission. Also, at that time 
a copy of the calendar item will be sent to 
you.

You will recall....."

and this is the portion I certainly don't want to quote out 
of context:

"... that at the meeting of the State Lands 
Commission in Sacramento on April 29, 1965, 
which you attended, action on this matter 
was deferred pending further negotiations 
between the County of Sonoma and the Division 
of Highways. We are awaiting word that the 
Division of Highways and the County of Sonoma 
have resolved their problem before taking 
further action."

I mention this as the admonition and the direction 
that I understood -- that we were to get together as reason-
able people get together, and sit down and see what could be 
worked out.

Accordingly -- and I have these things documented
and I would take them under oath if you wish -- in May, Mr. C. D. Moffatt from District 10 and I tried to get together and I was told -- and I have only his telephonic conversation -- that it would be impossible during the month of May.

On the 22nd of June, I again had a telephonic conversation and Mr. Moffatt asked me if the position of my Board was exactly the same as it had been, and I said, "Yes," and he said, "Would you mind getting a resolution of affirmation in continued opposition to the twenty-foot height?"

So I did; and the resolution is dated June 22, 1965. I'll just read the preamble to it, rather than all the "whereas's":

"RESOLUTION REAFFIRMING POSITION OF THIS BOARD STATED IN RESOLUTION 11566-1 OF THIS BOARD ADOPTED JANUARY 12, 1965 OPPOSING AND REJECTING PLANS FOR A LOW LEVEL SKAGGS ISLAND AND HIGHWAY 37 SONOMA CREEK BRIDGE."

I sent this along with a covering letter to Mr. Moffatt, copy to Mr. John Erreca of the Department of Public Works and to Senator Rattigan of my own county; and I would ask that my letter to Mr. Moffatt be made a part of this record because this is what I said, and it is dated June 28, 1965:

"Enclosed you will find a copy of our resolution reiterating opposition to the low level bridge across Sonoma Creek. I trust this will confirm my telephone conversation with you in regards to this particular matter.

"You may rest assured that I will cooperate in any way I can on this bridge; but you
"may also rest assured that I will oppose it to the bitter end so long as there is no spirit of compromise on the part of your department."

I do not wish to say I have anything personal against Mr. Moffatt. I feel I was going against what I would like to call "the establishment" here. The establishment is sort of arrayed against you. Someone calls you and you don't go along with it and you go back and back again.

It was July 19th before I received a letter from Mr. O'Gara of the State Highway Department. This is some three weeks later:

"Mr. Erreca has asked me to thank you for your letter of June 28, 1965 and the accompanying resolution of the Board of Supervisors regarding the planned bridge across Sonoma Creek."

All of a sudden the bridge is going to fall down, gentlemen, and there is need for unseemly haste today.

Finally, in August I attempted to do something and I tried to see Mr. Moffatt and this is the first gentleman with whom I got a real confrontation. We had a meeting set for the third Friday of August. On Thursday afternoon I received a telephone message from Mr. Moffatt that Mr. O'Gara and Mr. Womack would not be able to make the Friday meeting, so consequently "Don't bother to come to Sacramento."

On September 24th, I felt something had to be done about this and I perhaps inadvertently wrote a letter to my congressman, Mr. Clausen; and in it I included everything
I could as far as making up a brief goes, so he might be able to take this, read it, and turn it over to the Corps of Engineers because I felt in fairness to everyone -- your Commission, my county, and the State, this matter had to be brought to a head. It could not go on ad infinitum.

I'd like to read this because it very succinctly states our case. This is dated September 24, 1965:

"Our yesterday's conversation regarding the ancient question of bridge height at the mouth of Sonoma Creek certainly evoked a host of memories; just how many memories and how much correspondence has passed from me to various agencies even I did not realize until the composition of this letter began. At any rate, after due deliberation and diligent research, the enclosed 'brief' resulted. Please note that it all began with a conversation and a letter from you on December 16, 1964.

The particular reason that I am writing to you at this moment is the fact that (as the 'brief' will bear out) we can get nowhere with our Highway Commission. Perhaps, to be more precise, as well as more charitable, I should more properly say, "nowhere with the bureaucrats who advise both the Highway Commission and the Director of Public Works."

Thus I find myself in the position of the American Colonies in 1776 -- that of having petitioned, having remonstrated, having reasoned, having discussed and debated, but having received only vague, evasive answers or implied pressures and direct rebuffs from the parties concerned.

I then am appealing to you to ask the United States Corps of Engineers to reopen public hearings on the subject of this bridge height in order that the facts as they stand in the year of our Lord, 1965, may be properly examined -- not as the Highways wish, those of 1962 and 1963 being the basis for their decision.
"As the representative of Sonoma County in this matter, I would even ask my fellow Supervisors that should you and the Corps of Engineers find it more feasible to do so, that in lieu of a re-opened public hearing, that the County of Sonoma, the Department of the Navy, the City of Sonoma, the Sonoma Valley Chamber of Commerce, and any other agencies who might have new facts to submit be allowed to officially present written statements describing the 1965 situation in the Lower Sonoma Creek area as soon as the Corps might wish.

Perhaps I am assuming too much continued patience on the part of the above-mentioned parties (in truth, patience is a commodity presently in rather short supply on this question), but I would be willing to dedicate myself to this approach if you requested me to do so.

At any rate, I have explained our problem and I shall leave the mechanics of its solution in your very capable hands. The 'brief' is in chronological order beginning with your letter and all pertinent passages are underlined to aid in your rapid assimilation of the facts.

Trusting both to your proven good judgment and sense of justice in this, our great matter, I am, as ever,

Your friend,

Ignacio A. Vella"

On the 21st of October, as I have noted, this item was to come up. It was rescheduled in a letter to me, very kindly sent to me by Mr. Hortig and in the calendar item included with this particular letter is the thing I am unable to understand and I am attempting to attack at this time. That is, the statement:
"Although negotiations between representatives of the Division of Highways and Sonoma County have continued since April, no agreement has been reached. The Division of Highways reported by letter dated September 13, 1965, that reviews by that Division and by the Corps of Engineers do not indicate any need for a change in design of the bridge. It is staff's opinion that no evidence has been offered which would support a denial of the application."

I take issue with "negotiations between representatives of the Division of Highways have continued since April." If this is negotiating, I think we have a real good chance of settling things with the Red Chinese in the very near future because we don't even recognize them as an entity; and I feel that I was not recognized and my county was not recognized as an entity in this whole matter.

Be that as it may, after your October postponement, there was a call from Mr. Allen Hart of District 4 to District 10, in which Mr. Hart attempted to play the honest broker. Mr. Moffatt, Mr. Venturini and Mr. Meyer, whose testimony you heard, agreed to come up to Sonoma. It wasn't an agreement we insisted upon -- we would have gone to Tulare if necessary to talk about this. My road commissioner, Mr. Don Head, met with them for an aggregate total of thirty-six hours, and this thirty-foot compromise was discussed. Mr. Head, incidentally is an engineer who received his degree and has built three bridges in Sonoma County.

These three gentlemen, who were all engineers, worked out what they felt was an agreeable compromise and the
very next day they did come up here, and I have no reason to doubt it, attempted to sell this compromise. It got as far as Mr. Womack and thumbs were turned down on it.

So that brings us to today. I would also point out as a mere transgression, while I do not dispute the Corps of Engineers and the report quoted to you, I do wish to note that last week President Johnson signed an omnibus bill and the recreation for Sonoma County was in it. If the recreational benefits were so unimportant, I don't feel we would have predicated an eleven-million-dollar project.

I feel it is no use badgering you people and taking your time without offering something constructive, and what I would respectfully suggest is the following: That we continue this, but that we put a time limit on it; that the Division of Highways and the County of Sonoma are admonished and directed with a time limit, perhaps at the December meeting, to come up with either a compromise or two letters that say we cannot compromise and consequently there is no middle ground, and we throw ourselves upon your mercy and your discretion.

I feel here, as in many other cases dealing with this Department -- and I will be very candid about this -- that the image of the State of California suffers greatly from the fact of lack of communication, whether it be inadvertent or advertent lack of communication.

I will stand up before God and anyone else and
affirm it--that I tried my best. I have a reputation for being temperamental, and perhaps for being an s.o.b., but the fact remains on this one I felt that the stakes were much too high for personal egotism and temperament.

In conclusion, I wish to thank you for the opportunity to have my say here. I feel no matter what your decision, I have been treated exceedingly fairly by you people.

Last Sunday, the Sermon in the Latin rite of the Catholic church was taken from the beatitudes: "Blessed are the peace makers for they shall be called the children of God." Gentlemen, I am asking for only one of the beatitudes: "Blessed are they who suffer persecution for justice's sake."

I am asking not for myself, but the people of my county and their future.

Thank you very much.

MR. CRANSTON: Is there anyone else who wishes to comment? (No response)

Thank you very much.

MR. CHAMPION: I have a suggestion--suggested by the beatitude you started with on the peacemakers.

I'd like to suggest that Senator Rattigan knows the county, knows the State's problem, and I haven't talked to him about it so I don't know whether he would be willing to do it--but I'd like to see whether Senator Rattigan couldn't meet with the Highway people and with you and discuss this problem.
I'd like to see it go over a month. I'd like to see an effort made, and I'd like to see an effort made with a third party, and I am sure our staff would be glad to sit in such a meeting and discuss the local problems -- the recreation problem, and so on -- and then have a report back to us from that meeting, so we would not be faced, if there is no agreement, simply with a letter from you saying you can't agree but we would also have the further information both from our own staff and anything Senator Rattigan might suggest as a possible solution to the problem.

The recreation problem in California is such that you cannot afford to pass up, really, any reasonable opportunity to develop a recreational situation -- particularly within reasonable distance of major centers of population. I haven't had a chance to review this factually. I think we might take a different attitude on the importance of recreation than the Army Engineers, so we are not totally guided by them.

So if this is satisfactory, I'd like to suggest that solution. If Senator Rattigan is not available, I still would like to have our staff meet with you gentlemen.

MR. CRANSTON: That is certainly satisfactory to me, and I certainly would like to take recreation into consideration.

MR. CHAMPION: If anyone can make peace, I would trust Senator Rattigan.
MR. CRANSTON: I don't know that a formal motion is in order. The substance of what we are doing is putting this over to take up with Senator Rattigan and putting it back to the December meeting.

Next item is Number 2 -- Application for footbridge right-of-way easement over submerged land of American River in Sacramento, Sacramento County, City of Sacramento -- W.O. 5867. Frank?

MR. HORTIG: As shown on the map following the numbered page of your agenda item, in connection with the development of the facilities for the Sacramento State College, particularly the proposed campus commons development which is located on the northerly side of the American River, to provide access from the present Stage College campus site over in the Horst Ranch property, it would be necessary to construct a foot bridge.

This foot bridge will cross the American River at a location which is sovereign land of the State and, therefore, an easement for it must be authorized by the State Lands Commission.

The State Reclamation Board has approved plans for the construction of the bridge as not affecting the flood control capacity or stability of the levee; and the Corps of Engineers of the Department of the Army, this being outside of any navigation project, have no objection to the erection of this bridge for this public purpose.
Therefore, it is recommended that the Commission authorize the issuance to the City of Sacramento of a forty-nine-year easement which will permit construction of this bridge at the location designated across the American River, and the consideration for this easement will be the public use and benefit in having the bridge so located.

MR. CRANSTON: Is there any problem or opposition to this?

MR. HORTIG: We know of no opposition.

MR. CHAMPION: Move its approval.

MR. CRANSTON: Approval of the granting of the easement is moved, seconded, and so ordered.

Item 3 -- Plan of development and operations and budget for 1966 for the Long Beach Unit, Wilmington Oil Field, Los Angeles County - L.A.W.O.'s 5200.301 and 5200.311

MR. HORTIG: In brief summary to refresh the Commission's memory, the provisions of Chapter 138, Statutes of 1964, which authorize the procedure for the development of the Long Beach Unit of the Wilmington Oil Field, provide that annual budget and operating programs shall be submitted by the City of Long Beach to the State Lands Commission for consideration and approval.

Such submittals must be placed one hundred days in advance of the time that any approved project is to go into effect, and pursuant to that requirement the City did submit one hundred days prior to January 1, 1966, a budget entitled
"Proposed Plan of Development and Operations and Budget, Long Beach Unit," which is attached as Exhibit A to the agenda you gentlemen have before you.

Additionally, Chapter 138 provides that the Lands Commission has forty-five days after submittal in which to consider the proposal, consider it for approval; or, if there are elements that cannot be approved or on which further modifications might be considered to be necessary, to call for a public hearing on this matter and resolve the format of the budget to be approved, which will still then be effective after the one hundred days.

The budget proposal before you will become effective, if approved, for all operations to be conducted on and after January 1, 1966. In addition, on those projects which were already approved in the 1965 budget and for which funds were budgeted and approved but where funds were not actually expended in 1965, they can be expended in succeeding years to accomplish the original budget purpose.

The proposed expenditures total $49,781,000, broken down in categories as detailed in the calendar item before you -- providing generally grossly for the drilling of one hundred nineteen wells. However, as to the total number of wells, it is only feasible to select twenty-three locations to be drilled during the first quarter of 1966. The balance of the well locations, as well as a final determination of optimum location for a fourth drilling island and other
developmental features, can be resolved best during the forthcoming year in the light of the additional experience and information which will be achieved as a result of the drilling program as it is carried on during the year.

So for those items where specific approval as to particular locations, particular rates of injection, location of facilities, and so forth, cannot be made categorically or recommended categorically at this date, there is a letter of proposal and agreement on the part of the City -- and which has been reviewed by the Office of the Attorney General and is felt to be legally satisfactory under the provisions of Chapter 138 -- that such items will be developed in the optimum program approved concurrently and co-operatively as between the City Manager of Long Beach and the Executive Officer of the Lands Commission, subject, of course, to ratification by the Lands Commission as required by the statute, as the information is developed during 1966 as necessary to make the best judgments as to final determination of how the final program should be carried out.

In view of this agreement and the complete staff review and the review by the consultants to the Commission for the program proposed that is before you, it is recommended, as set forth on page 3 of your agenda item, that the Commission:

First, mutually agree with the City, as permitted by subdivision (a) of Section 5 of Chapter 138, for the
present time to waive:

(a) Specification of the surface....

MR. CHAMPION: Frank, are you in any way changing your recommendation?

MR. HORTIG: No, sir. The recommendation as it is before you in writing is the staff recommendation.

MR. CHAMPION: Let me just ask you two questions: One -- Is this shipping pump thing all settled now? Everybody agrees, that is, on the handling of that expense item?

MR. HORTIG: No, sir. The City Council, in connection with considering this budget, approved this budget for submittal to the State Lands Commission with the exception of proposed expenditures for shipping pumps; and, also, as you will see in the recommendation to the Commission, it is again recommended that this budget be approved by the Lands Commission substantially in the form as approved by the City Council and with the same reservation excluding the pumps.

MR. CHAMPION: We are in agreement with the City on this point and this is enforceable on THUMS? THUMS has no recourse on that kind of decision?

MR. HORTIG: Whatever method they have for objecting, they have not indicated they are dissatisfied with this decision on the part of the City and expectedly on the part of the Lands Commission.

MR. CHAMPION: What is the next action? We have
agreed with the City on how this should be handled. What is next? THUMS says, "We don't like it," or "We accept it"? 

MR. HORTIG: All I am saying is that the three parties, in effect, -- the City and the State and the Field Operator -- are in agreement.

The City and State are. The Field Contractor has not reported assent and willingness to continue without considering possibility of securing relief in whatever manner it may be available to them; but, in the interim, on the basis of the budget, if it is approved today, the Field Operating Contractor will not be authorized to spend any moneys for this unapproved purpose.

MR. CHAMPION: The other thing I wanted to ask: Are you satisfied -- and I think this probably sets forth that you are, but I just want to phrase it slightly differently -- are you satisfied that with regard to what we regard as the intent of the Legislature, that is, that the State should have the prime voice in areas that involve the economics of the development, that this budget protects our ability to so do?

MR. HORTIG: Yes, sir.

MR. CHAMPION: All right. I move its approval.

MR. CRANSTON: Second the motion. No further discussion, so ordered.

We will stand in recess until the next meeting, which will be November 18th in Los Angeles.
MR. HORTIG: And may I call to the attention of you gentlemen that due to the numerous other public hearings that are taking place at the State level in Los Angeles, we were unable to secure any State facilities for the conduct of the State Lands Commission meeting and it will be in Room 150, which is the Board of Public Works in the City Hall, directly across the street from the State Building.

ADJOURNED 11:00 A.M.

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CERTIFICATE OF REPORTER

I, LOUISE H. LILlico, hearing reporter for the Office of Administrative Procedure, hereby certify that the foregoing twenty-two pages contain a full, true and accurate transcript of the shorthand notes taken by me in the meeting of the STATE LANDS COMMISSION held at Sacramento, California, on November 3, 1965.

Dated: Los Angeles, California, November 12, 1965.

[Signature]

LOUISE H. LILlico

OFFICE OF ADMINISTRATIVE PROCEDURE, STATE OF CALIFORNIA