TRANSCRIPT OF

MEETING

of

STATE LANDS COMMISSION

LOS ANGELES, CALIFORNIA

August 21, 1967
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STATE LANDS COMMISSION 

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August 21, 1967 

PARTICIPANTS: 

THE STATE LANDS COMMISSION: 

Hon. Houston I. Flournoy, Controller, Chairman 
Hon. Gordon P. Smith, Director of Finance 
(Absent: Hon. Robert H. Finch, Lieutenant Governor) 
Mr. F. J. Hortig, Executive Officer 

APPEARANCES: 

(In the order of their appearance) 

Mr. Richard H. Davidson 
Game Management Supervisor 
California Department of Fish and Game 

Mr. John Peavy 
Chief, Division of Resources Management 
Bureau of Land Management, Riverside
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(In accordance with Calendar Summary)

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AUGUST 21, 1967 -- 10:15 A.M.

MR. FLOURNOY: A quorum being present, this meeting of the State Lands Commission will come to order.

Unless there is objection, we will proceed with the calendar. I understand that there are a couple of individuals who would like to address the Commission with regard to item 7(a) on page Roman numeral IV. Other than that, the Chair is unaware of any person who seeks to address the Commission on any other item.

With that understanding, unless there is objection, we will confirm the minutes of the meeting of July 27th and move to Item 3 -- Permits, easements, and rights-of-way to be granted to public and other agencies at no fee, pursuant to statutes. Unless there is objection or discussion, that item will be approved as indicated.

Number 4 -- Permits, easements, leases, and rights-of-way issued pursuant to statutes and established rental policies of the Commission -- one item. Unless there is objection or discussion, that item is approved as indicated.

Number 5 -- Several items, oil-and-gas and mineral leases and permits issued pursuant to statutes and established policies of the Commission. Unless there is discussion or objection on any one of those, they will all be approved as indicated.

We will move to item number 6, City of Long Beach,
two items with regard to the operation there. Unless there
is discussion or objection, we will approve those items as
indicated.

MR. KORTIG: Mr. Chairman, with respect to item 6(a)
I wish to call the attention of the Commission to the fact
that this supersedes a previous action of the Commission,
but the form of agreement was not applied after the Commis-
sion previously approved it, so it was felt in order to have
the record clear that the Commission re-adopt this item as
outlined in the resolution in item 6(a).

MR. FLOURNOY: Very well. If there is no further dis-
cussion, both those items will be approved as indicated.

Number 7 -- Land sales, involving a couple of parcels.
I understand that Mr. Richard H. Davidson is here from
the California Department of Fish and Game and wishes to ad-
dress the Commission on this matter.

Please come forward, Mr. Davidson. Then we will hear
from Mr. John Peavy of the Bureau of Land Management, River-
side.

MR. DAVIDSON: Mr. Chairman, members of the Commission,
I am Richard Davidson, Game Management Supervisor of the
Department of Fish and Game, representing the Director. I
have a formal presentation here that I will give to your
secretary.

MR. FLOURNOY: I think at this point in time probably
the best and most expeditious manner of procedure would be
for the Commission to hear briefly what the Department's point of view is, followed by any questions the Commission may have; then submit your request for withdrawal to the staff, so we can evaluate it for one action or another at the next meeting.

MR. DAVIDSON: This is only a page.

We appeared before the State Lands Commission on May 28, 1964 and informed the Commission of State lands intermingled with Bureau of Land Management lands in the Providence Mountains area west of Needles in San Bernardino County. We indicated the benefits that would accrue to both the Bureau of Land Management and the State if certain State lands in the Providence Mountain area were to be exchanged for Bureau of Land Management lands outside this area.

Subsequently, the Bureau of Land Management, the State Lands Division, and the California Department of Fish and Game met to formulate procedures whereby land exchanges could be made. Almost simultaneously, the Department of Fish and Game requested withdrawal from public sale of State lands in the Providence area to allow time for the land exchanges to take place.

The Bureau of Land Management has been making extensive classification studies of their lands and because of this have been unable to devote the necessary time to effect the desired land exchanges.

The Bureau of Land Management has informed us that they
are anxious to acquire Section 16, T. 12 N., R. 15 E. and
Section 16, T. 13 N., R. 15 E. of the San Bernardino basin
region, to best serve the public interest. A representative
of the Bureau of Land Management is here today to testify,
if you wish.

These two sections of land are bordered on more than
two sides of each section by Bureau of Land Management lands.
Bureau lands adjacent to the two sections are being proposed
for retention by the Bureau and classification as multiple
use lands -- and I understand this has already been signed
by the Secretary of Interior, so these lands already around
there have been classified as a multiple use area.

The nature of the lands in the area is unique in that
it is type very similar to that found east of the Sierra
Nevada Mountains area and this is unique in Southern Cali-
ifornia; and we feel there are many areas throughout Southern
California for urban development, but very few in Southern
California that hold recreational values that can be acquired
and protected for our evergrowing population.

I might point out that since 1948 our Department has
been evaluating public lands, both State and Federal, and
delineating those lands that we feel have those high recrea-
tional values, and there are lots of lands outside of those
areas.

We believe removal of these two sections of land from
public ownership will curtail historic public use of the
lands, and will bring about conflict between private land owners and the public using adjacent public lands.

Since we feel there are exceptional wildlife values of interest to the public, and the Bureau of Land Management desires to acquire the two sections of land to assist them in the administration of their presently owned lands, we urge that the two sections be withdrawn from public sale pending acquisition by the Bureau through an exchange process.

MR. FLOURNOY: Mr. Smith has a question.

MR. SMITH: Mr. Davidson, how long have these lands been under consideration by the Department of Fish and Game?

MR. DAVIDSON: We started reviewing the lands in 1948.

MR. SMITH: These particular lands?

MR. DAVIDSON: In this particular area, yes, and at one time we thought we had a procedure worked out between the Bureau of Land Management and the State Lands Division for exchange to start taking place. The wheels are moving rather slowly, much slower than we like to see them grind.

In 1964, as we pointed out, we thought we had made some headway, but the Bureau had a deadline for classifying all their lands in the State and I think they have only one more year for that; and this would be two years for them to classify all their lands and this would be quite a burden on them.

MR. SMITH: Without the details, Mr. Davidson, does the Department of Fish and Game have an explicit plan for these
lands they are asking to be withdrawn from private sale?

MR. DAVIDSON: From private sale for administration by
the Bureau of Land Management, to actually be a part of their
administrative area and we have, I am pretty sure, put in at
least one self-maintained quail guzzler in one section.

We consider this highly important to the rest of the
public lands in the area. It won't be our land. All we are
trying to do is in the public interest to see that these
lands that have high recreational value are protected for the
public.

MR. FLOURNOY: Do you have any idea what the Bureau
intends to do with the land if they acquire it?

MR. DAVIDSON: Yes, I have a pretty good idea. They
have it already classified for multiple use -- camping pic-
nicking, general public use; and these sections they would
acquire would fit in with their overall plans.

MR. FLOURNOY: And it is your expectation that after
the deadline for this classification of lands the procedure
for exchange of these lands could be worked out?

MR. DAVIDSON: I have this problem now. At one time
we made a proposal but they wanted time to classify all their
lands.

MR. FLOURNOY: I think probably the question in my
mind should be addressed to the Bureau of Land Management.

MR. DAVIDSON: Probably should.

MR. FLOURNOY: Is Mr. Peavy here?
MR. PEAVY: Yes.

MR. FLOURNOY: Will you come forward?

Thank you very much, Mr. Davidson.

MR. PEAVY: Mr. Chairman, members of the Commission, Mr. Hortig, I was asked to come to testify this morning concerning these two sections, item 7, and Mr. Davidson has done a pretty good job of reviewing our proposed plans for the area.

Now, this classification that he mentions is Public Law 88607, under which we are now operating. This law requires that in certain tracts of land, certain areas of land, well blocked areas, that we classify these lands for retention and multiple use management.

Now, multiple use management takes in quite a gamut of resources. In this particular area it would be range management, game management, recreation, and possibly some mining activity within the general area. These particular two sections are involved in our grazing management plans and our range management plans which are being perfected.

Now, to date, within the Riverside district -- which has some eight million acres of public land -- we have classified about one million acres under this 88607. Now, this does not mean that every acre within one particular area is classified for retention. Certain tracts within the area, which are isolated tracts or not needed for any public purpose that can be determined, are classified for disposal for
title transfer, under the new act, 88608, if they happen to be in a city or town and are needed for industrial purposes.

However, these two sections are not this type of land. These two sections are the type that would be used for multiple management under our new act, which is the first time in the history of the Bureau of Land Management, or the Grazing Service or some of its various names in the past, we have been given the authority to retain and manage lands for these multiple resources.

Now, Mr. Davidson has stated it will probably be over a year before we have other lands classified which may be selected in lieu of these State lands for exchange. However, during the interim of any exchange which would be accomplished, under Section 8 of the Taylor Grazing Act anybody is free to make an application for Bureau of Land Management land, which we assist them in.

Now, to date most of our exchanges have been made for other agencies like the National Park Service, the Forest Service and other Federal agencies. To date we have accomplished very few exchanges for our own benefit and management, the Bureau of Land Management itself, because we have only had this act since 1964 and up until that time we did not make many exchanges -- only in extreme cases where we had to have the access or had to have the section to manage adjacent to public lands which were forested or had a very valuable public resource.
Now, these two sections that are mentioned under item 7 are the primary access to adjacent public lands, of which there is a very large block, and also a portion of our management and grazing management leases in the area, of which we have two very important ones, and that is about all I have to say unless you want to now ask me some questions.

MR. SMITH: Just out of curiosity, Mr. Peavy, what percentage of lands in the State of California are under the control of the Bureau of Land Management; do you know?

MR. PEAVY: The State of California has some one hundred million acres of land in toto and within the State approximately seventeen million acres are under the administratorship of the Bureau of Land Management. Now, that would be approximately seventeen percent.

MR. SMITH: Is that all Federal land?

MR. PEAVY: No. That's only Bureau of Land Management lands. Now, of course, there are other lands -- Forest Service, Bureau of Reclamation, military, and you can go on and on. I cannot remember the total figure of all the agencies together.

MR. HORTIG: About fifty.

MR. SMITH: In the program for the exchange of land, is it the policy of the Bureau of Land Management in the exchanges to end up with the same amount of land that it now has control of?

MR. PEAVY: No. As time goes on, there are a few less
acres or sometimes many less acres of Bureau of Land Manage-
ment land. Of course, in this case, if an exchange was aug-
mented and completed here, it probably wouldn't be too much
of a difference in range -- I mean in acres. We have certain
areas within San Diego County under this new system, which we
call type 4, of widely scattered lands which are hard to
manage because of the plottage of the lands. Now, those
lands, it has been determined, are title transfers. There
are certain isolated transfers in these blocks. Some of
these lands are private holdings.

MR. FLOURNOY: With regard to the classification of
lands that has been referred to, am I correct that the classi-
fication program applies to the lands that are under the
jurisdiction of the Bureau of Land Management?

MR. PEAVY: Right.

MR. FLOURNOY: I gather that the relationship is such
that because this land borders on some of the land that is
under your administration, these lands have been so classified
that are under discussion today.

MR. PEAVY: Yes.

MR. FLOURNOY: And you are one-eighth through that
classification program?

MR. PEAVY: Well, you can't exactly figure it that way
because it takes longer to complete this classification in a
widely scattered land area than it does in a whole blocked
area, which is the first priority in the system.
MR. FLOURNOY: And the Bureau of Land Management is interested in acquiring these lands on an exchange basis?

MR. PEAVY: Yes, we are.

MR. FLOURNOY: Do you have any idea of the kind of timetable we are talking about for consummation of this?

MR. PEAVY: I was in agreement with what Mr. Davidson put forth -- a year or a little over a year is probably what it would be.

MR. FLOURNOY: I have a feeling -- and I may be wrong in this -- that the State Lands Commission is somewhat of a creditor of the Bureau of Land Management at the present time and we have substantial land due and owing to us that we have been trying to acquire or negotiate or consummate for some time. It raises in my mind a little skepticism as to the timetable on which we may be operating here.

MR. PEAVY: Of course I want you to excuse our fast actions. However, I do know you are speaking now, Mr. Chairman, about State exchanges and State indemnity selections.

MR. FLOURNOY: Yes.

MR. PEAVY: Now, I do know of some State exchanges which have been in the mill for ten years for this reason -- mining claim conflicts. As soon as the exchange is worked up for consummation, the values are equated. Again, we have mining claims to clear off the land because this classification is not segregated from mining locations, and that is one
thing that holds up an exchange, no matter what the timing is;
is conflicts which slip in under other laws and acts which
have to be cleared off before the land can be exchanged.

I might add I believe there are one or two exchanges
in the Riverside land office ready for consummation, except
for the civil rights statement which is needed on those one
or two exchanges. I believe they are fairly large acreages.
I don’t know whether that has come through or not, but it
seems to me it is several thousand. It is an old one; I’d
like to clear this off.

But you are no doubt right in saying it takes a long
time and to date we have been fairly successful in consummat-
ing exchanges for other agencies, but we have had very little
time for our own; and, of course, we have gotten quite a few
State exchanges and indemnity selections through. I believe
there is some sixteen thousand acres left.

MR. HORTIG: Remaining not yet selected, but there are
two thousand acres selected that are pending. All told,
clarification of land titles through the Bureau is required
for about two hundred fifty thousand acres of land.

MR. FLOURNOY: I appreciate your coming here today.
I think that the Commission, in view of Mr. Smith’s and my
own questions, will direct the staff to look into the poten-
tials and withdrawal of these lands on the basis of their
public use, and come back with a further recommendation at a
future meeting.
I will say this -- that I am a little concerned, as these lands have been withdrawn for two years and you now propose to withdraw them for another two years. If it is a question of keeping them withdrawn indefinitely for some potential use, that ought to be considered. So we will request the staff to look into the problems with regard to withdrawal of these lands and postpone any action on this matter until a meeting where we can have a recommendation from the staff.

MR. SMITH: I have just two very brief questions. Now, on the application for the private purchase of these lands, is the price stabilized at 1965, at the time of purchase if it were not to be withdrawn?

MR. HORTIG: At the appraised price at the time of application.

MR. SMITH: At the time of application?

MR. HORTIG: At the time of application.

MR. PEAVY: Mr. Chairman, could I make one addition? This is a matter of information. I believe on August 13th we examined these particular sections and made a report and they were examined by members of our staff at Riverside and one of our State office game management specialists from our State office; and these two sections were identified at that time as being important, plus one other one that I won't mention at this time -- I won't even bring it forth here, and it is probably more important than these two because it is part
of one of our rotation grazing plans that we are just com-
pleting for lease. Anyway, these were reviewed and examined
and passed on very recently from our State office level --
these two particular sections.

MR. FLOURNOY: Do we have copies of the report of
findings?

MR. PEAVY: No. The letter just came in on August 16.
I have it here.

MR. FLOURNOY: I think if the staff could be supplied
with that information...

MR. PEAVY: I will see that Mr. Hortig and you and
Mr. Smith will receive copies.

MR. FLOURNOY: Thank you very much.

MR. PEAVY: Thank you.

MR. FLOURNOY: We will move on, then, to item number 8,
which is administration -- two items there that ought to be
mentioned: One is a consideration of leasing policy for
sovereign and State school lands, except minerals, and we
have recommendations for changes in the policy, the leasing
policies; and that we authorize proceeding towards hearing
to consider the matter, as required by the Government Code,
to amend certain rules and regulations, some aspects of which
require legislation.

Unless there is objection or discussion, we will
approve that proceeding to hold hearings and to consider
these changes. Do you have some comment?
MR. HORTIG: Mr. Chairman, before you consider this I did want to report to Director Smith that this is an implementation of the program in response to a question he raised at the January meeting of the State Lands Commission as to the status and timeliness of the State's leasing program.

MR. SMITH: Right.

MR. FLOURNOY: Without objection, then, we will approve that matter, to proceed along those lines as indicated.

Item (b) is an administrative matter with regard to delegation of the Commission's authority to the State Lands Division in a form which apparently meets the satisfaction of the Attorney General's Office, so that the delegation of authority to the Executive Officer and others is in appropriate legal form and rescinds all previous delegations.

Unless there is objection, we will approve that as indicated. So ordered.

Now, with regard to -- there is, of course, a section on litigation. If you have no comment, we will proceed to the date, time and place of the next Commission meeting, which is changed from the one that is on my agenda and perhaps that of the others. The next meeting will be on Monday, September 25th, at ten a.m. -- at which time I wish to announce that the Commission will consider the application of Orange County for the exchange of land in the Upper Newport Bay. This will be a matter on the agenda and we wish to serve notice that we will consider it at that time so that any
and all parties who may be interested in that particular application will have had notice that this will come up at
that time, so they may be forewarned or forearmed or placated or whatever may be proper.

MR. HORTIG: Mr. Chairman, if I may -- a brief report to the Commission: On February 23rd, at your February meet-
ing, the Commission authorized the submission of legislation for clarification of provisions of the Public Resources Code and to provide procedures for Commission acceptance of retro-
cession of jurisdiction from the United States Government.

Pursuant to this authorization, four bills were introduced under Commission sponsorship and I am happy to report that all of them have been signed into law by Governor Reagan.

MR. FLOURNOY: Very good.

Is there any further business to come before the Commission at this time? (No response) If not, we stand adjourned.

(Adjourned 10:42 a.m.)
CERTIFICATE OF REPORTER

I, Louise H. Lillico, reporter for the Office of Administrative Procedure, hereby certify that the foregoing pages one through sixteen contain a full, true and accurate transcript of the shorthand notes taken by me in the meeting of the STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA held at Los Angeles, California on August 21, 1967.

Dated: Los Angeles, California August 22, 1967

/s/ Louise H. Lillico