MEETING
STATE LANDS COMMISSION

1220 N STREET
ROOM 127
SACRAMENTO, CALIFORNIA

WEDNESDAY, MARCH 19, 1980
2:00 P.M.

Wendy E. Stewart
C.S.R. No. 4355
MEMBERS PRESENT

Honorable Kenneth Cory, Chairperson
Honorable Roy Bell, for Mary Ann Graves, Director of Finance
Mr. David Ackerman, Representing Michael Curb, Lieutenant Governor

STAFF PRESENT

William F. Northrop, Executive Officer
Robert Hight
James Trout
Jan Stevens
Diane Jones
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CHAIRPERSON CORY: Call the meeting to order.

Are there any corrections or additions to the minutes of the meeting of February 28th?

Without objection, they'll be confirmed as presented.

Do we have a report of the Executive Officers?

EXECUTIVE OFFICER NORTHROP: On March 3, 1980, staff received a telephone request from Universal City Studios to use a 2.78 acre parcel of State land in the City of Seal Beach at the intersection of First Street and Pacific Coast Highway. Universal Studios requested permission to use the State parcel for a period of two days in March for vehicle storage and a film staging area. Because of the short period of use, and to accommodate Universal's need for immediate possession, a letter authorizing use of the State's parcel was sent to Universal on March 4, 1980, by the Assistant Executive Officer.

The letter required Universal to leave the property in a condition equal to or better than when occupied, and to indemnify the State against any and all liabilities arising from Universal's use. Universal has also agreed to a rental of $200 for the use of the State's parcel.

Staff coordinated this action with the Motion Picture Development Council, and they concurred that the
activity was not subject to their permit process.

On geothermal resources, on March 14, 1980, staff opened bids for the lease of geothermal resources from three parcels of reserved mineral lands in the northwest portion of The Geysers Geothermal Field in Sonoma County. This was the first competitive lease sale conducted under provisions of the new geothermal law, SB 1027, which allows the Commission to nominate lands for competitive bidding.

Three tracts totaling approximately 839 acres were put up for bid. Although the parcels are contiguous, the surface ownership pattern required that three separate sales be held. Terms of the sale were a royalty of 12.5 percent of gross revenue, annual rental of $1 with the percentage of net profits being the biddable factor.

A total of 18 bids were submitted for the three parcels. Technology International, Inc. of Englewood, Colorado, was the apparent high bidder for Lease Sale 1 of 599 acres with a bid of 77 percent of net profits.

CHAIRPERSON CORY: Seventy-six or seventy-seven?

EXECUTIVE OFFICER NORTHROP: Correction. Seventy-six percent.

Compared to the federal bidding system which uses cash bonus as the biddable factor, that is approximately $25,000 per acre or $15 million. Highest federal bid in the area was $4,032 per acre.
Geothermal Power Corporation of Novato was the apparent high bidder for Lease Sale 2 of approximately 40 acres with a bid of 72.5 percent of net profits. Compared to a cash bonus type bid, that would be approximately $24,000 per acre or $1 million.

Geothermal Power Corporation was also the apparent high bidder on Lease 3 of approximately 200 acres with a bid of 76.1 percent of net profits. This would be equal to a cash bonus bid of approximately $25,000 per acre or $5 million.

It is significant that in this lease sale, as in the first two sales held in 1976 under the Commission's net profits bidding system for geothermal resources, the sale drew several bidders not usually seen at cash bonus type lease sales, such as those conducted by the BLM. We think this is an indication that the Commission, through its net profits bid system, has been successful in its attempt to open up the marketplace for geothermal resources to those other than the major integrated oil companies. Others submitting bids in this latest sale were the Sacramento Municipal Utility District, the cities of Redding, Santa Clara and the Modesto Irrigation District, Thermal Power Company, Getty Oil and Aminoil.

Staff is now analyzing the bids, and we will bring back a recommendation as to the highest qualified bidders.
at your April meeting.

    I might add here that another lease sale for 260
acres has been scheduled for bid opening May 16 and a third
sale for 120 acres is scheduled for mid-July.

    Mr. Chairman, the completes my report, with the
exception of we would like to move Item C8 from the consent
calendar to the regular calendar, and Mr. Flynn, the applicant
concerned in this item, is in the audience and may wish
to speak to the Commission. We would also like to take
number 24 off the calendar.

    CHAIRPERSON CORY: What about a staff report on
the State Coastal Commission?

    EXECUTIVE OFFICER NORTHROP: Mr. Chairman, as
far as I know, the representative of the State Coastal Commis-
sion is at the meeting today and has indicated that he doesn't
have any report to make at this time.

    CHAIRPERSON CORY: The next item on the agenda
is the consent calendar, in our agenda designated with the
prefix C, Cl through 17, with the exception of eight, which
has been removed. If there is anyone in the audience who
has any problem with the recommended staff disposition of
those items, if they'd speak up, we will remove it from
the consent calendar. If not, they will be all taken care
of according to the staff recommendation in one motion.

    Is there anyone in the audience on any of the items?
Without objection, the consent calendar, excluding eight which is put on the regular calendar, is approved as presented.

Item C8 is the next item on the agenda. Mr. Northrop, what can you tell us?

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, this is an application by Eugene Flynn and Joyce R. Flynn regarding building of a revetment wall adjacent to their property. We have a letter from -- we have had communication. Excuse me. We now have the letter. I had not seen the letter until now. Mr. Trout, in view of the way I've been handling the reading today, would you mind handling that letter please?

MR. TROUT: I was hoping you wouldn't ask me.

We got a letter addressed to the Commission today dated yesterday from a Mr. Michael David Cox representing the Environmental Defense Center, South Central Coast Watch, Scenic Shoreline Preservation Conference and Santa Barbara Chapter of Friends of the Earth. He's got an Esquire after his name, so we assume he is an attorney.

He has several objections. He objects to the issuance of a permit and suggests that a better alternative to the protection of the bluff through this facility would be to relocate a portion of the existing residence. The applicant has indicated that this isn't feasible because
of existing setbacks and high cost.

Also, Mr. Cox objects to the recommendation of staff that no monetary consideration be given on this project if the permit is granted. Staff has looked at this, and we feel that we do see an erosion in this area. Let me pass copies. This is the kind of area we're involved in. There is a very high bluff there.

Staff is of the opinion that reducing the regular erosion, both at the toe and at the top of the bluff, does provide a public benefit and extends the useful life of the site. Therefore, staff remains of the opinion that is a public benefit and that a rental rate should not be charged. It is important to know that there was a negative declaration on the project circulated through the State Clearinghouse by the County of Santa Barbara. Mr. Cox, according to information that we can find, has been involved since the beginning of the project. This matter was heard by the Regional Coastal Commission and was appealed to the State Coastal Commission. Both the Regional and State Coastal Commission have granted approval or indicated they would grant approval to this project subject to six conditions. Those conditions are on page 35 and 36 of the calendar and indicate a requirement to dedicate lateral access, deed restriction involving access across the structure, a written agreement promising maintenance, entering into an agreement.
to replenish any decrease in sand, to reduce the size of
the revetment to minimize the location of it and a deed
restriction binding the applicant to liability and claim
against public agencies for damages. That's basically the
story.

Mr. Cox asked that his March 17th letter included
as part of the Commission record on this, and we have the
copy of the letter. In view of the review by staff and
the position taken by the Coastal Commission, staff continues
to feel that they recommend the Commission approve the permit
as requested by the applicant.

CHAIRPERSON CORY: Is Mr. Cox here?

Questions of Commissioners? Do you have any ques-
tions?

COMMISSIONER BELL: No.

CHAIRPERSON CORY: Mr. Flynn is here. Mr. Flynn,
would you come forward if there's anything you'd like to
add.

MR. FLYNN: I am Eugene Flynn. I am one of the
applicants in the matter before the board this morning,
or this afternoon.

Just to answer Mr. Cox' allegations, he has been
at all times in close opposition to me, you might say through
the entire program. We've had this project approved by
the Santa Barbara County, Regional Coastal Commission, by
the State Coastal Commission, by the environmental people
and at all times all of those matters that he's bringing
up now have been gone over and over and over again. As
a matter of fact, before the regional commission we had
some almost three to four hours of hearing in which we discussed
the location of the house and our impossibility that it
can be done.

While I've been two years now trying to get to
this point to protect my home, it's getting closer and closer.
The cliff is now at its nearest point 28 feet from the edge.
The cliff is 100 feet high. I've lost in this last storm
here another 10 to 15 feet. If I don't get the matter settled
pretty soon, we can forget the whole thing and I can get
pushed in the ocean and then a citation to clean it up because
that's how close we are.

Gentlemen, all these allegations of Mr. Cox have
been gone over and over, and this is just another road block
he's trying to throw into me to stop me from doing this.
I think the time that he's been given by all state agencies
to air his grievances and investigation of all the parties
who have taken part in this, I think he's had his day in
court, if you will, and I would ask the Commission to follow
the recommendation of the staff. Thank you.

CHAIRPERSON CORY: Everybody including local,
regional and state, coastal, has signed off?
EXECUTIVE OFFICER NORTHROP: That's correct, Mr. Chairman.

CHAIRPERSON CORY: It must not be much of a project if you can get it through the Coastal Commission.

(Laughter.)

COMMISSIONER ACKERMAN: Just one question. Had Mr. Cox' concerns been raised and decided upon by the regional and state commission?

EXECUTIVE OFFICER NORTHROP: Yes, there has been nothing new raised in this letter, as Mr. Flynn has indicated that has not been raised before the previous commission. It was these issues that took it from the local to the state commission, which required additional hearing time.

MR. ACKERMAN: I'm satisfied.

CHAIRPERSON CORY: Without objection?

COMMISSIONER BELL: Without objection.

CHAIRPERSON CORY: Item eight will be approved according to the staff recommendation.

Item 18, approval and authorization to execute litigation and title dispute settlement. This is the City of Los Angeles, Salt Lake Railroad Company, Union Pacific and Champlain?

EXECUTIVE OFFICER NORTHROP: That's correct, Mr. Chairman.

CHAIRPERSON CORY: Is there anybody in the audience
on this item? Are there any questions from Commissioners about the settlement?

COMMISSIONER BELL: We finally got them together.

CHAIRPERSON CORY: I think the staff did an excellent job of a shotgun wedding.

EXECUTIVE OFFICER NORTHROP: This is to the credit of Les Grimes and Jack Rump from our staff and Greg Taylor and Rich Ng of the Attorney General's staff. So, they are to be commended.

CHAIRPERSON CORY: Why is Greg so ashamed of it he's hiding back there?

EXECUTIVE OFFICER NORTHROP: I'm afraid he thinks there's going to be a question on it he's going to have to answer, and you know how the Attorney General has been about giving you opinions lately.

(Laughter.)

CHAIRPERSON CORY: Without objection, Item 18 will be approved as presented.

Item 19, approval of amendment to industrial lease of Shell Oil Company. This is wharf modification and a dredging. Anybody in the audience on this item? Any questions from Commissioners?

Without objection, Item 19 will be approved as presented.

Item 20, boundary exchange in Del Conte/Shieler
settling, Union City, Alameda County. Anybody in the audience on this item? Any questions from Commissioners?

Without objection, Item 20 will be approved as presented.

Item 21, approval of finding that the Shorline Park Pacific Plan for the City of San Mateo General Park for salt marsh, tide and submerged lands meets the criteria in the statute. Anybody in the audience on this one? Questions from Commissioners?

Without objection, Item 21 is approved as presented.

Item 22, a normal increase --

EXECUTIVE OFFICER NORTHROP: Revision.

CHAIRPERSON CORY: Revision.

MR. TROUT: Mr. Chairman, to satisfy our accounting office, we'd like to point out that consideration for this also involves waiver of penalty and interest from January 1, '79 to date of approval.

CHAIRPERSON CORY: And that's because we got a good settlement on the increase.

MR. TROUT: That's correct, and they cooperated.

CHAIRPERSON CORY: Anybody in the audience on this item?

Without objection, Item 22 is approved as presented.

Item 23, 66-year lease on 11,000 --

EXECUTIVE OFFICER NORTHROP: Eleven thousand
CHAIRPERSON CORY: They slipped a few more acres in there for Fish and Wildlife. Anybody in the audience on this item?

Without objection, Item 23 will be approved as presented.

Item 24, Union Oil --

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, it's on calendar.

CHAIRPERSON CORY: Item 25.

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, on Item 25, you have a letter addressed to your honorable self, Marlex Oil and Refining in which they refer to this calendar item, or the result of this calendar item, and indicate that they feel that the Commission is depriving Marlex of their rightful crude oil supply by acting on this.

CHAIRPERSON CORY: Is there anybody in the audience from Marlex?

MR. STEVENS: Mr. Chairman, they have been in touch with us and ask that their letter be read into the record. I think under the circumstances it would be desirable.

EXECUTIVE OFFICER NORTHROP: Mr. Attorney General, would you read the letter into the record and see how you do?

CHAIRPERSON CORY: They want it actually read?
MR. STEVENS: It's not a lengthy letter, but they have asked that it be read into the record.

CHAIRPERSON CORY: Something like the admonition of Judge Roy Bean.

(Laughter.)

CHAIRPERSON CORY: Go ahead.

MR. STEVENS: I'm not sure what the ruling will be. The letter is addressed to Mr. Cory as Chairman of the Lands Commission.

"This letter is sent in response to the State Lands Commission's recent actions taken in regard to a portion of the royalty oil which is produced from State Agreement for Easement No. 392.1. Request is hereby made that this letter be read into the public record at the State Lands Commission meeting on March 19, 1980 in connection with Calendar Item No. 25.

"Reference is hereby made to the contract dated February 1, 1979, entered into between the State of California, acting by and through the State Lands Commission, and Basin Petroleum, Inc., now Marlex Oil & Refining, Inc. Reference is also made to the Department of Energy crude oil supplier/purchaser regulation
found at 10 C.F.R. 211.63.

"Pursuant to the above referenced contract and pursuant to its rights to continued supplies under the above referenced regulation, Marlex Oil & Refining, Inc., hereby asserts that it is lawfully entitled to continued deliveries of the entire amount of the royalty oil production identified in the above contract. Marlex hereby serves notice upon the State Lands Commission that it objects to the sale of the so-called "uncontrolled portion" and the diversion of this portion of Marlex's rightful crude oil supply. Marlex demands that the State Lands Commission immediately cease its efforts to sell and divert this crude oil. Marlex further demands that the State Lands Commission provide Marlex with adequate assurances that Marlex will continue to receive the entire portion of the royalty oil production identified above.

"If these demands are not met, Marlex will endeavor to enforce its rights by whatever means may be necessary, including injunctive relief."

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, may
I point out that Marlex --

CHAIRPERSON CORY: Before you do that, could you give the name of your optometrist's address and phone number --

(Laughter.)

CHAIRPERSON CORY: Go ahead.

COMMISSIONER BELL: Do you want to put into the record the rights of Marlex?

EXECUTIVE OFFICER NORTHROP: Yes, Mr. Bell, I do. Marlex has a right to match this bid of $3.56.

MR. STEVENS: That's our interpretation, Mr. Chairman.

EXECUTIVE OFFICER NORTHROP: Depending on supplier/purchaser.

CHAIRPERSON CORY: Anybody else in the audience on this item?

They pay the price. They match the price, they get the oil. Lacking that, they can pursue whatever relief they can afford.

MR. ACKERMAN: In other words, they can still pursue any legal --

EXECUTIVE OFFICER NORTHROP: They can.

MR. STEVENS: That's right.

CHAIRPERSON CORY: Without objection, Item 25 is approved as presented.

Item 26, specifications and forms for the notices inviting bids for twelve and a half percent increment on
parcel "A" in Wilmington.

EXECUTIVE OFFICER NORTHROP: And four and a half percent on 17.3

CHAIRPERSON CORY: Anybody in the audience on this item? Any questions from Commissioners?

Without objection, it will be approved as presented. Item 27, sixth modification plan of development.

EXECUTIVE OFFICER NORTHROP: Mr. Chairman,

Mr. Thompson has on the wall some charts. I think he'll make a presentation at this time.

MR. THOMPSON: What we see here on the far left is one island. That's called Island Grissom. We're proposing additional well locations on there as shown in the red. The one just to the right of that is Island Freeman, and we're proposing only those cellars that are shown on the left hand side there. The one on the right would involve a complete new landfill to put those cellars in.

CHAIRPERSON CORY: You backed off on that one?

MR. THOMPSON: Wait until next month maybe.

CHAIRPERSON CORY: Why are the islands different shaped?

MR. THOMPSON: Because originally the concept of so many islands were put in for the limitation, basically all have to be oriented in such a way so that the land goes on the lee side. They're not exactly oriented correctly here.
but the shape was put up primarily that the ones that are closest to the land, which are the most left island and the two on the right, would have derrick structures that would have to be moved on rail systems. The one that you see that's the second one from the left was for portable derricks. So, therefore, that orientation of cellar is a little different.

The general configuration of the rest are the same, they're pretty much the same, they're all to have tracks to have these derricks moved around on them.

So, we've gotten a little bit of a problem on that one for the portable rigs, and this is one of the reasons why we asked to have that other rig purchased last time, because we're getting into very tight locations you see we're proposing there on the left; and it takes a smaller subbase on the rig to get on there. We will be back to if the bottom hole location studies justify these locations on the other islands in the future. Basically, what this is to do is to develop primarily the Ranger 6 zone and try and get additional reserves into production.

CHAIRPERSON CORY: What's this going to cost?

MR. THOMPSON: Ten million dollars, nine million something.

EXECUTIVE OFFICER NORTHROP: There are some pumps that are involved too.
MR. THOMPSON: Actually, in part of this we want to change the plan so we can take an redrill three wells from the zone they're in now into other zones. So that's a plan change. We'll transfer funds for that.

CHAIRPERSON CORY: You're putting French or California wine in the cellar at that price?

(Laughter.)

MR. THOMPSON: I've been having trouble with Mr. Bell especially on this. We use the word cellar. Really the cellars are the physical locations in which we can provide the additional surface locations for the well, but the only part you'd see of the wells in this would be the 20-inch conductors that are shown on those little dark circles on there, and that's the only part of the work that goes in at this time.

CHAIRPERSON CORY: Any questions?

COMMISSIONER BELL: No, I've been convinced.

CHAIRPERSON CORY: Without objection the sixth modification is approved as presented.

Item 28, Cession of jurisdiction of Oakland Army Base in Alameda County. Anybody in the audience on this? Any questions?

Without objection, Item 28 is approved as presented.

Item 29. This is authorization for the Attorney General and for the staff to proceed on litigation for ejectment
and correction of rentals, Suisun Slough. Anybody in the audience on this item? Questions?

Without objection, Item 29 is approved as presented.

Item 30, authorization to file a disclaimer on behalf of the State Lands for 26 acres more or less.

COMMISSIONER BELL: How would you feel if you were a little 20 acres and you had the whole United States of America. Isn't that scary?

CHAIRPERSON CORY: What's scary is when you see these in court and the 20 acres unrepresented wins.

(Laughter.)

CHAIRPERSON CORY: The state used to have this thing, the State of California versus a '47 Plymouth. It was picked up in a drug bust, and there was a great rash of guys losing those to the '47 Plymouth, which was a tough way to start a legal career.

This is near Joshua Tree National Monument. Is there anybody in the audience on this one? Questions from Commissioners?

Without objection, Item 30 is approved as presented.

Item 31, approval of entering into a contract with Aminoil, U.S.A., Sun Oil Company, ARCO Oil and Gas for hazard removal in Santa Barbara County. Is there anybody in the audience on this item? It's my understanding that these three companies are doing an excellent job in meeting
their corporate responsibility on the unit in terms of ponying up the money to eliminate these difficulties.

COMMISSIONER BELL: Do we have verbal agreement from both the latter two companies?

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, I refer that to Mr. Hight. A member of his staff has been working very closely with them.

MR. HIGHT: Yes, Mr. Chairman, we have verbal agreement as to the concept, and the contract is currently being worked out.

COMMISSIONER BELL: Thank you.

CHAIRPERSON CORY: Any questions?

COMMISSION ACKERMAN: No.

CHAIRPERSON CORY: Without objection, Item 31 will be approved as presented.

Item 32, consummation of interagency agreements and issuance of RFP and award of contract to study the feasibility of additional Intrastate crude oil pipeline transportation system.

EXECUTIVE OFFICER NORTHROP: Mr. Chairman, this is a result of joint agreement between the Energy Commission, the Coastal Commission, and the State Lands Commission with OPR acting as some kind of a catalyst in attempting to do a preliminary first-step survey.

CHAIRPERSON CORY: Anybody in the audience on
COMMISSIONER ACKERMAN: Is this study going to be done in-house?

EXECUTIVE OFFICER NORTHROP: We will probably go outside for the contractor to do the bulk of the technical study. We will supervise it in-house, and we have asked several oil companies and refiners and those who would benefit most from pipelines to work in an advisory capacity. At the present time we don't plan to allow them to have a review right, but we certainly need their advice and counsel, and we're going that way.

CHAIRPERSON CORY: Without objection, Item 32 will be approved as presented.

Item 33, ratification of Executive Officer Action on a contract to evaluate the proposed lease --

EXECUTIVE OFFICER NORTHROP: On the Hyatt Hotel in Long Beach.

CHAIRPERSON CORY: Get some expertise on what all that means.

COMMISSIONER BELL: I think that's pretty essential.

MR. TROUT: Technically, Mr. Chairman, this should be approval of the Executive Officer's signature.

COMMISSIONER BELL: You printed "ratification", but didn't you mean "approval"?

MR. TROUT: Yes.
CHAIRPERSON CORY: It's awfully hard for me to understand if you guys don't write it correctly. What's the distinction?

EXECUTIVE OFFICER NORTHROP: I really don't understand, Mr. Chairman. I'm anxious to hear.

MR. RIGHT: Mr. Chairman, at the time that the calendar was written it was anticipated that the contract would be signed. The people who have to sign it are out of town. They're working. So rather than ratification --

COMMISSIONER BELL: You can't ratify something he hasn't signed.

COMMISSIONER ACKERMAN: Just wondering, what would happen if you signed it and we didn't ratify it?

EXECUTIVE OFFICER NORTHROP: I think I'd be out looking for a $9500 to pay for the contract.

COMMISSIONER BELL: And a job.

EXECUTIVE OFFICER NORTHROP: If I got the 9500 I should be able to keep the job.

COMMISSIONER ACKERMAN: A little critical of Long Beach doing a few things.

CHAIRPERSON CORY: Anybody in the audience on this item?

Without objection, Item 3 is approved as amended verbally here rather than as presented in writing.

Item 34, acceptance of proposal and award of contract...
for preparation of EIR for proposed drilling in the Molino
Field, Santa Barbara, Shell Oil. Is there anybody in the
audience on this item? Questions from Commissions?

Without objection, approved as presented.

Item 35, preparation of EIR for resumption of
drilling on State Oil and Gas lease 3313.1, Pierpont Area,
Ventura County, and authorization of the Executive Officer
to consummate a reimbursement agreement for costs associated.

Is there anybody in the audience on this item? Questions
from Commissioners?

Without objection, Item 35 will be approved as
presented.

Anything else we need to do?

EXECUTIVE OFFICER NORTHRUP: No.

MR. STEVENS: Mr. Chairman, there is a brief litiga-
tion matter we'd like to discuss with the Commission in
executive session.

CHAIRPERSON CORY: That being the case, we will
clear the room.

(Thereupon the meeting of the State Lands
Commission was adjourned at 2:35 p.m.)
CERTIFICATE OF SHORTHAND REPORTER

I, WENDY E. STEWART, a Certified Shorthand Reporter
of the State of California, do hereby certify:

That I am a disinterested person herein; that
the foregoing State Lands Commission Meeting was reported
in shorthand by me, Wendy E. Stewart, and thereafter trans-
ccribed into typewriting.

I further certify that I am not of counsel or
attorney for any of the parties to said meeting, nor in
any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand
this 15th day of April, 1980.

WENDY E. STEWART
Certified Shorthand Reporter
License No. 4355