COMMISSION MEMBERS PRESENT

Honorable Leo T. McCarthy,
Lieutenant Governor,
Acting Chairman

Mr. Gray Davis,
State Controller,
Represented by Mr. James Tucker,
Chief Deputy Controller

Mr. Jesse R. Huff,
Director of Finance,
Represented by Mr. LaFenus Stancell,
Assistant Director

STAFF PRESENT

Mr. Charles Warren, Executive Officer

Mr. James Trout, Assistant Executive Officer

Mr. Robert C. Hight, Chief Counsel

Ms. Gail Moore, Commission Executive Secretary

ALSO PRESENT

Mr. N. Gregory Taylor, Assistant Attorney General

Mr. Peter Pelkofer, Senior Counsel, State Lands Commission

Mr. Dennis Eagan, Deputy Attorney General
<table>
<thead>
<tr>
<th>Proceedings</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to order</td>
<td>1</td>
</tr>
<tr>
<td>Confirmation of the minutes of the Meeting of January 30, 1990</td>
<td>1</td>
</tr>
<tr>
<td><strong>Consent Calendar</strong></td>
<td></td>
</tr>
<tr>
<td>Removal of Consent Calendar Items 1A and 8</td>
<td>1</td>
</tr>
<tr>
<td>Consent Calendar Items 1B through 7 and 9 through 20 passed as recommended</td>
<td>1</td>
</tr>
<tr>
<td><strong>Regular Calendar Items</strong></td>
<td></td>
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<tr>
<td>Item 21</td>
<td>1</td>
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<td>Item 22 (Off Calendar)</td>
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<td>19</td>
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<td>57</td>
<td>19</td>
</tr>
<tr>
<td>Item</td>
<td>Page</td>
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<tr>
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<tr>
<td>Item 58</td>
<td>20</td>
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<td>Item 59</td>
<td>20</td>
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<td>21</td>
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<td>22</td>
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<td>Item 63</td>
<td>31</td>
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<td>Item 64</td>
<td>31</td>
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<td>Item 65</td>
<td>38</td>
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<td>Item 66</td>
<td>38</td>
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<tr>
<td>Item 67</td>
<td>39</td>
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<tr>
<td>Item 68 (Off Calendar)</td>
<td></td>
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<td>Item 69</td>
<td>40</td>
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<td>Item 70</td>
<td>40</td>
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<td>Item 71</td>
<td>46</td>
</tr>
<tr>
<td>Item 72</td>
<td>41</td>
</tr>
<tr>
<td>Item 73</td>
<td>41</td>
</tr>
<tr>
<td>Presentation of plaque to Assistant Attorney General Greg Taylor</td>
<td>42</td>
</tr>
<tr>
<td>Recess for Executive Session</td>
<td>45</td>
</tr>
<tr>
<td>Adjournment</td>
<td>50</td>
</tr>
<tr>
<td>Reporter’s Certificate</td>
<td>51</td>
</tr>
</tbody>
</table>
PROCEEDINGS

ACTING CHAIRMAN MCCARTHY: Good morning, ladies and gentlemen. Just before we begin I'd like to tell you what items are pulled off the calendar in case any of you in the audience are here on those items.

Consent Item 1A, Consent Item 8 and Items 22, 23 and 24. I have got 22 dash 24.

ASSISTANT EXECUTIVE OFFICER TROUT: I think it's Items 22, 24 and 25, Mr. Chairman.

ACTING CHAIRMAN MCCARTHY: All right. Item 23 is still on the calendar. So 22, 24, 25 and 68.

This is the meeting of the State Lands Commission. My name is Leo McCarthy. On my right is Jim Tucker representing Controller Gray Davis. On my left is Stan Stancell representing the Director of Finance, Jesse Huff.

The minutes of the last meeting are approved without objection.

The Consent Calendar, with the deletions that I mentioned, 1A, and 8, without objection, is approved.

And we now move to Calendar Item 21.

Mr. Warren.

EXECUTIVE OFFICER WARREN: Calendar Item 21, Mr. Chairman and Commissioners, the staff is requesting that you approve a rent increase for a grazing lease for State school land located eight miles north of the town of Doyle.
in Lassen County.

We understood that we had been advised that a Mary Conway, on behalf of the applicant, might be present to oppose staff's recommendation.

Would you mind making inquiry because I have no speaking request?

ACTING CHAIRMAN McCARTHY: I do have someone who has indicated an interest in this for the Garnier Estates, Ms. Mary Conway.

EXECUTIVE OFFICER WARREN: Yes, I have that.

ACTING CHAIRMAN McCARTHY: Is Ms. Mary Conway present, please?

Would you like to come forward and testify in this, Ms. Conway?

MS. CONWAY: I don't think I need to come forward. I think you have all the information in the files and I am just here to listen, and possibly speak if I have to say anything more.

ACTING CHAIRMAN McCARTHY: Thank you.

Is there a difference between Ms. Conway's position and what staff is recommending to the Commission?

EXECUTIVE OFFICER WARREN: Well, I don't know if there is a difference at present. What this is, the site involves a five-year rent review for almost 3,000 acres of State school land in Lassen County. This land was recently
acquired for State school land from the BLM.

Prior to the time State Lands took title to this parcel, the applicant had a grazing lease with the BLM. So, on her behalf, or on the behalf of the applicant, their experience was limited to BLM's rental rate determination practices.

Consequently, it might be difficult for applicant to appreciate the fact that the State Lands Commission is obliged by law to receive fair market rent on its leases. We made fair market determinations, and it was based upon that review that the rental proposed was determined.

ACTING CHAIRMAN McCARTHY: Okay. Are there any questions by Commissioners?

ACTING COMMISSIONER STANCELL: No.

ACTING CHAIRMAN McCARTHY: All right. The item is moved and the staff recommendation is accepted.

Thank you.

Item 23.

EXECUTIVE OFFICER WARREN: Item 23, Mr. Chairman and Commissioners, staff is asking to approve an assignment of an interest in two general lease right of ways.

There is no opposition. The leases refer to the access to Rincon Island and for pipeline to service Rincon Island. It is a noncontroversial item.

ACTING CHAIRMAN McCARTHY: Any questions from the
audience on Item 26?

EXECUTIVE OFFICER WARREN: Item 23.

ACTING CHAIRMAN McCARTHY: I'm sorry, Item 23.

From the Commissioners?

All right. Approved as recommended.

Twenty-six.

EXECUTIVE OFFICER WARREN: Twenty-six is the sale of a right-of-way easement for an existing electrical transmission line located on State lieu land.

The sale is proposed in this instance because the minimum of rent of $100 a year was thought less than adequate to justify the time spent in processing. So instead, there is a sale of the easement for the total sum of $1,511.

This is a negotiated sale and we ask for approval.

ACTING CHAIRMAN McCARTHY: Any questions from the audience or the Commission?

The recommendation is approved.

Item 27.

EXECUTIVE OFFICER WARREN: Item 27 is a request by staff for it to be authorized to recommend to the Governor the nomination of Morro Bay Estuary in San Luis Obispo County to the National Estuary Program administered by the Environmental Protection Agency.

ACTING CHAIRMAN McCARTHY: Questions from the
audience?

From the Commission?

Recommendation is approved.

Twenty-eight.

EXECUTIVE OFFICER WARREN: Item 28, Mr. Chairman and Commissioners, the staff is recommending an amendment, the consideration of amendment of the litigation measure to extend the time period to April 27th of this year for construction of near-shore portion of Exxon's Santa Ynez unit oil pipeline. This is located offshore at Las Flores Canyon in Santa Barbara County.

The lessee, Exxon, has advised that due to circumstances beyond its control it was unable to meet the time limits previously imposed and it has asked for this extension to April 27th.

We believe that any damage by this extension can be suitably mitigated?

ACTING CHAIRMAN McCARTHY: Any questions from the audience?

Questions from the Commission?

All right, recommendation is accepted.

The next item, 29.

EXECUTIVE OFFICER WARREN: Item 29, Mr. Chairman and Commissioners, staff is recommending a recision of the prior authorization and approval for staff and/or the
Office of the Attorney General to take necessary steps, including litigation, for the ejectment and collection of rentals of land located in the San Joaquin River at Acker Island.

The record shows that over the past four years over 12 letters have been sent by State Lands Commission staff to the lessees, and none of them have been forthcoming or effective.

Consequently, we feel we have no action other than to suggest rec... on and to seek authorization to institute legal action if necessary.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?

Approved as recommended.

Thirty.

EXECUTIVE OFFICER WARREN: Item Number 30, Mr. Chairman and Commissioners, staff is seeking your approval to remove the remains of eight steel groins on tide and submerged lands in Malibu, Los Angeles County.

These are the remnant steel groins. They constitute a serious hazard and they need to be removed. Arrangements which we thought had been made for their removal by a local district have not been satisfactory and therefore we are seeking your approval for this provision.

ACTING CHAIRMAN McCARTHY: Okay.
Questions from the audience or from Commissioners?

ACTING COMMISSIONER TUCKER: What is the status now of the settlement agreement?

ASSISTANT ATTORNEY GENERAL TAYLOR: As per the settlement agreement, they have a year to get a permit to rebuild the groins and restabilize the beach. And if they fail to do chat within the time, then we have the option of compelling them to take the groins out.

ACTING COMMISSIONER TUCKER: Have they formed the special district?

ASSISTANT ATTORNEY GENERAL TAYLOR: Not yet, I don't think.

Rob, where are you?

MR. COLLINS: They haven't formed the special district but it is not necessary for them to do so. They are applying to build new groins as the owner parties to the agreement, and that application should come before you around July of this year.

ACTING COMMISSIONER TUCKER: They don't need the special district to pay for it?

MR. COLLINS: The agreement does not provide that that is a necessity. They are going to try to do that, but if they don't do that they will just do it as individual owner parties or as an association of home owners.

ASSISTANT ATTORNEY GENERAL TAYLOR: There are
still some parties who are challenging this settlement in court. However, the amount of money that the title company had provided for the settlement terminates at the end of the year and we need to be in a position to compel them to take them out if they haven't performed the other part of the deal. And so this is to make sure that all the permits are in place for the removal of the groin to keep the pressure on.

ACTING COMMISSIONER TUCKER: So we are not going for it?

ASSISTANT ATTORNEY GENERAL TAYLOR: No.

ACTING CHAIRMAN McCARTHY: Any other questions? Audience?
The recommendation is approved.
Next item.

EXECUTIVE OFFICER WARREN: Item 31, Mr. Chairman and Commissioners, Chevron, USA, staff is recommending that you approve the deferment of drilling obligation under the applicable State oil and gas lease. There is no opposition. We recommend approval.

ACTING CHAIRMAN McCARTHY: All right. No questions?

Approved as recommended.

Thirty-two.

EXECUTIVE OFFICER WARREN: Item 32, Mr. Chairman,
staff is recommending that the Commission approve the resolution by the City of Tracy declaring its intention to enter into a competitively bid subsurface oil and gas lease. The statute requires our approval of such intention by the County.

ACTING CHAIRMAN McCARTHY: Questions from the audience?

From the Commission?

That is approved as recommended.

Thirty-three.

EXECUTIVE OFFICER WARREN: Item 33, Mr. Chairman, staff is recommending that you determine that the geothermal resources are being drained from leased lands in Sonoma County and to authorize staff to terminate or take appropriate actions specified by law.

Mr. Eagan, Dennis Eagan, of the Attorney General's staff has a statement on this issue.

DEPUTY ATTORNEY GENERAL EAGAN: Mr. Chairman and Members of the Commission, I have been in touch with Owen Olpin who is the attorney for the lessee. They will not be here today but he authorized me to represent that while they disagree with the staff's recommended determination that drainage is occurring, they are willing to meet with staff on this matter.

ACTING CHAIRMAN McCARTHY: Any other questions
about this?

All right. The recommendation is approved.

Thirty-four.

EXECUTIVE OFFICER WARREN: Item 34, Mr. Chairman, is the usual award of the Royalty Oil Sales Contract.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?

Approved as recommended.

Thirty-five.

EXECUTIVE OFFICER WARREN: Thirty-five, Mr. Chairman, is that staff is asking permission to authorize issuance of a negotiated subsurface State oil and gas lease on land underlying the Eel River. The Atlantic Richfield Company is the owner of all lands surrounding that site and the drilling will be from the landward subsurface into the field underlying the water.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?

You are authorized.

Thirty-six.

EXECUTIVE OFFICER WARREN: Item 36, Mr. Chairman, seeks approval of a two-year mineral prospecting permit for valuable minerals other than oil and gas. Essentially the mineral being sought is gold. It is on 607 acres and the fee is $883 for the permit.
ACTING CHAIRMAN MCCARTHY: Questions from the audience or the Commission?

All right.

EXECUTIVE OFFICER WARREN: Item 37 is staff seeking approval or permission to approve a two-year mineral prospecting permit for borates and valuable minerals other than oil and gas on State school land in San Bernardino County.

ACTING CHAIRMAN MCCARTHY: Any questions?

Authorized.

Next, 38.

EXECUTIVE OFFICER WARREN: Thirty-eight would authorize issuance to Ecosystems Management Associates, Inc., to conduct operations compatible with the Seafloor Hazards Survey of the State Lands Commission.

ACTING CHAIRMAN MCCARTHY: Questions from the audience or the Commission?

You are authorized.

Thirty-nine.

EXECUTIVE OFFICER WARREN: Item 39 was a similar authorization to Engineering Hydraulics, Inc., of a non-exclusive permit to conduct geophysical surveys on tidelands. That is part of the Seafloor Hazards Survey of the State Lands Commission.

ACTING CHAIRMAN MCCARTHY: Okay.
Any questions from the audience or the Commission?
That is authorized.
Forty.

EXECUTIVE OFFICER WARREN: Union Oil Company, the applicant in Item 40, Mr. Chairman, seeks a non-exclusive geological survey on tide and submerged lands for the purpose of obtaining shallow samples of the seafloor looking ahead to the possible need for laying of pipelines.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?
That is approved.
Forty-one.

EXECUTIVE OFFICER WARREN: Item 41, the staff is recommending that you authorize maintenance dredging of materials in Corte Madera Creek near Larkspur for the ferry boat service to Marin County, and the deposit of the dredged tailings at a site off Alcatraz Island, and impose a rental charge for such a deposition of twenty-five cents per cubic yard.

They anticipate about 200,000 cubic yards will be dredged and deposited off the Alcatraz site.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?
All right, that is approved.
Forty-two.
EXECUTIVE OFFICER WARREN: Item 42 is to authorize dredging of material from the entrance channel of the Oceanside Small Craft Harbor to maintain a navigable channel. Staff recommends approval.

ACTING CHAIRMAN McCARTHY: Any questions from the audience or the Commission?

All right. That is authorized.

EXECUTIVE OFFICER WARREN: Item 43, Mr. Chairman, the Department of Fish and Game seeks to dredge and sidecast material to breach the mouth of Batiquitos Lagoon in San Diego County to make a nesting habitat available for the Least Tern.

Staff recommends approval.

ACTING CHAIRMAN McCARTHY: Questions from the audience or the Commission?

That is approved.

Forty-four.

EXECUTIVE OFFICER WARREN: Applicant Joelen Enterprises seeks assignment of a dredging permit in San Diego Bay at Crown Isle in San Diego County and the staff recommends approval.

ACTING CHAIRMAN McCARTHY: Questions from the Commission or the audience?

That is approved.

Forty-five.
EXECUTIVE OFFICER WARREN: Item 45 is the consideration of 1990-1991 Plan of Development and Operations and Budget of the Long Beach Unit, Wilmington Oil Field, submitted by the City of Long Beach.

There is one thing. The City has agreed with the State Lands Commission to amend their drilling plan to include six additional drilling months during the drilling cycle under consideration, and we would recommend that that be approved.

ACTING CHAIRMAN McCARTHY: Questions from the Commission or the audience?

That is approved.
Forty-seven.
Forty-six.

EXECUTIVE OFFICER WARREN: Item 46, Mr. Chairman, this is informational and it is the report of the first eight months' status of the Plan of Development and Operations and Budget of the Long Beach Unit in the Wilmington Oil Field.

ACTING CHAIRMAN McCARTHY: Okay.

EXECUTIVE OFFICER WARREN: I don't think action is necessary on this item.

ACTING CHAIRMAN McCARTHY: No. The information is received.
Forty-seven.
EXECUTIVE OFFICER WARREN: Forty-seven. The applicant is the City of Long Beach, and this involves its third modification to the 1989-'90 Plan of Development in the Long Beach Unit of the Wilmington Oil Field.

ACTING CHAIRMAN MCCARTHY: Questions from the Commission or the audience?

That is approved.

EXECUTIVE OFFICER WARREN: Item 48, the same applicant, involves the second modification of the 1989-'90 Long Beach Unit Plan of Operations and Budget, and it is to provide funding for paying claim to the Department of Energy.

The staff recommends approval.

ACTING CHAIRMAN MCCARTHY: Questions from the Commission?

That is approved.

Forty-nine.

EXECUTIVE OFFICER WARREN: This is a statement of the actual revenues for the first six months of the 1989-'90 production period and estimates of revenues for 1989-'90 and for 1990-'91.

ACTING CHAIRMAN MCCARTHY: Questions from the Commission?

The report is approved.
Fifty.

EXECUTIVE OFFICER WARREN: Item 50, Mr. Chairman, we give notice to the City of Long Beach to direct the field contractor to sell off crude oil from Tract Number 1 of the Long Beach Unit.

We ask for the approval.

ACTING CHAIRMAN McCARTHY: Questions?

The recommendation is approved.

Fifty-one.

EXECUTIVE OFFICER WARREN: Item 51 involves the Long Beach Harbor Tidelands Parcel. And the City of Long Beach and TOPKO are proposing a second amendment to the contract.

The amendments are three in nature and they are set forth on the analysis.

The first would permit TOPKO to perform accounting, engineering and management functions in conjunction with the TOPKO project.

The second amendment provides the City with greater flexibility to administer the sale of the oil that it is permitted to take.

And thirdly, the amendment would permit TOPKO to provide a letter of credit as security for faithful performance in lieu of the performance bond currently required.
And we would recommend approval.

ACTING CHAIRMAN McCARTHY: Okay. Questions from the Commission?

Approval given.

Fifty-two.

EXECUTIVE OFFICER WARREN: Item 52, Breit Burn Energy Corporation. It is an amendment to the Compensatory Royalty Agreement, and essentially provides for a 20-day extension by which such royalty payments are to be made in the future. Due to transfers of interest the applicants were unable to pay at the times specified and therefore we are giving them the 20 additional days for the payment of such royalty.

And staff would recommend approval.

ACTING CHAIRMAN McCARTHY: Commission questions?

Audience?

Approved.

Fifty-three.

EXECUTIVE OFFICER WARREN: Item 53 involves a lessee, Capitol Oil Corporation, and involves an amendment to the Agreement of Understanding which would allow additional time to unitize State oil and gas leases in Sutter County.

The additional time was from February 28th, '90 to February 6th of '92.
We see no objection to that and recommend approval.

ACTING CHAIRMAN McCARTHY: Questions?

It is approved.

Next.

EXECUTIVE OFFICER WARREN: Item 54, State Lands Commission seeks permission to dig a trench for the scientific study of soil located in the berm area on sovereign land at Chicory Bend, Sacramento River. This is for the purpose of establishing evidence in a title dispute that is current.

We seek approval.

ACTING CHAIRMAN McCARTHY: Questions?

It is approved.

Fifty-five.

EXECUTIVE OFFICER WARREN: Item 55, Mr. Chairman and Commissioners, involves a Compromise Title Settlement and Exchange Agreement between the State Lands Commission and the Port Costa Materials, Inc., and authorizes a public agency permit to East Bay Regional Park District for lands located in and along the Carquinez Straits near the City of Port Costa in Contra Costa County.

The agreement is between the State Lands Commission and the Port Costa Brickworks, as I indicated.

We convey title to a portion of the disputed
property and we obtain clear title for the remaining portions, and as to the portion of the latter, that is being transferred to East Bay Park for their management as a park segment.

We seek approval.

ACTING CHAIRMAN McCARTHY: All right.

Any questions?

It is approved.

Next.

EXECUTIVE OFFICER WARREN: Item 56, the applicant is the City of Antioch and involves boundaries that they have established in their proposal to annex tide and submerged lands into the City of Antioch.

Staff would recommend approval.

ACTING CHAIRMAN McCARTHY: Questions?

Approved.

Fifty-seven.

EXECUTIVE OFFICER WARREN: Item 57, the State Lands Commission. Staff is seeking authority to hold public hearings in Sausalito or some other suitable place in Marin County for the purpose of determining if the City of Sausalito and County of Marin are in compliance with their public trust, duties and responsibilities concerning certain residential houseboats that are presently located on trust property.
This is granted land to the City and County. We believe that the residential use is not compatible with the public trust values and the only way we can establish that is by a public hearing, and we seek your permission to do so.

ACTING CHAIRMAN McCARTHY: Okay.
Any questions?
You have that permission.
The next item.

EXECUTIVE OFFICER WARREN: Item 58 would extend the time effective recording date for a Compromise Title Settlement Agreement concerning lands within the City of Sausalito and we would recommend approval.

ACTING CHAIRMAN McCARTHY: Questions?
Approved.
Fifty-nine.

EXECUTIVE OFFICER WARREN: Fifty-nine is a settlement of a mineral trespass involving sand and gravel in Solano and Contra Costa Counties.
The penalty is, what, 30 cents a cubic yard?

CHIEF COUNSEL HIGHT: Yes.

EXECUTIVE OFFICER WARREN: And I think the amount received by this settlement is about $148,000.
We ask approval.

ACTING CHAIRMAN McCARTHY: Questions?
Approved.

Sixty.

EXECUTIVE OFFICER WARREN: Item 60 is the United States of America, Department of Energy --

ACTING CHAIRMAN MCCARTHY: I am sorry, excuse me.

On that last item, 59, there was a Mr. Fred Cummings who had signed up.

EXECUTIVE OFFICER WARREN: Yes, he indicated only if the matter was controversial.

ACTING CHAIRMAN MCCARTHY: Did you wish to make a statement, sir?

MR. CUMMINGS: Only if it was a contested item.

ACTING CHAIRMAN MCCARTHY: Oh, all right.

Thank you very much.

Continue.

EXECUTIVE OFFICER WARREN: Item 60. This is the usual disclaimer by us in litigation brought in a condemnation action brought by the United States.

We have no interest in the parcel at issue and we ask permission to file the disclaimer.

ACTING CHAIRMAN MCCARTHY: Questions?

Permission granted.

Sixty-one.

EXECUTIVE OFFICER WARREN: Item 61 would authorize the purchase from funds presently in the Kapiloff Land Bank
Fund of land known as the Marin Islands off San Rafael Bay in Marin County.

There are two islands, one of which is a nesting area, a rookery, for a number of significant water fowl, and the other is a partially developed site which can be used for water fowl nesting and other purposes.

The State Lands Commission is one of a number of participants in the purchase. The authority we ask you to give staff is conditioned upon the other participants providing the required amounts to complete the purchase.

ACTING CHAIRMAN McCARTHY: Any questions?

All right, that is approved as recommended.

Sixty-two.

EXECUTIVE OFFICER WARREN: Item 62, Mr. Chairman, is an item we had on our calendar at the last meeting, and the staff is again asking authority to revoke a permit to salvage the Brother Jonathan.

The applicant is here, Mr. Knight, and representing Sea Epics. I understand he has a statement to make.

ACTING CHAIRMAN McCARTHY: Mr. Knight, would you like to come forward, please?

MR. KNIGHT: Mr. McCarthy, gentlemen, Mr. Warren, I believe that Mr. Warren has with him --

ACTING CHAIRMAN McCARTHY: Would you identify
yourself and your client for the record, please, Mr. Knight?

MR. KNIGHT: Yes. My name is Mr. Knight, Donald G., and I am Director of the research for Sea Epics Research.

I believe that Mr. Warren has a correspondence that was received yesterday from us.

There are three items that seem to be in contention from the last meeting. We have attempted to try to alleviate Item Number 1, the research questions, and I would ask Mr. Warren if there is any problem with the questions that we have submitted thus far.

EXECUTIVE OFFICER WARREN: Let me refer Mr. Knight's questions to Mr. Peter Pelkofer of our staff who has been handling this item.

MR. PELKOFER: Good morning.

In direct response to Mr. Knight's question --

ACTING CHAIRMAN McCARTHY: Would you give your name for the record?

MR. PELKOFER: Certainly. Peter Pelkofer, Senior Counsel, staff of the State Lands Commission.

In response to Mr. Knight's specific question, we have had an opportunity, having received this yesterday afternoon, to review the letter that he sent. We have some concerns about his questions but I think we would find them
in substantial compliance with our request. That is the research questions. That is one of the three items, and I will stop there and let you go on.

ACTING CHAIRMAN McCARTHY: Mr. Knight, do you want to proceed?

MR. KNIGHT: And, of course, Item 3, you should also have letters indicating the acceptance by the International Artifact and Conservation Research Laboratory. That was a large contention last time that we had not even tried to locate a conservation laboratory, which was in error. We have been attempting to do so since 1986, and last meeting I indicated that I had come up with a conservation laboratory in Ottawa, Canada.

One of your previous employees, Mr. James Delgado and I have had conversations, and he indicated also that there was not a sufficient facility on the West Coast that could take care of the material that would be coming up off the ocean floor. And he recommended the International Artifact Conservation and Research Laboratory which is controlled by Mr. Herbert Bump and Mr. David Johnson who are in Belle Chasse, Louisiana.

Are there any questions from Mr. Warren or Mr. Pelkofer as to their capability and their willingness to carry out the project from a conservation aspect?

MR. PELKOFER: We have had some previous
experience with Mr. Bump. As I understand it he was well qualified in the community and we would not have a problem with him carrying out the conservation. The letter, however, merely indicates Mr. Bump's interest in doing this project if he were contracted to do it and paid for it. What we had asked for was, indeed, a contract in place so that we have some assurance that items brought up will actually be conserved. And so as far as we are concerned, this is about half compliance with our request for that particular item.

He has found someone who is acceptable but he has given us no evidence that the gentleman will actually be doing it. He simply says I am interested in doing the work, sure, but that's as far as it goes.

ACTING CHAIRMAN McCARTHY: All right. Third point.

MR. KNIGHT: Before we go on to the third point, let me just point out to the Commission here that by communications with Mr. Bump they have been such that he asked that if there should be any additional paperwork sent to the Commission, and I said I don't believe so at this time. I believe that all that is necessary is to let the Commission know that you are willing to take on the project and that any additional paperwork that would be necessary, I would secure from Mr. Pelkofer or someone else on the
ACTING CHAIRMAN MCCARTHY: Well, we don't have to go into this, Mr. Knight. You know, I think we made it clear the last time that we would need evidence of such a contract and if we don't go forward with our revocation and we allow you to continue this work, it would be conditioned upon the existence of such a contract in a set period of time. Why don't you proceed to your third point?

MR. KNIGHT: Well, the third point is, I am afraid, not available. My secretary just has not turned over the financial statement to us.

MR. PELKOFER: Mr. Chairman, in that regard, we have concerns of Mr. Knight's financial ability to carry out this project in appropriate format. I might point out that you granted him 30 days last time to get counsel or to produce this information.

Because of the calendaring, he has actually had about 60 days. He did nothing to comply with our requests until yesterday afternoon and I suspect he wouldn't have except that he faced a hearing today.

EXECUTIVE OFFICER WARREN: Mr. Chairman, let me --

ACTING CHAIRMAN MCCARTHY: Mr. Tucker.

ACTING COMMISSIONER TUCKER: I was just going to ask you. He is not going to be doing anything in the next 30 or 60 days, I take it, so is there some reason why we...
can't just continue this and see what happens?

EXECUTIVE OFFICER WARRAN: Well, let me just say this whole practice of laying salvage of sunken vessels is a very sensitive issue. There are some folks, particularly those in the federal government, who think it should not be done at all or under very limited circumstances.

California's right to continue, I think, would depend on the extent to which we could show responsibility in dealing with these issues, and I think that our program is premised on the fact that the applicant would show a certain amount of professionalism and a strong sense of responsibility in approaching a salvage of this nature.

Throughout, the applicant here has demonstrated neither professionalism nor the sense of responsibility I feel that the activity requires and warrants. The most recent example is by complying with the requests that we have made for a considerable period of time the day before the hearing itself and then complying in a very inadequate and suspect manner which means that we haven't had an opportunity to examine the credentials or the contents of the material that he has provided, and to the extent that we have, I find them suspect.

I would go ahead and it would be my recommendation that the permit be revoked without prejudice to his right to reapply when he can get his affairs in order to
demonstrate the professionalism and the sense of 
responsibility that the project requires.

ACTING COMMISSIONER TUCKER: Isn't it easier just 
for us to give him additional time than to start the 
process all over again?

EXECUTIVE OFFICER WARREN: It depends on how you 
want to manage the program. I would like to manage the 
program very --

MR. KNIGHT: I have some questions about the 
administration of the program myself.

ACTING CHAIRMAN McCARTHY: Just a minute. We will 
give you every opportunity to make comments.

Mr. Warren, are you finished?

EXECUTIVE OFFICER WARREN: I am finished, Mr. 
Chairman. I have just let off my pique.

ACTING CHAIRMAN McCARTHY: Okay, Mr. Knight.

MR. KNIGHT: One of the conditions that Mr. 
Pelkofer has indicated to us is that we would even have to 
now secure a new search permit just to be able to turn on 
electronic equipment and to do mapping and survey 
operations in the area. I am questioning that and I am 
challenging that. If that is to be the case, then I would 
suggest that each and every fisherman in Crescent City that 
ishes the area, that turns on any sensor whatsoever, be it 
a fish-finder or a depth-finder, also be forced to take out
the same search permit.

ACTING CHAIRMAN McCARTHY: Mr. Knight, let me ask you --

MR. KNIGHT: This is more than just a salvage project. Of course, it pertains to California's worst maritime disaster. It is definitely an historical wreck. It is a piece of history that pertains to California. It belongs to the people of California, and if the project comes to a screeching halt, then the State of California loses, the people lose, and Sea Epics Research loses.

I have a tendency to believe Mr. Tucker is being more reasonable in at least allowing additional time. I noticed that over here on Items 36, 37 and 40 that there didn't seem to be too much difficulty providing a two-year prospecting permit, for example, for American Girl Mining Corporation, and I am wondering why there is just a one-year permit process for cultural material?

ACTING CHAIRMAN McCARTHY: Mr. Knight, let me just ask you, were you here at the last Commission Meeting?

MR. KNIGHT: Yes, in January.

ACTING CHAIRMAN McCARTHY: I think, in extending it from that Commission Hearing to this Commission Hearing, that we really made it plain that we didn't want to see much more of this item, that it has now been going on for a number of months. As a matter of fact, the correspondence
dates back to September 2nd, 1988.

I was hoping you would get the impression from that last Commission Meeting that we really did want the required data in and the information, allowing for any points of dispute that you wanted to make or you felt something was not required. It is somewhat disappointing to only receive your communication yesterday so that we could take a look at it and analyze it and try to be helpful to you in any reasonable way that we could.

I am not really inclined to keep going with this one. I think this is a time when we have to act on these things one way or the other. We really tried to be fair about this and give you ample time to come up with the documents and the information on this that we need on this.

But I will listen to the other Commission Members.

ACTING COMMISSIONER STANCELL: As I recall from the last meeting, the January meeting, that I was present at, that it was made pretty clear to Mr. Knight that we wanted to give him every opportunity to comply to or with the issues and concerns that were raised by the staff and that I was left with the impression that it was just a matter of a short timeframe in which that would be possible. And I am somewhat disappointed that he wasn't able to come forth in a more timely manner and in a more complete manner than he has so I don't think I am willing
to carry this issue any further than what it has been.

ACTING CHAIRMAN McCARthy: Anything you want to say at this point?

ACTING COMMISSIONER TUCKER: No.

ACTING CHAIRMAN McCARthy: Do I have a motion?

ACTING COMMISSIONER STANCELL: I move the staff recommendation.

ACTING CHAIRMAN McCARthy: The staff recommendation is moved. The staff recommendation is accepted.

Next item.

EXECUTIVE OFFICER WARREN: Item 63, Mr. Chairman and Commissioners, is the Long Beach equity issue. Final equity determinations have to be made in the near future. The participants, the City and the State and the Townlot representatives have come to an agreement, and this would seek your approval of an agreement to support the implementation of the final equity factors that the parties have negotiated.

Staff recommends your approval.

ACTING CHAIRMAN McCARthy: Questions?

Approved as staff recommended.

Next item.

EXECUTIVE OFFICER WARREN: Item 64 involves the Lighthouse Marina and Riverbend Development on the
Sacramento River in the City of West Yolo. This matter has only been recently concluded and I would like to have our General Counsel, Mr. Hight, brief you on its details.

CHIEF COUNSEL HIGHT: This item involves the settlement of the boundary along the Sacramento River on the area of the map shown on the wall approximately one mile.

The staff is recommending that the Commission agree to an agreed boundary along that area. In addition we will receive $1.75 million from Lighthouse for restoration and purchase of other areas which would be used as riparian habitat to replace the habitat that will be replaced.

In addition, this would be the approval of the assignment and Consent to Encumbrance of two existing commissions, the River Galley and the Viewpoint Marina. There will be an entire corridor along the Sacramento River that will be a parkway and riparian habitat, and staff believes that this is a very acceptable transaction.

ACTING CHAIRMAN MCCARTHY: Questions from Commission Members?

ACTING COMMISSIONER TUCKER: Yes.

ACTING CHAIRMAN MCCARTHY: Commissioner Tucker.

ACTING COMMISSIONER TUCKER: A couple of questions.
What is the deadline by which they would have to pay the money?

CHIEF COUNSEL HIGHT: August 1st.

ACTING COMMISSIONER TUCKER: And then if they don't pay by then, it blows up?

CHIEF COUNSEL HIGHT: Yes.

ACTING COMMISSIONER TUCKER: Because I think that's important that we emphasize that there is a deadline. I am not optimistic that they can actually come up with the money, given our experience with them in the past.

The other thing is I think that because this doesn't affect Lighthouse at all, that you should not commit at this point exactly what we will do with the funds and limit them in any way other than consistent with the Kapiloff requirement because it may be that we determine that there are better uses for the money consistent with Kapiloff other than using all of it right in that area, et cetera, so I would ask that the language here not be as specific as it is since Kapiloff obviously has requirements itself. And I assume that the defendants don't care how we use the money, but that wasn't a matter of negotiation with them.

CHIEF COUNSEL HIGHT: That is correct.

ACTING COMMISSIONER TUCKER: And then it's my
understanding that it's the staff's representation that this development will not adversely affect the river, is that right?

CHIEF COUNSEL HIGHT: The carrying capacity of the river was studied by the Commission several years ago. The benchmark information that for the size of the Lighthouse project, was included in the study. The study said that additional carrying capacity of the river will affect riparian habitat, and we believe that the riparian habitat is being compensated for by the acceptance of the money.

 ACTING COMMISSIONER TUCKER: That's all.

ACTING CHAIRMAN McCARTHY: Any questions?

ACTING COMMISSIONER STANCELL: Yes.

I notice here we talked about the use of the funds to provide the public access and the conservation of habitat and wildlife so if we don't, if we remove the restriction or that condition, if you will, how do we go about insuring that these, what appear to be good things to have done in this area, how do we go about insuring that these things do occur?

CHIEF COUNSEL HIGHT: The funds would be placed in the Kapiloff Land Bank which would then be under your discretion.

ACTING COMMISSIONER STANCELL: But how does this come to us in terms of making a judgment or decision on
this particular area?

CHIEF COUNSEL HIGHT: Any expenditure of the funds would come to you.

ACTING COMMISSIONER STANCELL: I understand that, but who would propose when we would do this?

CHIEF COUNSEL HIGHT: Staff.

EXECUTIVE OFFICER WARREN: My impression, and I may be butting in where I shouldn't, but my impression is that the matter would be handled in a manner similar to how we handled the purchase of the two islands in San Pablo Bay, that when suitable parcels for acquisition, when they present themselves, we will consider a proposal to you and determine whether or not you find them appropriate for purchase.

I would, on Commissioner Tucker's comment --

ACTING CHAIRMAN McCARTHY: Excuse me. Does that take care of it?

ACTING COMMISSIONER STANCELL: I understand.

EXECUTIVE OFFICER WARREN: I may not understand the question.

ACTING COMMISSIONER STANCELL: No, you understand the question. I also understand the answer.

There's no more to be said. I just want to remove that condition. I just would like to see that it remain so we can assure that we have the conservation and things that
are being proposed here as part of the transaction and I
just have a different view on whether you have that as part
of this settlement so I think you should have it as part of
this settlement.

EXECUTIVE OFFICER WARREN: If I may add to that,
there are several reasons why we think that the
acquisitions in the future should be in the near vicinity.

One, on general principles, we think that any
project for which mitigation is required, that that
mitigation should take place in the region of impact. Now,
I know that there are certain circumstances that may be
unique where that principle is violated, particularly in
Southern California, for mitigation sites are kind of far
apart, but here the resource which we are seeking to
protect is the riparian forest in the Sacramento region.

We are losing for a significant stretch of this
project that riparian habitat of which in order to be
effective should be contiguous. Furthermore, as a part of
the package, we are acquiring up-river about a 60-acre
riparian parcel which the Corps of Engineers required from
the project as mitigation for the dredging operation to
create the Inland Marina. We will be acquiring that
parcel.

But it is envisioned that we will acquire other
parcels in the general West Yolo-Sacramento area so as to
preserve the remaining riparian corridor that exists, that we have already identified some parcels that might be suitable for acquisition and which we plan to inspect within the near future.

I don't know, so I'd like to maybe get further instructions of whether or not we should proceed on that course or if we should follow something else?

ACTING COMMISSIONER TUCKER: I don't have any problem. I think to the extent it's feasible we should make efforts to have the mitigation in the same area, but my only concern was that we, by committing ourselves now, that every penny ought to be spent there without knowing exactly what is available, when it might be available, etcetera, it seems to me it's an unnecessary restriction.

But I don't feel that strongly about it because we could always modify it ourselves if we wanted to in the future.

EXECUTIVE OFFICER WARREN: I don't think we have committed to spend the full amount. I am hoping to acquire the parcels available for half, that we are getting, and have the rest for other purposes. I grant you that, but I would like to exhaust the potential acquisitions in the Sacramento region.

ACTING COMMISSIONER TUCKER: Sure.

ACTING CHAIRMAN MccARTHY: Any further questions?
Does that complete the presentation, Mr. Warren?

EXECUTIVE OFFICER WARREN: Yes, it completes the presentation.

We recommend approval.

ACTING CHAIRMAN McCARTHY: Does anyone in the audience wish to address this issue?

The matter is before the Commission. Is there a motion?

ACTING COMMISSIONER STANCELL: Moved.

ACTING CHAIRMAN McCARTHY: Mr. Stancell so moved.

ACTING COMMISSIONER TUCKER: Second.

ACTING CHAIRMAN McCARTHY: Mr. Tucker seconds.

The recommendation is accepted.

Next.

EXECUTIVE OFFICER WARREN: Item 65, Mr. Chairman, is to authorize us to file a disclaimer in a condemnation action brought by the United States against 14.03 acres in Kern County concerning which we have determined the State has no interest.

We ask approval.

ACTING CHAIRMAN McCARTHY: Questions?

Approved.

EXECUTIVE OFFICER WARREN: Item 66, Mr. Chairman, is by the State Lands Commission staff. It is to seek authorization for us to execute an agreement with Lawrence
Berkeley Laboratory to conduct reservoir studies in the
Geyser Geothermal Resource Area.

It involves a four-year study and involves the
determination of the causes and possible responses to loss
of pressure in the field.

We ask for approval.

ACTING CHAIRMAN MCCARTHY: Questions.

Approved.

EXECUTIVE OFFICER WARREN: Item 67, Mr. Chairman
and Commissioners, staff is asking you to ratify an award
of contract to Western Security of Torrance, California,
for the purpose of providing a security patrol at the
California Reception Center in Los Angeles, Los Angeles
County. That site has an interesting history. We are, as
you know, we are holding it for the Department of
Corrections until the decision can be made whether to go
ahead with the site as a prison. That issue is being
litigated and we are the stake-holder.

We learned some time ago that the site was being
used as a dumpsite by many of the folks in Los Angeles and
that the Department of Health has certified that as
unhealthy and they have issued a notice to clean up which
we undertook. But in the very process of cleaning it up,
folks continued to use the site as a dump during the night.
So we had to bring in a patrol until such time as we were
able to erect a security fence. And that work is being done now.

ACTING CHAIRMAN McCARTHY: Questions?

EXECUTIVE OFFICER WARREN: We ask for your authority to execute that agreement.

ACTING CHAIRMAN McCARTHY: All right.

Questions?

You have the authority.

Sixty-nine.

EXECUTIVE OFFICER WARREN: Sixty-nine is to ratify the award of a contract to Oceaneering International for purposes of removing hazardous structures located within Santa Barbara County.

Of the three bidders, they were the lowest by a significant margin. And we ask that that award, that you ratify the award of that contract.

ACTING CHAIRMAN McCARTHY: Questions?

Approved.

Next item.

EXECUTIVE OFFICER WARREN: Item 70 seeks your ratification of an amendment to emergency contract with OCEANOR Oceanographic to conduct evaluation of the oil spill response and clean-up methodology involving the American Trader incident off shore Huntington Beach.

And staff recommends your approval.
ACTING CHAIRMAN McCARTHY: Questions?

It is approved as recommended.

Seventy-one.

EXECUTIVE OFFICER WARREN: Item 71. I'd like to pass on that temporarily.

ACTING CHAIRMAN McCARTHY: Item 72.

EXECUTIVE OFFICER WARREN: Item 72 seeks authority to the Executive Officer to execute amendment to increase the contractual amount for consultant services in connection with the CCORS Program.

ACTING CHAIRMAN McCARTHY: Questions?

Accepted as recommended.

Seventy-three.

EXECUTIVE OFFICER WARREN: The final item on the public calendar, 73, Davis, which is an application for construction of a pier on the Sacramento River, staff is recommending that that be denied without prejudice. We are doing so — I am sorry, pardon me. I defer to Mr. Trout.

ASSISTANT EXECUTIVE OFFICER TROUT: I just wanted to point out that we scheduled it for denial. During the period after notice, the applicant complied with all provisions of the completion and things necessary to allow us to proceed, and with your concurrence, staff would now recommend approval.

ACTING CHAIRMAN McCARTHY: Questions?
Approved.

EXECUTIVE OFFICER WARREN: I wonder if we could suspend the public hearing for a short period of time in order to enable an Executive Session by the Commission.

ACTING CHAIRMAN MCCARTHY: Before we do that, and we will comply with that request, I have a distressing role to play right now. A man that I personally admire very much for his legal ability is going to be leaving us, Greg Taylor, who has been an attorney with the Attorney General's Office since 1961.

And I have had the pleasure, as one member of this Commission, of working with Greg Taylor for a lot of years. It's pretty tough to get passionate about land law.

(Laughter.)

ACTING CHAIRMAN MCCARTHY: But Greg was able to recharge his batteries on this subject with regularity and make sense out of what can be a very dry subject. And oddly enough, however, he has enlarged the value and the service and the performance of the State Lands Commission because of his commitment to doing it the right way and his sense of balance on how to achieve our responsibilities under the Public Trust Doctrine of this State.

He has been involved in a number of legal precedent-setting cases and we say so on this resolution on this plaque that we are going to give him from this
Commission. These are landmark cases that really are being emulated in other states on similar matters. Long Beach v. Mansell, Marks v. Whitney, U. S. v. California, and State v. County of San Mateo, and so many other cases.

There are many people that make our form of government work very well that are not seen very often and that are not publicized, but they are here. Greg Taylor, in my mind, is a classic example of what a very good public servant is supposed to be.

Greg, would you mind joining us up here? We want to present this to you with our deep gratitude.

Ladies and gentlemen, Mr. Greg Taylor.

(Standing applause.)

ACTING CHAIRMAN McCARTHY: It is by acclamation. Greg, thank you very much for all of those hours of hard work. If you would like to say a couple of words, we welcome it.

(Laughter.)

ASSISTANT ATTORNEY GENERAL TAYLOR: Two words.

Thank you very much.

Mr. Chairman and Members of the Commission, this year is my 29th year with the State Lands Commission. The first Lands Commission that I served was Alan Cranston, Glenn Anderson and Hale Champion. And there was a young assistant to the Lieutenant Governor at that time who was
Alan Sieroty.

It was a very interesting time. The headquarters of the State Lands was in the true location of the State, Los Angeles, on the third floor. And Alan Sieroty, I will never forget him, wandering up with the calendar every month to find out just what we were up to. And it was a very painful process to go through the calendar but he taught us well.

This is a wonderful Commission to represent. The transactions that this Commission has worked on, I don't believe, have been properly recognized, because the preservation of areas for the enjoyment of the public stretches from border to border.

It is true that we are in the oil business, but the oil business was used for very good purposes of investing in property and the Water Project and other areas.

And I hope that you all learned your Public Trust lessons very well because the agency that I am going to will certainly test your stamina.

(Laughter.)

(Applause.)

ACTING CHAIRMAN McCARTHY: What is your last day?

(Laughter.)

ACTING CHAIRMAN McCARTHY: I just want to know
when you are going to become the enemy.

(Laughter.)

ASSISTANT ATTORNEY GENERAL TAYLOR: I believe April the 23rd. I will be leaving here, I hope, on the 6th or the 11th of April.

ACTING CHAIRMAN McCARTHY: And I can never remember the name of that little agency you are going to work for. What is it?

It is south, 400 miles or so.

All right. Ladies and gentlemen, we need to go into an Executive Session now for just a few minutes before we take up Item 71, so would only those please stay in this room who are -- oh, stay where you are. We will step into the next room.

(Thereupon a recess was taken for an Executive Session of the State Lands Commission.)

ACTING CHAIRMAN McCARTHY: Ladies and gentlemen, let me announce that we do have one more item on the public calendar, Item 71. The State Lands Commission has a couple of more issues in the Executive Session and we are going to continue in that for a few minutes. Then we will come out and dispose of the final item on the public calendar, Item 71.

We will be in recess for a few minutes.
(Thereupon a recess was taken for an Executive Session of the State Lands Commission.)

ACTING CHAIRMAN McCARTHY: The State Lands Commission will reconvene this Public Hearing. We are back on Item Number 71.

Mr. Warren, would you like to give us staff's report on this matter?

EXECUTIVE OFFICER WARREN: Yes, Mr. Chairman. I'd like the staff report to be given by Mr. Taylor.

ACTING CHAIRMAN McCARTHY: Go ahead.

ASSISTANT ATTORNEY GENERAL TAYLOR: Mr. Chairman, staff would recommend the Calendar Item Number 71, as it is before you in the green form, with an addition of B, on page 7, B, we would add a sub 7 to B, with a "Recreational Access Easement adjacent to A.(1), A.(5) and the south entrance to Buckley Cove to March Lane."

And that recreational access easement will be between the path and the water.

We would change on line -- below B, the paragraph beginning with "The addition", one line up from the bottom of that paragraph where it says "described in", we would strike "A.(1)". That goes to the City. And we would make "B.(1)" there say "B.(1)--(7)", which has three parts.

Based on that, we would recommend the settlement
of the Group, Reclamation District 2074, City of Stockton, transaction as outlined in the calendar item to you, and that the Commission make all the necessary findings and
authorizations.

This transaction will provide for a public walkway from the beginning of the Brookside Project on its easterly side to Buckley Cove Marina. It will provide for a public accessway from the easterly side of the Buckley Cove to 5 with access for the public along that area.

There will be three access points on Fourteen-Mile Slough. There will be the public access easement to the water along a bicycle path to be dedicated to the City along the site of the proposed high school, and the State will receive title to all of the private owner's claims within the sloughs, including several islands in Fourteen-
Mile Slough and one island in the Calaveras River.

The State will, as part of its transaction, will terminate any sovereign title interest within the Brookside Project above the existing ordinary high-water mark. It will agree to the annexation of the Brookside community to the City of Stockton and there will be a provision in the agreement for the future treatment, as required by CEQA, of the issue with regard to both docks and with regard to the development of the walkway.

That, in broad outline, is what is provided for by
this agreement.

It would also be subject to court confirmation.

This would be substantially in the form and it would be signed by the Executive Officer. It will be approved in substantially the form because we are still working on the final language.

ACTING CHAIRMAN McCARTHY: When are we talking about execution of this agreement?

ASSISTANT ATTORNEY GENERAL TAYLOR: The execution of this agreement will be approximately up to a month, depending upon the completion of the legal descriptions. That is our biggest impediment. We will also have to do -- well, we have the necessary title work done but we will need the approval of a title company that they will ensure the titles of all the parties as we contemplate it coming out at the end of the transaction.

But I believe, realistically, the agreement is in fairly final form. If we have a delay, it will be in the final form of the legal descriptions.

ACTING CHAIRMAN McCARTHY: I am optimistic but it's no until it's yes. So I wanted the timetable on the execution so we have this language reduced down and both sides have had an opportunity to look at it.

ASSISTANT ATTORNEY GENERAL TAYLOR: Certainly.

ACTING CHAIRMAN McCARTHY: That's why we wanted to
know when we would be in a position to execute, and your estimate is within 30 days?

ASSISTANT ATTORNEY GENERAL TAYLOR: That is correct, because of the delay that has been caused by the final preparation of legal descriptions.

ACTING CHAIRMAN MCCARTHY: Okay. I would like to ask that maps be prepared for the Members of the Commission explaining graphically each point of the agreement, and that as many maps as are required be prepared to do that, and that those maps be given to the Members of the Commission as soon as possible.

Any other comments or questions from Commissioners?

ACTING COMMISSIONER TUCKER: I just wanted to thank both Greg and Curtis and other staff members that worked on this. I think it is a good settlement. It's an historic settlement, and everybody should feel that their time has been well spent. It certainly has taken a lot of time and a great deal of tenacity on the staff's part. So thank you very much.

ASSISTANT ATTORNEY GENERAL TAYLOR: Dwight Sanders and Jack Rump have also put in many hours as well as the engineering staff.

ACTING CHAIRMAN MCCARTHY: Thank you all.

ASSISTANT ATTORNEY GENERAL TAYLOR: Thank you very
much.

It will be approved as submitted, subject to the reviews that we have enumerated?

ACTING COMMISSIONER TUCKER: Yes.

ACTING COMMISSIONER STANCELL: Yes.

ACTING CHAIRMAN MCCARTHY: Unanimously.

ASSISTANT ATTORNEY GENERAL TAYLOR: Thank you very much.

ACTING CHAIRMAN MCCARTHY: Thank you all very much.

(Thereupon the March 27th, 1990 meeting of the State Lands Commission was concluded at 1:06 p.m.)
CERTIFICATE OF SHORTHAND REPORTER

I, RONALD J. PETERS, a Certified Shorthand Reporter, of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing State Lands Commission Meeting in shorthand and thereafter caused my shorthand writing to be transcribed 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 2nd day of April, 1990.

Ronald J. Peters
Certified Shorthand Reporter
License Number 2780