

CHAPTER 787

An act to amend Section 1 of Chapter 800 of the Statutes of 1957, relating to lands in Bolinas Bay.

[Approved by Governor August 23, 1969. Filed with Secretary of State August 25, 1969.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 800 of the Statutes of 1957 is amended to read:

Section 1. There is hereby granted to the County of Marin, hereinafter called "county," a political subdivision of the State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty and the Bolinas Harbor District, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands in Bolinas Bay situated and lying within the boundaries of the Bolinas Harbor District as such boundaries existed on the effective date of this act, to be forever held by the county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That the lands shall be used by the county, and its successors, for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction of all works, facilities, and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, which shall include accommodation for shallow-draft vessels seeking shelter from ocean waters during adverse weather conditions consistent with the preservation of the natural features of the lagoon.

(2) For the construction, reconstruction, repair and maintenance of roadways, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(3) For the construction, reconstruction, repair, maintenance and operation of parks, playgrounds, and bathing facilities, recreation and fishing piers, public recreation facilities, and for all works, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of a small boat harbor, marina, aquatic playground and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses.

(5) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique ocean phenomena for marine activities and water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(b) The county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county, or its successors, may grant franchises thereon for limited periods, not exceeding 25 years, for wharves and other public uses and purposes; and may lease the lands, or any part thereof, for limited periods, not exceeding 25 years, for purposes consistent with the trusts upon which the lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (b) shall be deemed to affect the validity, or term of any franchise previously granted by the county under the Franchise Act of 1937 (Chapter 2 (commencing with Section 6201), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said county hereunder.

(c) The lands shall be improved, preserved, restored, or maintained without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of the lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the absolute right to fish in the waters of the lands with the right of convenient access to the waters over the lands for these purposes.

(g) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land, to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from the land, but this exception and reservation shall not apply to dredged or other materials such

as gravel, mud, and silt removed in connection with the creation, maintenance or operation of the harbor and other objectives contemplated therein.

(h) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the county, its successor or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for highway purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

Within three years from the effective date of the amendment to this act enacted at the 1969 Regular Session of the Legislature the county shall prepare and submit a reasonable plan pursuant to which the lands shall be substantially improved, restored, preserved, or maintained by the county without expense to the state. The county shall submit the plan to the Department of Harbors and Watercraft. The Department of Harbors and Watercraft shall review the plan for compliance with the provisions of this act and, not later than the 30th day after receipt of the plan, shall transmit such plan, together with its comments, to the State Lands Commission for approval by the State Lands Commission. If the State Lands Commission determines that the county has failed to submit a reasonable and workable plan as herein required, all right, title, and interest of the county in and to all lands granted by this act shall cease and all right, title and interest in the lands shall revert and rest in the state. If the State Lands Commission approves the plan, the lands shall be substantially improved, restored, preserved, or maintained by the county without expense to the state in accordance with the plan in a period of not less than five years from the date of such approval. If the State Lands Commission determines that the county has failed to so improve, restore, preserve, or maintain such lands, all right, title, and interest of the county in and to all lands granted by this act shall cease and all right, title and interest in the lands shall revert and rest in the state.

SEC. 2. This act shall not be operative and shall have no force and effect unless and until the County of Marin files, with the state, a document acceptable to the state, certifying that the county has assumed and will discharge the outstanding indebtedness of the Bolinas Harbor District specified in Marin County Resolution No. 69-59 confirming the dissolution of said district. Nothing contained herein shall be deemed to impose any other obligations upon the county not specifically set forth therein.