

CHAPTER 352

An act relating to state lands, and this connection, adding Section 3 to Chapter 490 of the Statutes of 1871-72, Section 4 to Chapter 88 of the Statutes of 1923, and Section 3.5 to the Burton Act (Chapter 1333 of the Statutes of 1968), and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1976 Filed with
Secretary of State July 9, 1976.]

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

SECTION 1. The Governor shall direct the Department of General Services to transfer to the United States National Park Service the following properties for inclusion in the Golden Gate National Recreation Area pursuant to Public Law 92-589 (86 Stat. 1299):

(a) San Francisco State Parks south and west of the Golden Gate Bridge: Phelan Beach, Baker Beach and Seal Rocks State Beach.

SEC. 2. The Governor may, whenever he determines it to be in the best interests of the state, direct the Department of General Services to transfer to the United States National Park Service the following properties for inclusion within the Golden Gate National Recreation Area pursuant to Public Law 92-589 (86 Stat. 1299):

(a) San Francisco Maritime State Historical Park, including vessels and the Haslett Warehouse.

SEC. 3. (a) Prior to any transfer pursuant to Section 1 of this act the state shall maintain all such properties in their current physical condition.

(b) No new lease, concession, or other agreement between the state and any person shall be entered into pertaining to properties under Section 1 of this act unless it is made subject to termination upon transfer of the affected property to the United States or is approved by the appropriate agency of the United States.

(c) Any lease, concession, or other agreement not included in subdivision (b) may be transferred to the National Park Service.

(d) Every instrument of transfer pursuant to this act shall provide that any land not used for a purpose consistent with the purposes of the Golden Gate National Recreation Area, as specified in Public Law 92-589 (86 Stat. 1299), as amended, shall revert to the state.

(e) There shall be reserved to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right to prospect for, mine, and remove such deposits, but such right shall be limited to those areas of the property transferred which the Director of General Services determines to be reasonably necessary for the removal of such deposits.

SEC. 4. The boundaries of properties transferred pursuant to Sections 1 and 2 of this act shall be the mean high water mark, and the tidelands and submerged lands below the mean high water mark shall remain under the jurisdiction of the state, subject to the following:

(a) Public recreational access to such tidelands and submerged lands shall be permitted by the state upon request of the National Park Service; but the state shall retain all jurisdiction over such tidelands and submerged lands, and the Department of Fish and Game shall continue to enforce all laws of the state relating to the protection of fish and game.

(b) The state may grant to the National Park Service easements or rights of access, without payment of any fee, across tidelands and submerged lands below the mean high water mark for the purpose of preserving and enhancing the recreational uses of the parks.

SEC. 5. Section 3 is added to Chapter 490 of the Statutes of 1871-72, to read:

Sec. 3. (a) Notwithstanding any other provision of law, the City and County of San Francisco may transfer to the United States, for inclusion in the Golden Gate National Recreation Area, lands, or so much thereof as may be necessary for such purpose, that are granted pursuant to this act.

(b) Such transfer may be made subject to such conditions as the city and county may impose.

(c) There is hereby excepted and reserved to the state all deposits of minerals, including, but not limited to, all substances specified in Section 6407 of the Public Resources Code, in the lands granted to the city and county by this act; and there is further reserved to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands, so long as the exercise of such right does not unreasonably interfere with the use of the lands for the purpose specified in subdivision (a).

(d) There is hereby reserved to the people of the state the absolute right to fish in the waters over such lands, with the right of convenient access to such waters for such purpose.

(e) If the United States ceases to use the lands for the purpose specified in subdivision (a), all right, title, and interest of the United States in the lands shall cease and title in the lands shall revert to the city and county.

SEC. 6. Section 4 is added to Chapter 88 of the Statutes of 1923, to read:

Sec. 4. (a) Notwithstanding any other provision of law, the City and County of San Francisco may transfer to the United States, for inclusion in the Golden Gate National Recreation Area, lands, or so much thereof as may be necessary for such purpose, that are granted pursuant to this act.

(b) Such transfer may be made subject to such conditions as the city and county may impose.

(c) There is hereby excepted and reserved to the state all deposits of minerals, including, but not limited to, all substances specified in Section 6407 of the Public Resources Code, in the lands granted to the city and county by this act; and there is further reserved to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands, so long as the exercise of such right does not unreasonably interfere with the use of the lands for the purpose specified in subdivision (a).

(d) There is hereby reserved to the people of the state the absolute right to fish in the waters over such lands, with the right of convenient access to such waters for such purpose.

(e) If the United States ceases to use the lands for the purpose specified in subdivision (a), all right, title, and interest of the United States in the lands shall cease and title in the lands shall revert to the city and county.

SEC. 7. Section 3.5 is added to the Burton Act (Chapter 1333 of the Statutes of 1968), to read:

Sec. 3.5. (a) Notwithstanding any other provision of law, the City and County of San Francisco may transfer to the United States, for inclusion in the Golden Gate National Recreation Area, lands underlying the perimeter of the Municipal Recreation Pier at the foot of Van Ness Avenue, together with all improvements and structures upon or above such lands, that are granted to the city and

county pursuant to this act.

(b) Such transfer may be made subject to such conditions as the city and county may impose.

(c) There is hereby excepted and reserved to the state all deposits of minerals, including, but not limited to, all substances specified in Section 6407 of the Public Resources Code, in the lands granted to the city and county by this act; and there is further reserved to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands, so long as the exercise of such right does not unreasonably interfere with the use of the lands for the purpose specified in subdivision (a).

(d) There is hereby reserved to the people of the state the absolute right to fish in the waters over such lands, with the right of convenient access to such waters for such purpose.

(e) If the United States ceases to use the lands for the purpose specified in subdivision (a), all right, title, and interest of the United States in the lands shall cease and title in the lands shall revert to the city and county.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to effectuate the transfer of certain state lands to the United States National Park Service for inclusion in the Golden Gate National Recreation Area at the earliest possible time, and to thereby satisfy urgent recreational needs of the people of the State of California, it is necessary that the provisions of this act go into immediate effect.
