



A REPORT ON THE USE, DEVELOPMENT, AND ADMINISTRATION OF GRANTED TIDELANDS AND SUBMERGED LANDS

Prepared in response to Public Resources Code 6374.

Under the Direction of:

STATE LANDS COMMISSION

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SUMMARY OF RECOMMENDATIONS

- 1) All trustees of State tide and submerged lands should be required to develop rules and regulations to govern the initiation, renewal or renegotiation of all leases relating to such lands and submit such rules and regulations to the State Lands Commission for review and approval. Subsequent to the Commission's approval, the governing body of each trustee should adopt such rules and regulations and administer their leasing programs accordingly.

- 2) All trustees of State tide and submerged lands should be required to submit to the State Lands Commission on a quarterly basis, a copy of all leases entered into or renegotiated in the three months immediately preceding such report.

- 3) All trustees of public land should be required to submit an annual financial statement to the State Lands Commission in a form and manner to be specified by the Commission (a suggested periodic report form and general questionnaire are contained in Appendix 6 of this report). The Commission should be given the responsibility of investigating possible abuses in the use of tideland monies as indicated by the annual financial statements.

- 4) Based on its inherent powers, the State Lands Commission should be directed to develop and administer a sustained audit program relating to the granted lands. This program would be established in conjunction with the financial report recommended under Item (a) in Part II. A sustained audit program would enable the Commission to:
(1) make trust obligations clear to the trustee; and (2) review accounting procedures to ensure that trust funds are properly segregated. Specific audit programs would need to be developed for revenues and expenditures, capital improvements, trust assets, and leases consummated using trust resources.
- 5) Although the State Lands Commission holds all retained and residual State authority with regard to the granted lands, the Commission should be given specific statutory authority to develop and maintain a program which would provide for the sustained investigation, policing and review of the administration of granted tide and submerged lands by trustees.
- 6) Section 6374 of the Public Resources Code (see page 2) required each trustee to prepare and submit to the Commission, "a general plan, as specified by the commission ..." detailing the future use of their granted lands. Trustees should be required to submit land use plans which have been approved by their governing bodies, maintain such plans, and submit any amendments to the Commission. The Commission should be given the authority to review and approve such amendments. During this review, the Commission should determine: (1) that the amendments are consistent with the terms of the trustee's legislative grant and the public trust; and (2) that they are in the best interests of the people of the State. All administrative actions of the trustee subsequent to the Commission's approval of their general plan should be consistent with such plan.

- 7) Whenever tide or submerged land is granted to a local public jurisdiction by legislative enactment, the prospective trustee should be required to submit specific information as required by the State Lands Commission (general plan detailing proposed use of the grant, proposed leasing, policy, etc.). The provisions of the grant should not become effective until: (1) all necessary information required of the prospective trustee is received and evaluated by the Commission; and (2) the Commission has made an environmental assessment of the State tide and submerged lands in the proposed grant.

- 8) It is recommended that the State Lands Commission be:
(1) given authority to gather material from each trustee that clearly shows all areas of the granted lands which have been developed or encumbered; (2) required to report to the Legislature those lands being used; and (3) submit proposed legislation to amend the descriptive portion of those grants to cover only lands actually needed or planned for. The proposed review process for all new grants will prevent this situation from occurring in the future. Proposed legislation to cover this program is included in Appendix 7.

NOTE

These Recommendations take into consideration the proposed legislation sponsored by Senator Dills (SB 563 - as amended April 23, 1975). Should SB 563 fail to be enacted in that form, then the provisions of SB 563 become part of the recommendations of this report.

INTRODUCTION

The State of California, in its sovereign capacity, possesses legal title to:

1. Tidelands, i.e., the area situated between the ocean's low and high water marks on the State's shoreline, including inlets or tributaries, covered by the daily flux and reflux of the tides;
2. Submerged lands lying: (a) beneath inland portions of the ocean and thence seaward three geographical miles from the coastline; and (b) in the beds of navigable streams and lakes.

During the 125 years since California's statehood, the State Legislature has, by statute, granted salt marsh, tide, and submerged lands whether filled or unfilled in trust to political subdivisions of the State principally for the general purposes of commerce, navigation and fisheries.

Since the first legislative grant of sovereign tide and submerged lands to the City of Martinez in 1851, nearly 300 statutes have been enacted which have granted over 180 specific parcels of such lands to public agencies. Many of these parcels were considered as additions to and extensions of original grants, particularly when specific areas were adjacent to and contiguous with lands previously granted, and the subsequent statutes generally provide for the same purposes, the same requirements of compliance, and the same reservation of rights by the State.

At present, seventy-one trustees administer approximately 330,000 acres of the State's tide and submerged lands. It is to these lands, their uses and the problems associated with their administration, that this report is addressed.

THE LEGISLATIVE MANDATE

This report has been prepared pursuant to specific provisions of Chapter 1555, Statutes of 1970 which added the following section to the Public Resources Code:

Section 6374: Any governmental agency of State which has heretofore been granted State lands in trust shall submit to the Commission and to the Legislature a report on the use and development of such lands up to the present time and shall prepare and submit to the Commission by January 1, 1973, a general plan, as specified by the Commission and approved by the Council on Intergovernmental Relations, for the future use of such lands. Nothing contained in any such report or general development plan shall affect any rights, obligation arising from existing leases, or contracts or any amendments thereof. The Commission shall report to the Legislature any deviations, if any, in the plan from the original terms of the grant.

RESEARCH DESIGN AND TRUSTEE RESPONSE

GRANTEES AFFECTED

Of the 71 active trustees, as of the date of this report, 64 were required to submit the aforementioned information to the Legislature and the State Lands Commission. Trustees specifically excluded from the provisions of Chapter 1555 are: (1) the City of Oakland; (2) the Port of San Francisco; (3) the City of Long Beach; and two grants administered by the Federal government; (a) Point Reyes National Seashore; and (b) the Mare Island Naval Base. Two additional grants (Humboldt Bay Harbor, Recreation and Conservation District and Lake County) are not included in this report since their granting statutes became effective after the date by which trustee reports were to be submitted to the Legislature and the State Lands Commission.

STATE LANDS DIVISION IMPLEMENTATION

Subsequent to the Legislature's action through Chapter 1555, Statutes of 1970, the State Lands Division began notifying trustees of their additional responsibilities and drafting criteria and specifications for the required report and general plan with the staff of the Council on Intergovernmental Relations (CIR). A copy of the land use and development plan and unique environmental lands guidelines is contained in Appendix 2.

GRANTEE BRIEFINGS

The specifications developed by the Division and the staff of CIR were sent to each trustee in December, 1971 with an invitation to attend one of four regional briefings conducted by the Division and CIR. The briefings, held

in January, 1972, in Eureka, San Francisco, Los Angeles, and San Diego, were organized to:

- (1) provide the trustees with an opportunity to receive clarification of Chapter 1555 and its provisions;
- (2) generate interest in the project; and
- (3) acquaint trustees with the State's role and expectations regarding the granted lands program.

Representatives of 36 of the 66 public agencies then administering tide and submerged land grants attended the regional briefings.

GRANTEE
RESPONSE

As of January 1, 1973, the date by which trustee reports were to be submitted to the Legislature and the State Lands Commission, less than one-half of the required reports had been received. Today, only 46 of the 64 trustees affected by Chapter 1555 have complied with the requirements of Section 6374 of the Public Resources Code. A table detailing trustee response is contained in Appendix 3.

INFORMATION
BASE

The conclusions, recommendations, and proposals in this report are based upon the information contained within the trustee reports submitted to the State Lands Commission. Analysis of this data has revealed a number of problems with regard to the administration of the State's granted lands. The discussion of these problems and their proposed solutions is contained in Part II of this report.

PART 1

LEGISLATIVE GRANTS OF TIDE AND SUBMERGED LANDS

LEGISLATIVE GRANTS OF STATE TIDE AND SUBMERGED LANDS

LEGISLATIVE GRANT CONCEPTS

The concept of the "public trust", as applied to the State's tide and submerged lands, has evolved from the common and civil law and subsequent court interpretations of such law. It has played a major role in the administration of tide and submerged lands which have been granted "in trust" to local public jurisdictions by the State legislature. The following discussion of the development of this concept and of the history of legislative grants of tide and submerged lands is offered as background to the material presented on pages 43 to 52 of this report pursuant to Section 6374 of the Public Resources Code.

ELEMENTS OF THE PUBLIC TRUST

"COMMERCE, NAVIGATION, AND FISHERIES"

A declaration, upon which the concept of the "public trust" over the State's tide and submerged lands is established and maintained, is contained in a statement made by Chief Justice Taney of the United States Supreme Court. According to Chief Justice Taney, "When the revolution took place, the people of each state became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use."¹ Subsequent, to the formation of the United States, each additional state was admitted into the union under the doctrine of "equal footing", that is, on a basis equal to that of the original thirteen states. It is through the application of this doctrine in 1845² to the beds of navigable waters that the sovereignty over the tidelands (the lands lying between the lines of

ordinary high and low tide) passed to California on September 9, 1850.³

One of the earliest references to the "public trust" in California was in 1854 when the State Supreme Court said that the State:

- (1) holds the complete sovereignty over her navigable bays and rivers and
- (2) owns such lands for the purpose of preserving the public easement, or right of navigation.⁴

This concept has been further defined as "a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have the liberty of fishing therein free from the destruction or interference of private parties..."⁵

In 1867, the Court established a precedent which pertains specifically to the State's administration of the tidelands within its jurisdiction and the responsibilities of those to whom the State grants such lands. Under this decision, "The right of the State is subservient to the public rights of navigation and fishery, and theoretically, at least, the State can make no disposition of them (the tidelands) prejudicial to the right of the public to use them for the purposes of navigation and fishery, and whatever disposition she makes of them her grantee takes them upon the same terms upon which she holds them, and, of course, subject to the public rights above mentioned." (emphasis and explanation added).⁶

The State's power of disposition over the sovereign tide and submerged lands was further defined in 1897 when it was determined that, "No grant of lands covered

by navigable waters can be made which will impair the power of a subsequent legislature to regulate the enjoyment of the public right. The trustee takes the mere proprietary interest in the soil, and holds it subject to the public easement."

A modern statement of the evolving nature of the public trust doctrine is found in the case of Marks v Whitney (6C. 3d 251).

"The public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs. In administering the trust the state is not burdened with an outmoded classification favoring one mode of utilization over another.

There is a growing public recognition that one of the most important public uses of the tidelands -- a use encompassed within the tidelands trust -- is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area. It is not necessary to here define precisely all the public uses which encumber tidelands."

CALIFORNIA CONSTITUTION

PROTECTION OF THE TRUST

Although provisions of the State Constitution (Article I, Section 25; Article XV, Sections 2 and 3) operate as restraints upon grants to private parties rather than as a constraint upon legislative policy, the Court in People v California Fish Co., 166 Ca., 576, P. 597 (1913) summarized in part that: "The administration and execution of this trust

is committed by the constitution to the legislative department, subject to certain expressed reservation and restrictions." And, in the case of County of Orange v Heim, 30 Cal. 3d 694 (1973), the Court observed that "...the determination of the State Lands Commission pertaining to administration of the trust pursuant to an express delegation of authority from the Legislature must be classified as quasi-legislative in character."

It is to the practice of "granting" State tide and submerged lands to local public jurisdictions by the Legislature that we now turn our attention.

EVOLUTION OF
LEGISLATIVE
GRANTS OF STATE
TIDE AND
SUBMERGED LANDS

California wasted little time in exercising its powers as a sovereign State with regard to her tidelands. Within seven months of Statehood, the Legislature granted lands in trust to the City of Martinez "...for the benefit of commerce, by the construction of wharves, piers and docks, and otherwise." Shortly thereafter, lands were granted to the City of San Francisco for the purpose of creating a permanent waterfront. Up to the early part of the twentieth century, the majority of legislative grants were within the geographical area in and around San Francisco Bay.

Historically, the objective of in-trust grants has been the development of the tide and submerged lands, with the State providing the geographic area and the trustee providing the planning, investment and physical developments. Early grants appear to have been made without specific terms, conditions or development guidelines of any kind. Enforcement of the provisions of the trust was largely affected during this early period by the courts through individual cases brought before them.

During the early 1920's, largely because development has not occurred in previously granted lands as anticipated, the Legislature began to impose more specific conditions on prospective trustees. Grants began to require a local jurisdiction to issue harbor improvement bonds, often in specified amounts. While the conditions of the grants gradually became more severe, the central purpose of such grants -- development of tide and submerged lands -- remained the same. Beginning in 1947 and continuing throughout subsequent years, the Legislature began to impose a duty upon local jurisdictions to improve the granted lands. Trustees were generally allowed 10 years in which to "substantially improve" lands under their administrative control.

The responsibility of determining whether granted tide and submerged lands had been "substantially improved" was given to the State Lands Commission. If the Commission finds that this condition of any grant has not been fulfilled, provision is made for the revocation of the trust provisions and reversion of the granted lands to the control of the State.

EXISTING
ROLE OF
THE STATE
LANDS
COMMISSION

Chapter 5, Statutes of 1938, First Extraordinary Session, created the State Lands Commission. Under the provisions of Section 6301 of the Public Resources Code: "The Commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits..." As to granted lands, Section 6301 of the Code stipulates that: "All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the Commission."

With regard to the sovereign lands of the State that have not been granted, the Commission has been given a relatively clear mandate to pursue an active management course. Where such lands have been granted, however, the Commission has, of necessity, been placed in a position of reviewing accomplished fact, since the trustee, subject to the conditions and restrictions, if any, of the grant, is initially the responsible entity for the administration of the granted lands. The State Lands Commission, on the other hand, holds all retained and residual State authorities. The respective roles of the State Lands Commission and the trustees have been unclear. This has been detrimental to effective management and control of the granted lands by both the trustee and the State Lands Commission. Legislation appears needed to define the respective roles.

USES AUTHORIZED
BY LEGISLATURE
VERSUS
EXISTING AND
PLANNED USES
BY TRUSTEES

The chart which begins on page 12 of this report illustrates the manner in which each trustee may use the tide and submerged lands which have been granted in trust by the Legislature. The information contained therein has been directly taken from each of the granting statutes.

In contrast, the material presented on pages 19 to 42 is a summary of the typical and planned uses to which each trustee has put the aforementioned lands. The information contained therein has been summarized from the reports submitted to the State Lands Commission and the Legislature pursuant to Section 6374 of the Public Resources Code (see page 2).

Due to the varied nature of trustee response, or lack of it, to the provisions of Section 6374 of the Public Resources Code, the State Lands Division has developed a comprehensive program to identify and resolve any divergences from the original terms of a trustee's grant both in its present and planned administration of public lands. Recommendations for initial study and action

by the Legislature are contained in Part II of this report while specific policy language is presented in Appendix 7.

In essence, this presentation focuses on basic policy issues which must be resolved by the Legislature with regard to the administration of the granted lands by local public jurisdictions. Deviations from a policy course can only be substantiated if such a course is clearly defined. It is the purpose of Part II of this report, beginning on page 43, to aid the Legislature in its deliberations in this regard.

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	City of Alameda	City of Albany ⁹	City of Berkeley	City of Emeryville	City of Oakland	City of San Leandro	Peralta Junior College Dist.	City of Antioch	City of Martinez	City of Pittsburg	City of Richmond
Establishment, improvement, conduct of a harbor... other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities... or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth....											
Construction, maintenance, operation of public buildings, public assembly and meeting places... public recreation facilities... structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes... including, but not limited to... industrial, commercial... purposes in which there is a general statewide interest.											
Residential purposes ¹¹											
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											
Junior College											

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	Crescent City	Crescent City Harbor Dist.	City of Arcata	City of Eureka ¹⁰	Humboldt Bay Harbor, Rec., & Con. Dist.	City of Avalon	City of Hermosa Beach	City of Long Beach	City of Los Angeles ¹⁰	City of Manhattan Beach	
Establishment, improvement, conduct of a harbor . . . other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities . . . or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth . . .											
Construction, maintenance, operation of public buildings, public assembly and meeting places . . . public recreation facilities . . . structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes . . . including, but not limited to . . . industrial, commercial . . . purposes in which there is a general statewide interest.											
Residential purposes ¹¹											
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											

See Footnote 10 for explanation of dotted areas.

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	City of Palos Verdes Estates	City of Redondo Beach ¹⁰	City of Santa Monica ¹⁰	Marin County	City of Mill Valley	City of San Rafael	City of Sausalito	Noyo Harbor District	Carmel Sanitary District	City of Monterey	
Establishment, improvement, conduct of a harbor... other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities... or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth....											
Construction, maintenance, operation of public buildings, public assembly and meeting places... public recreation facilities... structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes... including, but not limited to... industrial, commercial... purposes in which there is a general statewide interest.											
Residential purposes ¹¹											
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	Univ. of California, San Diego	City & County of San Francisco	City of Stockton	Port of San Luis Obispo Harbor Dist.	City of Morro Bay	San Mateo County	San Mateo Harbor Dist.	Redwood City	City of San Mateo	City of South San Francisco	
Establishment, improvement, conduct of a harbor. . . . other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities. . . or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth. . . .											
Construction, maintenance, operation of public buildings, public assembly and meeting places... public recreation facilities. . . structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes. . . including, but not limited to. . . industrial, commercial. . . purposes in which there is a general statewide interest.											
Residential purposes ¹¹											
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	Moss Landing Harbor Dist.	City of Pacific Grove	Orange County	City of Laguna Beach	City of Newport Beach	Metropolitan Water District	City of Carlsbad	City of Imperial	City of Oceanside	City of San Diego	San Diego Unified Port District
Establishment, improvement, conduct of a harbor... other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities... or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth....											
Construction, maintenance, operation of public buildings, public assembly and meeting places... public recreation facilities... structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes... including, but not limited to... industrial, commercial... purposes in which there is a general statewide interest.											
Residential purposes ¹¹			*12								
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											
Power Plants, Desalination Plant											

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE										
	Santa Barbara County	City of Santa Barbara	City of Carpinteria	Santa Cruz County	City of Santa Cruz	Santa Cruz Port Dist.	City of Benicia	City of Vallejo	Sonoma County	City of San Buenaventura	City of Needles
Establishment, improvement, conduct of a harbor . . . other utilities, structures and appliances for promotion, accommodation of commerce and navigation.											
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.											
Construction, maintenance of highways, streets, parking facilities . . . or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth . . .											
Construction, maintenance, operation of public buildings, public assembly and meeting places . . . public recreation facilities . . . structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.											
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.											
All commercial and industrial uses and purposes . . . including, but not limited to . . . industrial, commercial . . . purposes in which there is a general statewide interest.											
Residential purposes ¹¹											
Alleviate flood control problem											
Research purposes											
Sanitary facilities											
Wildlife habitats											
Aesthetic purposes											

Summary of Authorized Uses of Granted Lands

AUTHORIZED USES TIDE AND SUBMERGED LANDS ⁸	TRUSTEE									
	City of Sacramento	Lake County								
Establishment, improvement, conduct of a harbor. . . other utilities, structures and appliances for promotion, accommodation of commerce and navigation.										
Establishment, improvement, conduct of an airport, aviation facilities for promotion, accommodation of air commerce and air navigation.										
Construction, maintenance of highways, streets, parking facilities. . . or betterments, incidental, necessary or convenient for promotion and accommodation of any uses set forth. . . .										
Construction, maintenance, operation of public buildings, public assembly and meeting places... public recreation facilities. . . structures and appliances, incidental, necessary or convenient for promotion and accommodation of same.										
Establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities.										
All commercial and industrial uses and purposes. . . including, but not limited to. . . industrial, commercial. . . purposes in which there is a general statewide interest.										
Residential purposes ¹¹										
Alleviate flood control problem										
Research purposes										
Sanitary facilities										
Wildlife habitats										
Aesthetic purposes										

The following Summary of "Typical and Planned Uses of Granted Lands" is merely a tabulation of data submitted by each trustee in response to PRC Section 6374. It does not reflect the views or policies of the State Lands Commission. Grants are arranged by County. Grantees are listed alphabetically within each County.

County Trustee	Typical Use	Planned Use
<p><u>ALAMEDA</u> Alameda, City of</p>	<p>Port and airport facilities, construction and operation of wharves, docks, piers, slips, quays, marine rail-ways, shipbuilding and re- pair, tug boat operations, shipping, warehousing, fish packing, iron working, dredging for shell deposits, installation of utilities, angling area, yacht club, yacht harbor, sales, boat launching, school, recrea- tion and park, restaurant, cocktail lounge, office buildings.</p> <p>Albany developed a sanitary land fill and a road which led to it. However, Chapter 1763, (Statutes of 1961) required substantial im- provement for recreational and other specific trust uses. Since the grant was not so developed within 10 years as required by statute the grant for additional purposes was revoked.</p>	<p>No additional filling of any submerged lands will be permitted by the City at this time unless it is deemed essential to promote the provisions of the granting statute. Those areas not suitable for development or which have natural value will be preserved in their present state. A design- ated area is depicted in the Alameda Tidelands Report 2, as being open space scenic or scien- tific value, wildlife.</p> <p>Because of pending litigation no plan has been adopted.</p>
<p>Berkeley, City of</p>	<p>Completed projects are marina with slips for 650 boats, boat launching ramp, sheltered sailing basin, landscaped shoreline beach park, picnic area. Lease- holds in restaurant, hotels, fuel docks, office building, a revised ferry service to Angel Island, Tiburon and Marin County. The marina has a 3,000 foot fishing pier, which was rehabili- tated from older piers.</p>	<p>Plan now seeks to limit waterfront fill and em- phasizes recreational use in a regional con- text. Fifteen percent of the planning area is in private ownership. Height limits, and plan for landscaping, parking, etc.to be required. A sailing basin with pro- vision for boat launching will be added.</p>

County Trustee	Typical Use	Planned Use
Emeryville, City of	Acquired right-of-way for street access for proposed harbor and began fill (1919-1959). Construction of 300 berth small craft harbor was 80% completed at time of report.	Marina and associated bait/tackle boat restaurant complex, fuel dock, harbor, master quarters.
Oakland, City of	City of Oakland was exempted from making a report by Public Resources Code Section #6377.	
San Leandro, City of	Trustee reports that the totally submerged granted area is supportive of the Shoreline Recreation area. The City has acquired adjoining water and land area, and the main channel of the marina crosses the grant area.	Development of a major recreation facility adjoining the submerged waters of the grant.
Peralta Junior College District	(Core buildings of Laney College are not in Granted Lands) Park and recreational use.	Six tennis courts, football, trackfield and stadium on or adjacent to granted lands are underway. Current uses will be continued into perpetuity. The district expects the non-student community to increase use of the landscaped marine areas for bird watching, strolling and picnicking.
<u>CONTRA COSTA</u>		
Antioch, City of	Small boat harbor, fishing pier, cannery, restaurant and parking facilities.	Provide access for the public along the waterfront, passive and active recreation, marinas, restaurants, boat building sales and repair, camping and overnight room accommodations.

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
Martinez, City of	Historic uses included fuel storage and the city's "corporation yard" and a food cannery. Continuing uses are for railroad switch yard, manufacture of fire engines, boat sales and repair, garage, sewer treatment, waterfront ball diamonds, corral and rodeo facilities, park and meeting halls	In the future restoration of natural vegetation and wildlife will be stressed.
Pittsburg, City of	Small craft harbor, launch ramp.	Additional pier, shed and berth are designated on a map.
Richmond, City of	Note: This City did not report on lands granted under Chapter 317 (1913), Chapter 89 (1919), Chapter 53 (1935) and Chapter 379 (1935). They reported on Chapters 1336 (1959) and 233 (1971). The City, got the cooperation of the U. S. Army Corps of Engineers, to redredge Richmond Harbor, repair the training wall, revised the bulkhead line, and disposed of dredging to create a beach on the south side of the wall. This is used by the public and by waterfowl. The grant clarified title of the City to its City wharf and pier constructed principally on city-owned land.	Plan describes the South Shore of Richmond as a priority area for development of a containerized port. The grant area will be for a deep water channel on one side and water-oriented recreation on the other, for a bird refuge, and for a shoreline park.
<u>DEL NORTE</u> Crescent City	Construction of wharf and dock facilities started in 1869. Recreational uses were authorized by Statutes in 1963; a swimming pool was completed after the tidal wave of 1964. Other uses: parks and picnic areas, places for unique sports of log rolling, log loading, etc.	A portion of the grant has been set aside as open space. Expansion of a sewer treatment plant, mandated by the State Water Quality Control Board, will be architecturally compatible with the site. Plans include a center

County Trustee	Typical Use	Planned Use
Crescent City		for Indian arts and cultures, possible enlargement of Elk Creek for a small bridge, and park improvement.
Crescent City Harbor District	Lumber exports were a past use of granted lands. Past uses which continue into the present were petroleum imports, fish, commercial fishing fleet moorage, fish companies, tourism and wharves; pleasure boat launching sites, marine hardware, sporting goods store, gift shops, floating aquarium, pleasure boat and motor sales and repair, dockage for 95 foot Coast Guard Patrol Vessel, charter boat service, 145 pleasure boat slips, buildings for fishermen's wives, Harbor District Administration Maintenance Coast Guard and recreation parking areas and comfort stations to serve tourists. Multiple activities over three miles of undisturbed beach: fishing, clamming, rock collecting, swimming, surfing and scuba diving.	Construction of small boat basin and berthing. Construction of access road to Whaler Island. Construction of a pier for a Coast Guard Cutter. Paving parking areas. Working with appropriate authority to decrease surge conditions in Harbor. Long range program to find ways to acquire uplands in order to establish parking and comfort stations.
<u>HUMBOLDT</u> Arcata, City of	Boat launch is in the grant. The City did not submit a response to questions about present use, maps and discussions about future uses were included in a Conservation and Open Space interim report.	In 1966, a general plan was adopted which would have required extensive bay fill by expanding industrial development south from Samoa Road. An interim report prepared on Conservation Open Space in June 1972 recommends (but does not implement), plan for the following: Ocean beach, sand dunes, backdune, woodland and the Mad River Slough as a regional preserve.

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
Eureka, City of	The Eureka waterfront area prior to 1914 was the principal shipping point for the Bay. The waterfront boasted lumber mills and storage yards, wharves and warehouses, and at least one shipyard. The lumber mills later moved to other sites, or closed, and commercial fishing and fish processing took over the older warehouses for wharves. A small boat basin - 140 slips, was built.	The report expressed the hope that the way will be cleared to do the following: Increase access corridors to granted lands, re-develop wharf and warehouses. Develop Eureka fish dock for docking visiting ships, permitting educational marine research. Retain the Elk River Sandspit as a unique environmental feature suitable for preservation and scientific study. Encourage multipurpose commercial development, provision for tourist use, with maintenance of other areas in their natural state.
Humboldt Bay Harbor, Rec. & Cons. Dist.	No Report - Grant not effective in 1973.	
<u>LOS ANGELES</u>		
Los Angeles County	No Report - Grant not implemented.	Grant not implemented.
Avalon, City of	Small boat harbor, harbor for passenger vessels bringing mainland visitors. Public recreation including boating, swimming and fishing. Fuel station, tuna club and yacht club.	Extension of the promenade along the beach, further separating commercial areas inland from the bay and sea. Construction of a transportation center and 55 new moorings.
Hermosa Beach, City of	Surfing, swimming sunbathing and viewing the ocean; high percentage of users are from outside the City.	Support the beach as a recreational rather than a commercial enterprise. Number of lifeguard stands, play equipment, and restrooms should be reviewed to confirm a need for that number of structures on beach.

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
Manhattan Beach, City of	At the time the grant was made, there already was a Manhattan Beach pier, 928 feet long, owned by the State and operated by the County. A fishing pier, it also has a small coffee house. An artificial rock reef of 1500 tons was placed 85 feet from the pier. Other uses: Swimming and Surfing.	Preservation of tide lands with improvements for recreational use only. Extension and modernization of existing pier and fishing facilities.
Palos Verdes Estates, City of	Palos Verdes Estates Shoreline Preserve was established by City Council Resolution. It joins the State granted submerged tideland with 130 acres of city owned parkland. Facilities include access trails for the public, surfing, small boat fishing scuba diving, beach and swimming, and scientific and educational features for restoration and maintenance of subtidal and intertidal marine reserves, kelp, abalone fishery, and unique ocean phenomena.	Continued Conservation and education related project will require little or no construction Possible kelp reforestation and reintroduction of the sea otter. Possible recreation (no construction), and pedestrian (not auto) access.
Redondo Beach, City of	The northern one third supports harbor uses; the southern two-thirds, beach uses. By utilizing uplands as well as tidelands the harbor development contains a breakwater, marina for 1,350 ships, boat sales, storage, service, fuel, rental, repair, fishing, restaurant, shops, hotel, and bait and tackle.	Additional commercial uses consistent with grant.
Santa Monica, City of	Lands are used for recreational ocean beach. City has used for harbor, bulkheads, breakwater. In early years: swimming, fishing, informal recreation, limited private boating. Modern: Skin and scuba diving, surfing,	Continuance of present beach recreation uses subject to the possible removal of the two existing piers and the construction of a 35 acre island.

County Trustee	Typical Use	Planned Use
<p>Santa Monica, City of</p> <p><u>MARIN</u></p> <p>Marin County</p>	<p>formalized programs of lifeguard contests, outrigger canoe races, sport and art festival. Following the establishment of 13 beach parking lots (and the completion of Santa Monica freeway) beach attendance went to 16,000,000 in 1971. City administers State Park on wet lands under agreement. Some beach concessions are on private land.</p> <p><u>Parcel A</u> (Richardson Bay) Parks and Recreation Department says "our knowledge of current uses of this parcel is: Boat channels which have been dredged to private developments. "Flood control Project." The Planning Director states: "Parcel A is largely water and tideland with some fill. Most existing filling was accomplished during the 1940's (before the grant). The County Administrative Analyst states "generally, use of the land has been, is now, and in the future will be for open space and/or recreational.</p> <p><u>Parcel B</u> Boat channel, flood control. Now consists of open water, creek and tideland.</p> <p><u>Parcel C</u> The Richardson Bay wildlife reserve. This reserve is leased to the Audubon Society.</p> <p><u>Bolinas Lagoon</u> This area was originally granted to Bolinas Harbor District. However, the district was</p>	<p><u>Parcel A</u> (Richardson Bay) Parks and Recreation Departments says its only future plan for a boat launch ramp under Richardson Bay Bridge, but in the discussion stage with Mill Valley is a shoreline park around a portion of Richardson Bay. The Planning Department says County has purchased four parcels within Sausalito Canal, which are partially to remain open water, partially subject to on going land swaps between the County and a land-owner according to plans approved by BCDC and the County. Filling is to take place in the near future. A landowner operating in the area south of Rosedale Canal is bridging streets with walkways leading to boat berths on his own property. Public will have access over all walkways.</p> <p><u>Parcel B</u> Parks and Recreation is talking about a north bayfront park, utilization of the filled and diked properties for</p>

County Trustee	Typical Use	Planned Use
Marin County	<p>dissolved in 1969 and the lagoon was granted to Marin County. A plan was required to be submitted. State Lands Commission approved the plan April 26, 1973, which was after submission of this report.</p>	<p>active park purposes. Preservation of the marsh areas adjoining.</p> <p>Parcel C will be maintained in its present use as a wildlife reserve.</p> <p><u>Bolinas Lagoon</u> Conservation, preservation and maintenance of the ecological health of the lagoon while permitting maximum human use of the area consistent with these goals.</p>
Mill Valley, City of	<p>Land was originally used for fishing. The City acquired additional lands, which were dredged and filled as needed to construct a small boat dock for use by small sail boats and canoes and completed a street extension. The area has now been opened for sailing, canoeing and nature study by school groups.</p>	<p>Provide Mill Valley Harbor for larger boats (125 rental berths up to 30 feet long, berths for transient craft, boat sales, rental and repair) Provide dry storage for trailer and portable boats, launching ramp. Parking for 100 cars. Harbor Master's Office, public toilet, landscaping, financing through Department of Navigation and Ocean Development is proposed. Other features of the development are an aquatic park, community art center, nature study area marshland preservation and waterfowl pond.</p>
San Rafael, City of	<p>An engineering survey was 80% complete at the time of the report. It was to assist in resolving boundary problems. A lease in the area is with the Marin Yacht Club.</p>	<p>The City has a contract with a planning consulting firm for the development of a general plan that will include development and use of San Rafael canal. A study of the canal will be requested under the Redevelopment Agency, and the Chamber of Commerce has a subcommittee on the subject of the canal.</p>

County Trustee	Typical Use	Planned Use
<p>Sausalito, City of</p> <p>Pt. Reyes National Sea- shore</p>	<p>No history described.</p> <p>No Report (Federal)</p>	
<p><u>MENDOCINO</u></p> <p>Noyo Harbor District</p>	<p>Dock for Coast Guard, recreation area and boat launch ramp, harbor, District built berths for 335 boats on lands ad- joining the grant.</p>	<p>New boat launching ramp and parking area, com- mercial development.</p>
<p><u>MONTEREY</u></p> <p>Carmel Sanitary District</p> <p>Monterey, City of</p>	<p>Land granted for "necessary and convenient sanitary facilities". From 1929 to 1939, a portion was used for percolation and dis- posal of sewage. A new sewage treatment plant was constructed in 1939. Facilities are now shared with the Pebble Beach Sanitary District. A major portion of the granted lands which did not appear necessary for District purposes were quit-claimed back to the State in June of 1953 and are presently administered by Department of Parks and Recreation as a public beach and wildlife refuge.</p> <p>A breakwater constructed by U. S. Army Corps of Engineers, in 1934, in- creased the ability of the area to serve as harbor of refuge for the fishing fleet. Now Army patrol boats are anchored there. Cannery Row- once used for canning sardines caught in</p>	<p>The granted lands will continue to be used for sanitary purposes. At the time of the report a secondary treatment plant was nearing completion.</p> <p>Municipal Wharf No. 1 will emphasize marine- oriented uses, rather than restaurant and gift shops. Municipal Wharf No. 2 is for commercial fishing uses. Marina is to be enlarged 10-20 berths only because there is not enough protected</p>

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
Monterey, City of	<p>the bay went through several changes from warehousing and light manufacturing, to visitor-oriented uses, such as restaurants and gift shops. On Wharf #1 there is access for loading and unloading of ships; concessionaires for marine oriented uses, charter fishing boats, fish market, hardware and repair. A marina containing 334 berths for commercial fishing and pleasure boat. Municipal Wharf #2 has the following: marine fuel station, warehouse for fish processing, snack bar, boat hoist, public fishing area.</p>	<p>water. Actual demand for berths is much greater than available space. Expansion of the harbor area breakwater has been discussed. Cannery Row will continue to be visitor-oriented, with consideration of parking, public access, view of water and preservation of natural areas.</p>
Moss Landing Harbor District	<p>The first settlers needed a harbor to stimulate trade industry, commerce and agriculture in Monterey, Santa Cruz and San Benito counties. A channel was cut through sand dunes to connect Monterey Bay with the Harbor and inland tributaries. The District constructed dikes, tubes, flood gates, docks and piers. A private property owner granted an easement for the cut, and the Federal Government appropriated funds for cut, breakwaters and main channel. Nine canning and fish reduction plants were constructed to take care of the sardine industry, but the sardines left Monterey Bay never to return. Small boats and small boat owners then used the harbor as base of operations. A commercial fishing fleet is at South Harbor, with berthing facilities for 300 boats. Fish canneries are in that area. Pleasure boats are under the North</p>	<p>The trustee, Board of Harbor Commissioners, has acquired three parcels of land in addition to those granted. Two of the three have been developed as reported under typical use. The third parcel of 4.28 acres was unimproved at the time of the report. Located south of a bridge at the east bank of Old Salinas River Channel, a planned use was to gain access to the lands. The Monterey County Planning Department made a land use plan in which the trustee district participated and substantially concurs. The low level bridge is to be removed, roadway to be changed, berthing facilities to be expanded. The State is expected to lease various areas for beaches and parks</p>

County Trustee	Typical Use	Planned Use
Moss Landing Harbor	Harbor project, administered by the Elkhorn Yacht Club. Lands adjoining the granted lands have been acquired by the District for an administration building, parking, public restrooms, access roads, public parks, boat launching and water system.	
Pacific Grove, City of	No report - Letter response indicating preservation.	No change
<u>ORANGE</u> Orange County ¹²	<p>Over 90% of the lands in Newport Bay are granted to the City. However, development was a joint venture by county, city and Federal Government. This resulted in harbor entrance jetties, damming the Santa Ana River to reduce harbor silt, and dredging navigable waterways. Fill of 7 million yards of sand enlarged ocean beaches down the coast to Corona Del Mar. The county has operational control of the harbor whereas the city concentrates control of piers, floats and bulkheads. Public recreational boating as a major use. Boat building and commercial fishing were more active uses in the past. An aquatic park for water skiing, beaches for swimming, public recreation concession, government administration, Coast Guard, Yacht Club, etc. Dana Point Harbor Public Recreational Harbor - launching, berthing and storage of boats, with 1428 slips leased for sport fishing, commercial shops, motel,</p>	<p>A general plan for future use of the granted lands with boundaries and time frames was not submitted.</p> <p><u>Newport Area</u> The county was taking court action to protect the public's right of access over privately owned uplands. According to county research the public had established prescriptive use in 14 parcels. Leasing policies are also being revised in terms of public access. The supervisors have also resolved to look into a wildlife park and preservation of migrating birds.</p> <p><u>Dana Point</u> Boat repair facility was the only planned concession not operating at the time of the report.</p>

County Trustee	Typical Use	Planned Use
Orange County	restaurants, dry boat storage, fueling, yacht club. Public improvements are a public beach, picnic area, and several miles of public waterways.	
Laguna Beach, City of	No uses reported.	
Newport Beach, City of	Administration of lower Newport Bay is shared with Orange County since some tidelands were granted to each jurisdiction. (See also harbor uses under Orange County). City Marine Safety Department protects sunbathers and water enthusiasts who visit beach and tidelands. Leases are made for piers, floats, lunch stands, bait and tackle, angling club, social club and small boat marina. The public has access to harbors at one hundred street ends and more than 75 marinas.	The City was in the process of developing a general plan when the report was requested. Efforts to protect the ocean beach from storm and tidal flow damage will continue. Maintenance dredging is expected to keep the interior harbor relatively secure. Planned uses were in accord with California Environmental Quality Control Act.
Metropolitan Water District	A number of studies have been made concerning planned use.	Potential use is for construction of an artificial island, a power project, and a seawater desalting plant, if needed for future water supply for Southern California.
<u>SAN DIEGO</u>		
Carlsbad, City of	No Report	
Chula Vista, City of	No Report	Part of San Diego Unified Port District.
Coronado, City of	No Report	Part of San Diego Unified Port District.

County Trustee	Typical Use	Planned Use
Imperial Beach, City of	Physical improvements to the granted lands consist of two groins and a T-shaped fishing pier 1200 feet long with snack bar, benches, fish cleaning sinks, bait tanks, restrooms, dock. This plus upland improvements (not on granted lands) permits access to a 16 mile strip of beach for bathing and recreation and for fishing activities.	Cope with beach erosion problems. Improve fish reef.
Oceanside, City of	A public pier was built and rebuilt three times. It is now operated and maintained by the City for public fishing, with lunchroom and boat and tackle store. Fishing reefs were placed near the pier and a municipal smallcraft harbor for public use was constructed. This city facility is used for boating by power, sail, trailer-borne and human powered small craft. In addition to ocean fishing and pier fishing there is casting from the surf. A public bathing beach, skin diving, and beach recreational equipment are other attractions.	The oceanside smallcraft harbor will be expanded. Protective submerged barriers are being considered to reduce the chronic beach erosion problem.
San Diego, City of	<p>The City of San Diego described remaining grants of the childrens' pool ocean front and Mission Bay. (The City interest in San Diego Bay passed to the Port District.)</p> <p>A seawall shelters the childrens' pool from ocean waves. Uplands were improved with restrooms and lifeguard tower.</p>	Extensive uses will continue. Access corridors to the granted lands will be added. Dedication of shoreline areas to public use will be sought. Shoreline parks should include stretches of undeveloped rugged coast shoreline as well as developed beach areas. Additional facilities for underwater testing and research are being proposed.

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
<p>San Diego, City of</p>	<p>The ocean front grant was for commerce, navigation and fisheries and for recreation. A fishing pier with a ballroom at the end was already located there and it has been leased to the upland owners and renovated. Another fishing pier, an underground park, parking areas concessions are other features.</p> <p>The Mission Bay Grant included filled lands and tidelands. In covering uses there, San Diego described improvements to both tide and uplands, as a unit. A dedicated park contains 4,250 acres including roads, bridges, utilities, landscaping, public restrooms, lifeguard headquarters, and harbor master offices.</p> <p>In all these grants the City provides access corridors to granted lands: Steps and walkways at a majority of streetends and parking areas on adjacent lands. Plants, fish and other sea animals are harvested in the offshore area. There were 600 commercial fishing boats in coastal waters. Tuna is caught outside the 3-mile limit, but taken to the harbor for processing. Recreational fishing, by private and charter boats, from the pier and surf, swimming, surfboarding, clamming, skin and scuba diving, water skiing, yachting, boating, wildlife observation are other attractions. Oceanic engineering activity is made possible because the bays and ocean can be used to test oceanic communication and measuring devices.</p>	

County Trustee	Typical Use	Planned Use
San Diego, City of	Uses described in leases are for restaurant, cocktail bars, hotels, motels, marinas, golf courses, marine businesses, sea world, camping and tourist trailers, student boat houses, yacht clubs, recreation clubs (little league and bobby-sox league).	
San Diego Unified Port District	The activities include: revetments, seawalls, launching ramps, land-scaping, parks, marine terminal facilities, including docks, piers, wharves, warehouses, transit sheds, parking, utilities, railroad track age, street, roadway, provision of drainage, air carrier, airport, kelp processing plants, steel and shipbuilding, aerospace manufacture, restaurants, hotels, motels, marinas, golf courses, fish canneries, sports-fishing landings, public restrooms, underseas communication cable plant, waterfront park, boat repair, salt manufacture and lumber yards.	<p>The district is planning for additional access to granted lands through roads, bridges, navigable channels, bicycle routes, pedestrian access and viewing points.</p> <p>Other uses are more modern cargo handling facilities, more boat launching facilities, marinas, waterfront parks and greater utilization of estuarine resources for recreation, development of a research park.</p>
University of California, San Diego	Educational and scientific research. The lands are remain in their natural state serving as a control by which changes can be measured in other areas. Study of tidepools, shallow and deep water phenomena is possible. The only structure located above water is a pier constructed in 1914. It contains several washrooms, pumps for the salt water system of Scripps, and scientific apparatus for observation in marine biology, meteor-	A portion adjacent to granted tidelands has been leased from San Diego, and it may be used for a pier replacing the present one. Educational and research uses would continue.

County Trustee	Typical Use	Planned Use
<p>University of California, San Diego</p> <p><u>SAN FRANCISCO</u></p> <p>San Francisco City & County (excluding port)</p> <p>Port of San Francisco</p> <p><u>SAN JOAQUIN</u></p> <p>Stockton (Buckley Cove)</p>	<p>ology, oceanography. Recreation use of the area for swimming, surfing, sunbathing and beach sports have been permitted.</p> <p>Land granted as site of the Pan Pacific Exposition of 1915 is presently developed as Marina Park and Yacht Harbor. Several recent grants have been made in this same area (uses not specified). The underlying fee to certain street areas in the golden gateway project of the redevelopment agency and in the Candlestick Ball Park was recently granted for their present uses.</p> <p>Lands granted north of Yerba Buena Island were transferred to the Navy for a Naval Reservation as a result of federal condemnation action in 1944.</p> <p>No statement, exempted under PRC 6377.</p> <p>There are two coves opening into the Stockton Deep Water Channel. Sixteen areas of calm protected waters are on two sides of a man-made peninsula formed with dredging from the San Joaquin River. A boat launch ramp, marina for berthing boats, boating store, repair shop, dry storage facility and fueling station, clubhouse and facilities for water skiing and fishing are present.</p>	<p>No statement.</p> <p>Expansion of parking facilities to a total of 180 car-trailer spaces and eleven single car spaces. Construction of restroom facilities, septic tank, safety lighting, fish cleaning and landscaping, public park, restaurant, boat hoists, extensive docks, boathouse. The new berthing facilities will bring the number up to 470. Proximity of the cove to Interstate Highway 5 will increase access by the public.</p>

<u>County Trustee</u>	<u>Typical Use</u>	<u>Planned Use</u>
<p><u>SAN MATEO</u></p> <p>San Mateo County</p> <p>San Mateo Harbor District</p> <p>Redwood City</p> <p>San Mateo, City of</p> <p>South San Francisco, City of</p>	<p>Pescadero Beach Tidelands - 3 miles of ocean shoreline rocky beach and tide pool area are kept open to the public. The County acquired the adjacent upland area for parking and service areas, then transferred uplands to the State Department of Parks and Recreation. The County also owns portions of the upland at Coyote Point where a marina for 450 boats has been constructed.</p> <p>Other activities are piers for commercial fishing operations, fuel docks, launching ramp, bait and tackle sales, fish purchase and sale.</p> <p>Tidal waterway, navigation, fishing and flood control.</p> <p>City states that it bases its jurisdiction over the lands on Chapter 536, Statutes of 1915 and Chapter 245, Statutes of 1933, and responded by letter, report to the SLC and State legislature was made because of pending litigation.,</p> <p>Development of a port at San Bruno Canal. Adjacent to tidelands are Oyster Point Marina and industrial parks.</p>	<p>Pescadero Beach: State now administers the the uplands. Trustee suggests the County might give up its grant to Pescadero Beach.</p> <p>In Coyote Point, expansion of marina to 1100 berths is projected with a restaurant, ship chandlery, boat brokerage and sales planned.</p> <p>Open space, navigation, fishing and flood control</p> <p>As of 1972, the City proposes to develop a shoreline park which will utilize the lands granted to San Mateo.</p> <p>Ecological reserves in tidelands, open water, wildlife, park and additional yacht harbor.</p>
<p><u>SANTA BARBARA</u></p> <p>Santa Barbara county</p>	<p>No history.</p>	<p>No plan at present.</p>

County Trustee	Typical Use	Planned Use
Santa Barbara, City of	Breakwater constructed on original grant, boat slip berthing and moorage, 4 marinas with room for 600 small craft, 67 commercial or marine industry boats, piers for industrial and U.S. Coast Guard craft, marine and industrial piers and wharves. Beach access is created for pedestrians, bicyclists and motorists. Tours of the harbor are provided for educational and scientific purposes. Fishing and swimming.	Increase capacity for boats at marinas. Boat berthing should be in conformity with needs for open water. Develop wharf for public launching ramps. Convert Navy pier to fisherman's wharf. Develop view areas.
Carpinteria, City of	"Allowed tide and submerged lands to remain in natural state."	Plan has not been accomplished yet.
<u>SANTA CRUZ</u>		
Santa Cruz County	Operation of wharf facility.	No plan
Santa Cruz, City of	Planned recreational fishing access on the municipal wharf, mooring basin for boating, swimming, surfing and beach activities. Wharf lease development for boat rentals, sale of marine and fishing supplies seafood sales, restaurant, and gift shops.	Rehabilitation and maintenance of wharf. Develop commercial activities landward but reduce structures that block view of bay and beaches.
Santa Cruz Port District	District questions whether these are actually State lands. The area has been developed in cooperation with the State Department of Navigation and Ocean Development. Small craft harbor, with accomodation for 455 boats, roads, parking areas and rest-rooms.	Developed for small craft harbor.

County Trustee	Typical Use	Planned Use
<p>Vallejo, City of</p>	<p>Wharf, sales and service point for boats and related products, steamship company, parking area, naval reserve training, small craft basin, mobile homes park, redevelopment agency, yacht club, manufacturing, receiving, warehousing, shipping.</p>	<p>Increase development of City marina. City may plan, construct, finance and lease facilities for marine cargo terminal. Operation will be by lessee. The portion of tidelands west of Mare Island under the control of the federal government is planned as a Natural Wildlife Refuge. The City Council voted in favor of that use. The report did not include development plans for its tidelands west of Mare Island.</p>
<p><u>SONOMA</u></p> <p>Sonoma County</p>	<p>Construction of the West-shore Road insuring public access to the tideland, public facilities and improvements. Construction of sewage treatment plant. Construction of harbor and berthing facilities for commercial and recreational craft. Marinas, docks, piers, for commercial and sports fishing, clamming, boating, camping and overnight public accommodations Marine laboratory under University of California supervision.</p>	<p>Additional roads and channels are planned.</p>
<p><u>VENTURA</u></p> <p>San Buenaventura, City of</p>	<p>Rock jetties have been constructed to arrest beach erosion. State fishing pier, a crude oil pipeline, saltwater fishing, boating, surfing and sailing are uses. Recent improvement to the beachfront area are a high quality pedestrian promenade (1900 feet) parking structure (three stories) and a neighborhood park.</p>	<p>The general plan recommends construction of a modern concrete pier to replace the existing pier.</p>

County Trustee	Typical Use	Planned Use
<u>SAN BERNARDINO</u> Needles, City of	"Recreational" land abuts land owned by the City or leased to it by the Bureau of Land Management for recreational purposes. No specifics given.	Recreational - No specifics given.
<u>SACRAMENTO</u> Sacramento, City of	The only regional park fronting a river in the area. Attractions include landscaping and irrigation, picnic areas, passive areas, and open areas for free play, a softball field, a soccer field, a public boat launching ramp, a marina which will accom- modate 280 boats, and a food concession.	Replacement of a present boat launch ramp with a new and larger ramp, floating docks, security lighting, restrooms, irrigation and land- scaping. All other pre- sent uses plus a public restaurant. A second regional park and boat launch on the left bank of the river.
<u>LAKE</u> Lake County	No report required; granted after statute.	

PART 2

GRANTED LANDS PROGRAM ADMINISTRATIVE PROBLEMS AND THEIR SOLUTIONS

GRANTED LANDS PROGRAMS ADMINISTRATIVE

PROBLEMS AND THEIR SOLUTIONS

In the course of their review of the information submitted to the State Lands Commission pursuant to Section 6374 of the Public Resources Code and their administration of the granted lands program, the staff of the State Lands Commission has encountered several problem areas which require specific remedial legislative action. The discussion following focuses on these program deficiencies and recommends actions which should be taken. Suggested statutory language is contained in Appendix 7 of this report.

Trustee Lease Administration

The effect of a legislative grant of tide and submerged lands is the creation of a trust in which the grantee becomes a trustee of such lands and the State, acting through the State Lands Commission, is the settlor-beneficiary. The legal consequence of the relationship is that the proper use of the lands and any revenue(s) attributed to such lands becomes a "statewide" interest, subject to judicial intervention to prevent or remedy any breach of the terms of the trust or other applicable statutory provision(s).

As a consequence of the above relationship, a trustee is only authorized to lease the lands under his trusteeship. The legislation that initiates a grant often specifies the length of time for which such leases may be given by each trustee, but remains silent regarding the contents, etc. of these leases; provisions of the Government Code and Civil Code specify a maximum term of 66 years.¹³

LOCAL VS
GENERAL
"STATEWIDE
BENEFIT"

It has long been held that all developments, leases, revenues, etc., relating to granted tide and submerged lands must "contribute to the benefit of the State's population as a whole rather than solely the population of the local trustee". This principle was specifically affirmed in Mallon v City of Long Beach (44 C 2d 199, page 209, 1955) wherein the court stated: "It is clear in the present case that any interest of the City of Long Beach in the tidelands was acquired not as a 'municipal affair' but subject to a public trust to develop its harbor and navigation facilities for the benefit of the entire State, and therefore subject to the control of the Legislature."

The court continues on page 211 of its opinion that "...we cannot hold that the construction and establishment by the City of Long Beach of storm drains, a city incinerator, a public library, public hospitals, public parks, a fire alarm system, off-street parking facilities, city streets and highways, and other expenditures that have been authorized to be made from the 'Public Improvement Fund' are of such general statewide interest that State funds could properly be expended thereon. Such expenditures are for purely 'municipal affairs' within the meaning of Section 6 of Article XI of the Constitution."

Thus, local trustees who orient their use of granted lands toward purely local interests are in violation of the provisions of the public trust they have chosen to administer.

TRUSTEE
LEASE
RATES

As each local trustee is given the authority, upon receipt of its grant(s), to establish the rates to be paid by lessees, there presently exists a divergence of such rates. The problem with such rates is not their divergence, but the fact that many of them are unreasonably lower than State lease rates on ungranted lands of similar nature. Since each local jurisdiction is

in fact a trustee of the State's interests, it can be reasoned that the lease rates established by each trustee should be on the same basis as those charged by the State. Whether the rates are higher, lower or the same as those charged by the State Lands Commission is not necessarily the controlling factor, however. Trustees must, at the minimum, establish lease and permit rates which are reasonably consistent with those charged for land of similar location and value or for uses of similar nature.

A number of trustees favor "non-profit" organizations by charging a negligible rental rate. These actions are based on contentions that the conduct of "educational activities" or "regattas" is in the public interest and for their benefit. The State Attorney General has held, however, that there exists no benefit to the public unless there is a contractual obligation and such obligations are made express.

The average leasing policy requires a flat rental rate based on a percentage of the appraised value of the property. Other trustees require the minimum rental plus a percentage of the facility's gross receipts. The terms of the leases average from 25 to 50 years and provide a renewal option and a renegotiation of rental rates at five-year intervals. The problem cited above occurs when the trustee renegotiates the lease and the then current market value of the parcel concerned is not considered. In such a case, the rental rate remains the same and is no longer reflective of the lease's true value.

In light of the provisions of the public trust and the specific requirement that all revenues accruing from its administration must be used to further its purposes, any failure of a trustee to maximize such revenue may be considered a violation of Section 25, Article 13 of the State Constitution (prohibition of gift of public funds, property, etc., to private individuals, corporations, etc.)

Recommendations 1 and 2

All trustees of State tide and submerged lands should be required to develop rules and regulations to govern the initiation, renewal or renegotiation of all leases relating to such lands and submit such rules and regulations to the State Lands Commission for review and approval. Subsequent to the Commission's approval, the governing body of each trustee should adopt such rules and regulations and administer their leasing programs accordingly.

All trustees of State tide and submerged lands should be required to submit to the State Lands Commission on a quarterly basis, a copy of all leases entered into or renegotiated in the three months immediately preceding such report.

Fiscal Accountability

LOCAL
APPLICATION
OF REVENUES
FROM THE
GRANTED
LANDS

The use of tidelands revenues for non-trust purposes is a violation of such trust, and the courts have prevented such use both by injunction and by refusal to compel a city officer to transfer funds as ostensibly required by city charter provisions. As stated in Provident Land Corp. v Zumwalt (12 Cal 2d 265, 375):

"...Once it is made clear that the lands are held in trust, it necessarily follows that their proceeds, whether by sale or lease, are likewise subject to the trust. It would be manifestly absurd to say that although the property is held in trust, none of the rents or profits of the trust property need be used in furtherance of the trust purposes."

ACCOUNTING
PROCEDURES
INADEQUATE

The primary method used thus far to monitor the use of tideland revenues has been a required annual financial report submitted by specified trustees to the State Lands Commission. At present, only 18 of the 71 local trustees are required, by their grant statute, to submit such reports. Of these 18, thirteen are in full compliance with the law.

Revenues generated by leases of granted lands are not always so identified. As established in the previous section, revenues from tideland leases must be used for purposes consistent with and in furtherance of the public trust. Unless these revenues are properly classified, and traceable, it becomes more difficult to ensure the proper use of tidelands revenue.

Trustees do not properly identify funds they expend on granted lands. If such funds are properly recorded, it becomes easier to determine whether tideland revenues have been reinvested for the betterment of the granted tide and submerged lands.

Trustees assume that they may reimburse their "general fund" from tideland revenues whenever general fund monies are expended on such lands. Monies gained from the use of granted tide and submerged lands should be expended only in furtherance of the public trust.

Recommendation 3

All trustees of public land should be required to submit an annual financial statement to the State Lands Commission in a form and manner to be specified by the Commission (a suggested periodic report form and general questionnaire are contained in Appendix 6 of this report). The Commission should be given the statutory

responsibility of investigating possible abuses in the use of tideland monies as indicated by the annual financial statements.

State Administration and Enforcement of the Public Trust

The major emphasis of grants of State tide and submerged lands to local public jurisdictions has been on the development of such lands for specific public purposes, i.e., harbors, public recreation facilities, aviation facilities and small craft harbors. Although the Legislature began granting the State's public lands in 1851, it was not until 1947 that local trustees were first required to substantially improve their grants within a specified time period, generally ten years. This requirement has been routinely placed on grant legislation since 1959.

In most of the grant statutes which contain the requirement that granted tide and submerged lands must be "substantially improved", the State Lands Commission is assigned the responsibility of making a determination that each trustee has or has not complied with the provisions of law. Should the Commission find that any trustee is not in compliance, the law empowers the Commission to revoke the general provisions of the grant and by doing so, return the subject land(s) to the jurisdiction of the State.

It has never been held, however, that the above responsibility empowers or enables the Commission to guide the course of development on the granted lands or influence such development in a way that would ensure its consistency with the "statewide" interest. The State Lands Commission has residual authority to supervise the grants, but the primary authority is still with the trustee and since there are no specific provisions

for the State to proceed, the cities have been reluctant to recognize the State's overall supervisory powers.

The fact that no one State agency has been given the specific responsibility of conducting an ongoing review of each trustee's program for the administration of their granted lands in some ways contributes to the problems encountered by the State Lands Commission in the "substantial improvement" studies conducted thus far by Commission staff. Due to the absence of statutory authorizations or directions to the contrary, the "substantial improvement" investigation and determination, following 10 years of granted lands development by the trustee, may be the first formal interaction the Commission has with the local entity. During the course of such an investigation, the Commission has found that the trustee has for various reasons - economic, political, etc. - authorized: (1) developments on granted lands which are inconsistent with the conditions of the "public trust" and/or of the grant statute; or (2) uses which have had an adverse environmental effect on the tide and submerged lands.

In such cases, the Commission has the authority, in conjunction with the State's Attorney General, to enforce the rights of the State as settlor-beneficiary of the tideland trusts, including the enforcement of trust conditions and the recovery of misapplied trust revenues. The exercise of this authority, however justified, injects an adversary procedure into a program based on intergovernmental administration of a limited resource and comes at a point in time wherein the principles of the public trust may be irreparably compromised and the physical damage to the lands, in a practical sense, may be irreversible.

Recommendation 4

Section 6374 of the Public Resources Code (see page 2) required each trustee to prepare and submit to the Commission, "a general plan, as specified by the Commission..." detailing the future use of their granted lands. Trustees should be required to submit land use plans which have been approved by their governing bodies, maintain such plans, and submit any amendments to the Commission. The Commission should be given the authority to review and approve such amendments. During this review, the Commission should determine: (1) that the amendments are consistent with the terms of the trustee's grant legislation and the public trust; and (2) that they are in the best interests of the people of the State. All administrative actions of the trustee subsequent to the Commission's approval of their general plan should be consistent with such plan.

Recommendation 5

Whenever tide or submerged land is granted to a local public jurisdiction by legislative enactment, the prospective trustee should be required to submit specific information as required by the State Lands Commission (general plan detailing proposed use of the grant, proposed leasing, policy, etc.). The provisions of the grant should not become effective until: (1) all necessary information required of the prospective trustee is received and evaluated by the Commission; and (2) the Commission has made an environmental assessment of the State tide and submerged lands in the proposed grant.

Recommendation 6

Although, the State's Attorney General has formally stated that the State Lands Commission holds all residual State authority with regard to the granted lands, the Commission should be given specific statutory authority to develop and maintain a program which would provide for the sustained investigation, policing and review of the administration of granted tide and submerged lands by trustees. In conjunction with such program, the Commission should utilize its inherent powers to develop and administer a sustained audit program relating to the granted lands. This program would be established in conjunction with the financial report stipulated under Recommendation 3. A sustained audit program would enable the Commission to: (1) Make trust obligations clear to the trustee; and (2) Review accounting procedures to ensure that trust funds are properly segregated. Specific audit programs would need to be developed for revenues and expenditures, capital improvements, trust assets, and leases consummated using trust resources.

During the investigations and reviews connected with this report, staff discovered that in many cases only a small fraction of the granted acreage was being used by the trustees.

Those lands that have not been used, and for which no specific plan exists, do not properly belong in the grant since they are not being used in the manner intended. As this situation most frequently occurs in the coastal zone where statewide plans are currently being developed, the implementation of such plans will be facilitated if these unused tide and/or submerged lands revert to State control.

Some grantees truly manage all land(s) under their administrative jurisdiction, but they are the exception rather than the rule; examples can be found in the San Mateo County Harbor District grant and the grant to Orange County at Dana Point.

Recommendation 7

It is recommended that the State Lands Commission be: (1) Given authority to gather material from each grantee that clearly shows all areas of the granted lands which have been developed or encumbered; (2) Required to report to the Legislature those lands being used; and (3) Submit proposed legislation to amend the descriptive portion of those grants to cover only lands actually needed or planned for. The proposed review process for all new grants will prevent this situation from occurring in the future. Proposed legislation to cover this program is included in Appendix 7.

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A P P E N D I X 1

FOOTNOTES

1. Martin v Waddel, 16 Pet. (41 U.S.) 410, (10 L. Ed. 997).
2. Pollard's Lessee v Hagen, 3 How. 212, 230 (1845).
3. There were no definitive guidelines at this time which could extend the sovereignty of either the State or the Federal government into the navigable waters of the ocean (beyond the low water mark of the marginal sea). The major aspect of this question was clarified with the passage, by Congress, of the Submerged Lands Act (67 Stat. 29, "Public Law 31-83 Congress"). The effect of the Submerged Lands Act was a reaffirmation of the bases upon which the states had earlier based their jurisdiction over the submerged lands, i.e., (1) the validity of the State's historical action at the time of its entrance into the Union in extending its boundary beyond the low water mark out to the three-mile limit; and (2) the navigable waters criteria in distinguishing federal and state jurisdiction over submerged lands within a state's boundaries. Under the provisions of the Act, the United States conceded that California owns all lands beneath the ocean between the low water mark and three geographical miles seaward from this mark. Excluding inland waters, e.g., San Francisco Bay, the state's jurisdiction encompasses an area of 4,687.5 square miles or 3,000,000 acres.
4. Eldridge v. Cowell, 4 Cal. 80, 87 (1854).
5. Illinois C. Ry. Co. v Illinois, 146 U.S. 452.
6. Ward v Mulford, 32 Cal. 372 (1867).
7. Oakland v Oakland W. F. Co., 118 Cal. 183 (1897). A more recent case addressing the impairment doctrine is County of Orange v Heim, 30 Ca. 3rd 694.

8. The authorized uses listed in this table are taken from representative grant statutes and should be regarded as general indicators of trustee authority. Specific grants may authorize one or more of the uses specified in each general category.
9. The 1961 grant to the City of Albany expanded the uses to which the City could put the granted lands and required the City to "substantially improve" such land within ten (10) years of the date of the statute. In 1972, after a staff investigation, it was determined that the City had not complied with legislative requirements and the State Lands Commission subsequently revoked the 1961 grant. This question is now in litigation.
10. Although the grant statutes of these trustees authorize them to expend tide and submerged land trust revenues for the uses designated by the dotted areas, there is no corresponding authorization to use the lands themselves for such uses.
11. The policy of the State Lands Commission is that use of tide and submerged lands, whether granted or ungranted, for permanent residential purposes violates the public trust because the nature of such uses benefits a certain few to the exclusion of the general statewide public.
12. Chapter 15, Statutes 1975, relating to lands granted to Orange County was enacted since the County submitted their material in response to PRC Section 6374. The statute is summarized as:

Under prior law, certain tidelands and submerged lands were granted by the State of California to Orange County upon certain trusts and conditions for their use and subsequently portions of these granted lands were declared to be no longer in fact tidelands or submerged lands and Orange County was permitted under certain conditions to convey such portions of land.

Chapter 415 repeals the provisions of law which declared such lands to be no longer tidelands or submerged lands and which granted Orange County the authority, as specified, to convey such lands and provides that such lands may also be used

for purposes of public recreation and preservation in a natural state and as an ecological reserve. The law permits the County to grant portion of the lands to the State Department of Fish and Game for ecological reserve purposes and to the City of Newport Beach for public beach purposes. Chapter 415 further provides that if the department or the City fails to use the lands for the specified purposes, the lands shall revert to the county.

13. Government Code Section 37385, Civil Code Section 718.

APPENDIX 2

SPECIFICATIONS FOR THE LAND USE AND DEVELOPMENT REPORT AND THE GENERAL PLAN FOR FUTURE USE OF THE STATE LANDS GRANTED IN TRUST

OBJECTIVE

The reports, mandated by Section 6374 of the Public Resources Code, are intended to create a central data bank which will enable the legislature to examine the present conditions of State lands granted in trust, to isolate any common problems, and to be assured that these lands are being administered according to the provisions of the grants.

SCOPE

Each trustee must prepare a report which details past and present uses of the granted lands, plus submit a general plan for the future use. All environmentally unique sites may be identified to the State Lands Commission along with recommended protection measures.

GENERAL FORMAT

The reports are to be prepared on standard size pages (8½ x 11). Fold-outs are permissible, as is a map file jacket containing folded maps or charts. Photographs may be used. Rolls of maps or charts are not acceptable.

PRESENTATION

Two separate reports must be prepared by the trustees. The first, covering the historical uses of the granted lands, should be presented jointly to the legislature and to the State Lands Commission. Four copies will be needed. One each should be submitted to the Clerk of the Assembly and to the Secretary of the Senate, and two copies submitted to the State Lands Commission.

The second report must be submitted to the State Lands Commission and will contain the general plan for the future use of the granted lands. An inventory of the granted lands with a classification of any environmentally unique sites may be included.

Reports directed to the State Lands Commission, as well as material regarding environmentally unique lands, should be submitted by September 1, 1972. It is recommended that the reports directed to the legislature be submitted simultaneously.

The following specifications are to be considered as guidelines only of items which should be considered, if applicable, to each specific case. The listing order of the specifications is not intended as a mandatory order of presentation on the final report.

REPORT SPECIFICATIONS

The use and development report should include but not be limited to:

- A. Analysis of the grant statute(s)
 - 1. Outline of original conditions or requirements and all subsequent amendments.
 - 2. Specific purpose or original intent of the trustee is obtaining a legislative grant.
 - 3. Nature and extent of compliance with required conditions.
- B. Granted Lands
 - 1. Past and present uses
 - 2. Uses of granted land now in effect
 - 3. Changing pattern of uses during the past life of the grant
 - 4. Ownership or title problems connected with past or present management of the granted lands.
 - 5. Leasing Policies
 - a. A copy of any leasing policy approved by the grant governing body which includes a schedule of rent rates and any studies leading to the adoption of these rates.
 - b. Identification of any areas of rent "set off" which may be used.

6. Revenue or rents received

- a. Amount revenues or rents differ from cost of administration or cost of improvements. In other words, are the granted lands a net economic asset or a net liability?
- b. Significant or troublesome problems confronted regularly in leasing, or other administration, from federal agencies, local jurisdictions, citizens groups, or commercial development interests.

The general plan for future use of the granted lands shall include but not be limited to the following:

A. Geographic scope of the plan

1. Identification of the planning area boundaries
 - a. Identify the planning core; of other than the granted lands, show how the granted lands are related to the core. If the granted lands are the planning core, show how they will be affected by other uses in the planning area.
 - b. What is the use relationship between the granted land and the shoreward adjacent lands.

B. Land Ownership Pattern

1. Categorize all of the lands within the planning boundaries as public, semi-private, or others as applicable.
2. Show how any lands, which are an integral part of the plan, but not under direct control of the trustee, will be incorporated (purchase, lease, etc.) into the plan, or regulated (zoning, ordinance) to comply with the plan.
 - a. Attach a certified copy of all leases now in existence, and identification of those leases which form a portion of the future plans.

- b. Attach a certified copy of any legal restriction or covenant, such as water quality or waste disposal regulations which will affect future plans.

- 3. Identify access corridors to granted lands, and indicate future plans for increasing this access consistent with increased use levels.

C. Granted Land Uses

- 1. Present and planned future uses of the granted lands, the lands within the geographic scope of the plan, and any adjacent or regional uses which will materially influence "the granted lands plus an environmental impact statement of the contemplated uses of the granted lands".
 - a. Proposed construction or any artificial changes contemplated during the next decade.
 - b. Educational and/or scientific uses of the granted lands.
 - c. Plans for preservation of the current state, open space plans, natural state restoration programs, or scenic sites.
 - d. Single or multiple commercial or recreational uses.
- 2. Planned levels of use intensity, and the management procedures to maintain these levels.
- 3. Identification of active and passive use areas with plans for preventing permanent damage to the granted lands.

D. Management Program

- 1. Agency, group, or governing body responsible for policy, planning, and implementation.
 - a. Membership selection
 - b. To whom does the group report
 - c. Direct or indirect public participation in policy or planning

- d. Existence of citizens advisory council and its relationship to the planning group
- 2. What are goals for granted lands use in 1978 and 1983?
- 3. Methodology for accomplishment
 - a. Administrative machinery
 - b. Means of financing programs and improvements, or administration.
- 4. Monitoring system to determine effectiveness of management practices and to warn against the continuation of practices which may be irreparably damaging to the granted lands
 - a. Present administrative machinery
 - b. Future needs consistent with the use plan

In order to compile an environmental inventory which will recognize scenic, historic, natural and aesthetic values of statewide interest and which will provide the basis for the identification and preservation of those environmentally unique sites, the following factors may be considered, if applicable:

- 1. Identification of any unique results of geophysical forces such as specially formed beaches, caves, tidepools, sandspits, marine and wildlife sanctuaries.
- 2. Identification of geological formations to be considered as preserves or reserves.
- 3. Identification of unique areas where any disturbance of the ecological balance will have statewide ramifications.
- 4. Scenic, historic, or aesthetically valuable sites presently existing on, in, or under the granted lands which are sufficiently unique to warrant state level protection.

APPENDIX 3

REPORTS SUBMITTED BY TRUSTEES

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>RESPONSE TO LEGISLATION</u>
ALAMEDA	Alameda, City of	History and plan submitted
	Albany, City of	History and plan submitted
	Berkeley, City of	History and plan submitted
	Emeryville, Town of	History and plan submitted
	San Leandro, City of	Letter and exhibits
	Peralta Jr. College District	History and plan submitted
CONTRA COSTA	Antioch, City of	History submitted-continued some information on plan
	Martinez, City of	History and plan submitted
	Pittsburg, City of	History-no plan for future use submitted
	Richmond, City of	History and plan submitted covering most recent grant only
DEL NORTE	Crescent City, City of	History and plan submitted
	Crescent City Harbor District	History submitted-includes some information on the plan
HUMBOLDT	Arcata, City of	No history-plan was not specific about granted area
	Eureka, City of	History and plan
LOS ANGELES	Avalon, City of	History and plan submitted
	Hermosa Beach, City of	History (copy of material completed in 1964) and plan
	Los Angeles, City of	History and plan submitted

NOTE: Only the response of those trustees subject to PRC 6374 have been listed.

REPORTS SUBMITTED BY TRUSTEES

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>RESPONSE TO LEGISLATION</u>
MARIN	Manhattan Beach, City of	History and plan submitted
	Palos Verdes Estates	History and plan submitted
	Redondo Beach, City of	History and plan submitted
	Santa Monica, City of	History and plan submitted
	Marin, County of	History and plan submitted
	Mill Valley, City of	History and plan submitted
	San Rafael, City of	History-plan was being prepared, not submitted yet
	Sausalito, City of	Short letter-no history or concrete plan
MENDOCINO	Noyo Harbor Dist.	History and plan submitted
MONTEREY	Carmel Sanitary Dist	History and plan submitted
	Monterey, City of	History and plan submitted
	Moss Landing Harbor Dist.	History and plan submitted
	Pacific Grove, City of	Short letter-no history or concrete plan
ORANGE	Orange, County of	History and plan submitted
	Laguna Beach, City of	No report
	Newport Beach, City of	History and plan submitted
	Metropolitan Water Dist	History and plan submitted
SACRAMENTO	Sacramento, City of	History and plan submitted
SAN BERNARDINO	Needles, City of	History and plan submitted

NOTE: Only the response of those grantees subject to PRC 6374 have been listed.

REPORTS SUBMITTED BY TRUSTEES

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>RESPONSE TO LEGISLATION</u>
SAN DIEGO	Carlsbad, City of	No report
	Imperial Beach, City of	History and plan submitted
	Oceanside, City of	History and plan submitted
	San Diego, City of	History and plan submitted
	San Diego Unif. Port Dist.	History and plan submitted
	Univ. Calif. Scripps	History and plan submitted
SAN FRANCISCO	San Francisco, City & County of	Letter-brief status report-no plan
SAN JOAQUIN	Stockton, City of	History and plan submitted
SAN LUIS OBISPO	San Luis Obispo, County of	History and plan submitted
	Port San Luis Harbor Dist.	History and plan submitted
	Morro Bay, City of	History and plan submitted
SAN MATEO	San Mateo, County of	History and plan submitted
	San Mateo Co. Harbor Dist.	History and plan submitted
	Redwood City, City of	History and plan submitted
	San Mateo, City of	History and plan submitted
	So. San Francisco, City of	History and plan submitted
SANTA BARBARA	Santa Barbara, County of	Letter-no history and no concrete plan
	Santa Barbara, City of	History and plan submitted
	Carpinteria, City of	Letter-no concrete history and plan

NOTE: Only the response of those grantees subject to PRC 6374 have been listed.

REPORTS SUBMITTED BY TRUSTEES

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>RESPONSE TO LEGISLATION</u>
SANTA CRUZ	Santa Cruz, County of	Letter-history, no plan
	Santa Cruz, City of	History and plan submitted
	Santa Cruz Port Dist.	History and plan submitted
	Capitola, City of	No response
SOLANO	Benicia, City of	Plan submitted-no history
	Vallejo, City of	History and plan submitted
	Calif. Maritime Academy	No report
SONOMA	Sonoma, County of	History and plan submitted
Ventura	San Buenaventura, City of	History and plan submitted

NOTE: Only the response of those grantees subject to PRC 6374 have been listed.

APPENDIX 4

IDENTIFYING DATA GOVERNING BODY
ADMINISTERING LOCAL GRANTS

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
ALAMEDA	CITY OF ALAMEDA	Granted lands are controlled by the City government which is a Municipal Corporation, governed by a Freeholders' Charter under the 1937 Statutes, p. 2880. No further description was given of membership selection, citizen's advisory council, etc. Future policy is to continue leasing and to preserve those areas not suitable for development or which have special natural value. No description of monitoring system was submitted.
	CITY OF ALBANY	Granted lands in Albany are controlled by the City Council. State Lands Commission found in its investigation 5/24/72 that the city had failed to substantially improve lands granted for additional purposes of airports, marinas, and recreational purposes. The final disposition of the matter is yet to be decided by the courts.
	CITY OF BERKELEY	The Waterfront Committee was appointed by the City Council in 1964, to develop a master plan for the waterfront area. Others involved are the Marina Design Review Advisory Committee, Planning Commission, and Recreation Commission. The committees assist in advising and planning, but the City Council has responsibility for final action. The City Manager implements the decisions with staff support in particular from the Departments of Public Works, Planning, Finance and Parks and Recreation. Leases are

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
ALAMEDA	CITY OF BERKELEY	subject to Council approval. The Marina Master Site Plan is subject to amendment. The Park is subject to approval of the Committees on Waterfront, Recreation, Planning and the City Council, all with public discussion.
	CITY OF EMERYVILLE	The Emeryville City Council makes final decisions relating to policy, planning or implementation of granted lands matters. Advisory action is taken first by the Planning Commission. Public participation occurs when these bodies hold their meetings. The City will monitor for illegal sewage disposal at the marina, by sealing heads on boats, providing sewage pump out facilities.
	CITY OF OAKLAND	Exempt from this report under Public Resources Code Section 6371.
	CITY OF SAN LEANDRO	Granted lands are controlled by City Council/City Manager government. No other information was submitted.
	PERALTA JUNIOR COLLEGE DISTRICT	The Board of Trustees, through the District's Administrative Staff, is the body responsible for policy, planning and implementation. Seven residents of the six cities of the district are elected to four year terms. Responsibility is to the Alameda County Board of Supervisors, California Community Colleges Board of Governors, State Department of Education, and the Coordinating Council on Higher Education. There are ties to the City of Oakland's Redevelopment Agency to keep up the grounds and waterways with gardening and maintenance staff.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
CONTRA COSTA	CITY OF ANTIOCH	City Council advises that a planning study is in progress.
	CITY OF MARTINEZ	<p>In addition to the powers delegated by law to the City Planning Commission and City Council for orderly planning and land utilization of the waterfront lands, a committee of City and State officials must approve of any development on the publicly-owned waterfront lands.</p> <p>The Committee was formed after the marina was built to encourage income producing development on the public lands to repay the State for the loan.</p> <p>The Committee includes the City Attorney, the City Manager, and a member of the City Council and State representatives from the Department of Finance, Attorney General's Office and Department of Navigation and Ocean Development.</p>
	CITY OF PITTSBURG	No statement on governing body submitted.
	CITY OF RICHMOND	<p>The governing body is the Richmond City Council, composed of nine elected-at-large representatives. Regularly scheduled weekly night meetings permit full public participation in decision making. The mayor's 22-person Waterfront Development Committee advises the council and Port Commission on the concerns of development and growth, pollution prevention, open space and aesthetics. Cooperation between the City and the San Francisco Bay Conservation and Development Commission, Regional Water Quality Control Board and U. S. Army Corps of Engineers is also stressed.</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
DEL NORTE	CITY OF CRESCENT CITY	Granted lands are primarily under the control of the City Planning Commission, which serves as an advisory board to the City Council. It is anticipated that the Harbor Commission will take jurisdiction. In a small community, the citizenry as a whole acts as a monitoring system to see that recreational goals are not threatened. Continuous dredging is needed to preserve the harbor, which calls for harbor district and U.S. Army Corps of Engineers cooperation.
	CRESCENT CITY HARBOR DISTRICT	The District is governed by a five-person commission, responsible for contact with local, State and Federal agencies in harbor-related activities.
HUMBOLDT	CITY OF ARCATA	Interim Report on open space pointed out that a schedule of development priorities and a master plan had not been developed. Relationship of the City Council and City Planning Commission to implementation of a general plan was not described.
	CITY OF EUREKA	City Council, aided by Core Area Policy Committee, Technical Committee, and Citizens Committee, City staff and California Department of Transportation develop granted lands policy and plans. Certain boundary and ownership problems that originated in 1857 were still mentioned as factors in developing City potential in 1972.
LOS ANGELES	CITY OF AVALON	The City Council is elected for four year terms and reports to its constituency and various County, regional State and Federal agencies in the planning and implementation of projects. The public participates in policy and

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
LOS ANGELES	CITY OF AVALON	<p>planning at City Council, Planning Commission and other committee meetings. Concurrent with development of Avalon Harbor Feasibility Plan, the Interim Harbor Facilities Planning Committee was formed and functioned in an advisory capacity until the new wharf facilities were completed. Currently the Harbor Committee, consisting of citizens appointed by the Mayor and approved by the City Council, advises on matters pertaining to the harbor. Administrative machinery is through the City Manager and staff and the Harbor Master, who is responsible for routine management. Financing of major programs and improvements may be accomplished through grants or loans, with repayment made from revenue produced by the improvements. The City believes sufficient monitoring is provided, through submission of quarterly and annual technical reports to the Los Angeles Regional Water Quality Control Board.</p>
	CITY OF HERMOSA BEACH	<p>The City Council is assisted in establishing policy and planning for the beach by the Planning Commission, Parks and Recreation Commission and Improvement Commission. The City contracts with Los Angeles County for providing of cleaning and lifeguard services.</p>
	CITY OF LONG BEACH	<p>Exempted from this report under PRC Section 6377.</p>
	CITY OF LOS ANGELES	<p>Los Angeles City Council governs beach areas through the Department of Recreation and Parks. The Harbor is governed by the Board of Harbor Commissioners. A \$2,950,000 harbor planning project is underway using a San Pedro Bay model of water circulation and wave action built by U. S. Army</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
LOS ANGELES	CITY OF LOS ANGELES	Corps of Engineers in Vicksburg, Miss. with a final report expected in 1975. The Harbor liaison group is composed of representatives of the Los Angeles and Long Beach Ports, Naval Bases, Coast Guard, Fort MacArthur, Army, State Division of Highways, etc. Other Chambers of Commerce, Rail Carriers and citizens groups also contribute to development of goals.
	CITY OF MANHATTAN BEACH	The City Administration has planned no changes since 1966. Their efforts are to preserve tidelands and improve fishing facilities at the pier.
	CITY OF PALOS VERDES ESTATES	The City Council directs policy and the City Manager implements it. Capital improvements for flood control and street improvement are designed to restore adjacent shorelands. The City is concerned because the skyrocketing volume of essentially untreated sewage constitutes a serious threat to the environment and may require State action. Pollution helps the population of sea urchins to increase while growth of other species is diminished. The City officials consult educational groups with reference to education, scientific programs.
	CITY OF REDONDO BEACH	The City has a program of master leases by which it regulates marinas and other enterprises.
	CITY OF SANTA MONICA	Director of Recreation and Parks operates beaches and harbors. Thirty-four encroachments on beach property require cooperation between the Director of Recreation and Parks, City Attorney, and a representative of the Attorney Generals' office.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
MARIN	COUNTY OF MARIN	The County statement is not clear on who has top responsibility. Both the Marin County Parks and Recreation Department and the Planning Director submitted memos to the County Administrator and it was not clear which agency was "in charge" of which grants.
	CITY OF MILL VALLEY	The elected City Council is responsible for the policy, planning and implementation of the plan. Public hearings are held by the Planning Commission and the Recreation Commission. The former is the planning body, and the latter is responsible for operation, under the direction of the City Manager. The aforementioned bodies, and the City's annual audit will monitor the plan. Eventually a Harbor Master and staff will be needed.
	CITY OF SAN RAFAEL	The City Manager has assistance from the Public Works and Planning Department. An engineering survey is being conducted to resolve the boundaries of the granted lands. The City has a contract with a planning consulting firm for the development of a general plan that will include development and use of San Rafael Canal.
	CITY OF SAUSALITO	No report.
MENDOCINO	NOYO HARBOR DISTRICT	The grant is administered by a harbor district.
MONTEREY	CARMEL SANITARY DISTRICT	The District secured a grant for percolation and disposal of sewage, the only known legislative grant for this purpose. The District cooperates with the Pebble Beach Sanitary District. In 1953 the District quitclaimed

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
MONTEREY	CARMEL SANITARY DISTRICT	back to the State some granted lands to be administered by the Department of Parks and Recreation as a Beach and Wildlife Refuge.
	CITY OF MONTEREY	<p>The City Planning Department and the Planning Commission were updating their Cannery Row plan which was adopted by the City 10 years previously. It was anticipated by the City that property owners and public would participate in review. The City was trying to hold down the non-marine uses, such as restaurants and gift shops and encourage charter boats, fish markets. etc.</p> <p>Development of the capacity of the harbor as harbor of refuge for commercial vessels as well as for pleasure craft was limited by financing. The City had no source for "local share" of \$4,000,000, even though the Army Corps of Engineers had model-tested a plan submitted on behalf of the City by the firm of Koebig and Koebig.</p>
	MOSS LANDING HARBOR DISTRICT	<p>A directly elected five member board administers the grant. Public hearings are held for the conduct of business. Contacts are maintained with groups in the County, City of Salinas and highway officials. Financing, dredging and other constructions, after removal of road obstructions is by funds accumulated in the capital outlay fund. The Harbor Manager and Assistant Manager patrol granted lands to assure compliance with regulations.</p>
	CITY OF PACIFIC GROVE	<p>The submerged lands was granted for public amusement and recreation in 1931. The Council established a Marine Refuge in 1952. The use never changed nor is a change planned.</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
ORANGE	COUNTY OF ORANGE	<p>County Board of Supervisors assigned administration of granted lands to the Orange County Harbors, Beaches and Parks District. The District was formed with the same boundaries as the County under authority of the California Harbors and Navigation Code.</p> <p>The Board of Supervisors is the governing board, while there is a Commission appointed to advise the District on policy and budget.</p> <p>The District staff functions like other County departments, and calls upon other departments, such as Counsel, Road, Planning, etc. for assistance. A bond issue was authorized when the District was formed in 1934 and there is authority to tax for the District purposes.</p>
	CITY OF LAGUNA BEACH	No report.
	METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	The Grant was secured for a combination of electric power and seawater desalting plant. No information submitted regarding governing body.
	CITY OF NEWPORT BEACH	The City shares administration of granted lands within Newport Beach with the Orange County Harbor District. Less than ten percent of the lands within Newport Harbor were granted to the County. The liaison group between City and County is the Joint Harbor Committee. Harbor and Beach development also requires cooperation with the County Flood Control District and U.S. Army Corps of Engineers.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SACRAMENTO	CITY OF SACRAMENTO	The City is under the City Manager/ City Council type of government wherein department heads report to the Manager and he reports to the Council. Weekly City Council meetings permit constant public knowledge of their activities. State and Federal agencies will also contribute to the decision-making process. Financing is from the City's general fund, water/sewer bonds and State agencies such as the Department of Navigation and Ocean Development, the Land and Water Conservation Act Fund (BOR) Revenues for leases do not approach cost of administration. The maintenance, management and investigation will be mainly the responsibility of Recreation and Parks, Planning, Engineering, Water and Sewer.
SAN BERNARDINO	CITY OF NEEDLES	City expressed reservations about the amount of land contained in the grant and in expending funds for mapping and surveying it.
SAN DIEGO	CITY OF CARLSBAD	No report.
	CITY OF IMPERIAL BEACH	The City Council, through the City Manager, administers the granted lands. The City has had to cope with serious tidal and wave damage to beaches and piers. In addition, raw sewage was being discharged from the Tijuana, Mexico sewage system. Cooperative efforts are required with Baja California, U. S. Corps of Engineers, San Diego County and the State. The Municipal Pier, is the chief improvement on the granted lands and it is controlled by the City Department of Parks and Recreation.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN DIEGO	CITY OF OCEANSIDE	<p>The City Council is the governing body responsible for policy, planning and implementation. Guidance is received from the Oceanside Harbor District. Participation is received directly from citizens and from the Tourism, Beach and Pier, and Recreation Advisory Commissions. The Oceanside Chamber of Commerce and its committees also advise the Council. The City Manager has general direction of the City departments involved in beach and harbor activities. In addition, watchfulness of press, public and State Departments of Health, Water Quality Control, Navigation and Ocean Development, Wildlife Conservation Board monitor the beach and Water-front facilities.</p>
	CITY OF SAN DIEGO	<p>The City Council enacts ordinance and resolutions to regulate and control granted lands under the jurisdiction of the City. The City Manager, appointed by the Council, is delegated administrative responsibility. Day-to-day management is assigned to the Parks and Recreation Director. Other City departments, such as the Property Department for lease and Property Management, and Public works for Maintenance and Construction are also involved with State-granted tidelands. Several citizen's advisory boards and Committees are consulted as well as representatives of City, State and Federal government. The primary financial support for programs carried out by the City on its tidelands is from the general revenues of the City, including property taxes. In addition, there is rent and concession revenue. Capital improvements undertaken by the City are funded by the City's outlay fund, general obligation bonds, and State and Federal grants. Capital improvements undertaken by the private sector on tidelands leased from</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN DIEGO	CITY OF SAN DIEGO	<p>the City are financed by private sources. Capital outlay funds are, by policy of the City Council, derived primarily from a portion of the City's sales tax revenues and from the revenue from leases or sale of city-owned lands.</p> <p>From time to time, funds are provided from Federal or State grants to develop specific projects. Public hearings are scheduled before the necessary boards and commissions as well as the City Council prior to implementation of projects.</p> <p>Monitoring problems of note are erosion problems along the shoreline. The Corps of Engineers has participated in those studies. San Diego Regional Water Quality Control Board oversees monitoring of the water quality. Other State and Federal agencies also monitor tidelands.</p>
	San Diego Unified Port District	<p>The administrative machinery for accomplishing the goals of the San Diego Unified Port District is set up in the Unified Port District Act. The Port has an independent staff which reports through the Port Director to the Board of Port Commissioners. The Port Commissioners receive no salary and are appointed to a four year term by the cities included in the district. Because of its size, San Diego has three, and the Cities of Chula Vista, Coronado, Imperial Beach and National City have one each. Planning is assisted by staff of the Cities and a master plan is adopted following public hearing. Although in the early years of the District's history some reliance on taxes was necessary, the District has been able to finance its operations since 1969 through the sale of general obligation bonds and</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN DIEGO	SAN DIEGO UNIFIED PORT DISTRICT	the servicing of the bonds with revenues from district operations. The Port of San Diego monitors the activities carried out on the tidelands by visual inspection. The terms of the lease require tenants to submit plans and specifications to the Port Administration.
	UNIVERSITY OF CALIFORNIA SAN DIEGO	The Board of Regents of the University of California is responsible for policy and planning. Authority is delegated through the University President to the Chancellor. Public participation is not involved in planning. The University staff is maintaining the area and adjacent leased lands in their nearly natural state for scientific uses.
SAN FRANCISCO	CITY AND COUNTY OF SAN FRANCISCO	There was no description of the management program for the City and County grants.
	PORT OF SAN FRANCISCO	The Port of San Francisco was exempted from making a report under PRC 6377.
SAN JOAQUIN	CITY OF STOCKTON	The City of Stockton Parks and Recreation Department is responsible for policy, planning and implementation. Most of the positions held in the department are appointed. The department reports to the City Council, City Management and the Metropolitan Park and Recreation Commission. The City has a Master Plan for the granted lands that the department is administering. A "critical evaluation" will be conducted periodically to guard against the continuation of practices which may be irreparably damaging to the granted lands.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN LUIS OBISPO	CITY OF MORRO BAY	Policy and planning decisions are made by the City Council, generally with advice from the City Planning Commission. Implementation is the responsibility of the City Administrator and staff. Although all interest groups were given an opportunity to participate in the development of the present Harbor Plan, the City finds any action taken is usually challenged by someone. As a result, construction objectives cannot be set with finality. Monitoring is accomplished through the government structure at open meetings of the Planning Commission and City Council, and by State and Federal agencies.
	PORT SAN LUIS HARBOR DISTRICT	An elected Board of Harbor Commissioners is responsible for policy, planning and implementation. The District is formed under the California Harbors and Navigation Code 6000 series. All meetings are open to the public, advisory committees are utilized from time to time, and the commissioners report to their electorate and State and Federal agencies. Funding includes local taxes, Federal taxes, harbor development funds from the State Department of Navigation and Ocean Development. The port district names at least 19 significant environmental features. Management and monitoring of resources are accomplished by the above agencies plus the district budget process, structural and grounds maintenance, legal, harbor security staff, county sheriff and game warden.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN MATEO	COUNTY OF SAN MATEO	<p>San Mateo County Parks and Recreation is responsible for the planning and implementation of the development plans for granted lands. The Parks and Recreation Commission consisting of one representative of each supervisorial district appointed by the supervisor, recommends policy to the County Manager. Policy items are placed on the agenda for regular monthly meetings of the Commission and the public has the opportunity to participate in the decision making. The voters approved a charter change in 1972 setting aside 10 cents per \$100 of assessed valuation for the next ten years. This was to be used for park acquisition and development of the Coyote Point Park. Improvement of the marina was sought through application for a loan to the State Department of Navigation and Ocean Development.</p> <p>Periodic surveys of the park and recreation areas are conducted by a division skilled in the natural sciences. The division analyzes the effect of the public utilizing the facilities and to recommend changes consistent with preservation of the lands in their natural state.</p>
	SAN MATEO COUNTY HARBOR DISTRICT	<p>The governing body is the Board of Harbor Commissioners who are elected by voters in the district and hold public meetings with public participation. One commissioner acts as liaison with the Citizen's Advisory Committee, the Fishermen's Committee and others as required. Environmental Impact Statements described goals, but specific dates of accomplishment are unpredictable because of delays in processing and obtaining permits.</p>

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN MATEO	SAN MATEO COUNTY HARBOR DISTRICT	The District General Manager named by the Commission is in charge of administration. A general counsel, consulting engineer and outside auditor are called upon as needed. Financing follows the Code, with allocation of taxes for capital improvements and operating funds. A loan from Department of Navigation and Ocean Development was being sought at the time of the report.
	CITY OF BURLINGAME	Returned grant.
	CITY OF REDWOOD CITY	A Waterfront Development Steering Committee with representatives of the City Council, Planning Commission, Port Commission and Park and Recreation Commission oversees development of the plan. The report said there was public participation in decision making, but the exhibit referred to was not in the packet submitted. Monitoring system was described as normal administrative machinery, particularly the public works department.
	CITY OF SAN MATEO	The City bases its jurisdiction on the provisions of Chapter 536, Statutes of 1915 and Chapter 245, Statutes of 1933 as related in a letter to the State Lands Commission of June 30, 1922. The City did present a plan for San Mateo Shoreline Park, endorsed by the City Council following public hearings and consultation with San Francisco Bay Conservation and Development Commission.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SAN MATEO	CITY OF SOUTH SAN FRANCISCO	Details concerning the governmental structure and management program of the city were not included in the report. However, the report was prepared by the City Planner and adopted by Resolution of the City Council. At that time a planning consultant firm, Hahn, Wise and Associates had prepared a preliminary plan for a 238 acre regional park along the City's bayfront. Approved in principle by the Planning Commission, it was pending action by the City Council.
SANTA BARBARA	COUNTY OF SANTA BARBARA	No plans for development of the land were reported. It was stated that General Plan legislation will cause revision of the County plan and plans for tide and submerged lands will be included.
	CITY OF SANTA BARBARA	There are three commissions which are responsible for making recommendation to the City Council concerning the policy, planning, and implementation of the plan for the tidelands grant area. Harbor, Park Planning and Recreation Commissions evaluate information furnished by the departments and the Harbor Master. The City Council appoints seven commissioners for each commission. Recommendations are also secured from the City Administrator and Public Works. City Council meetings are open to the public. There is also a Citizens General Plan Goals Committee.
	CITY OF CARPINTERIA	Management of granted lands has been limited because no funds were available for this purpose until January 1973. In the absence of any other plan the City will sustain lands in the current natural state.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SANTA CRUZ	COUNTY OF SANTA CRUZ	No plan was submitted concerning future management of the granted lands as the County felt it would be better for the lands to be administered by the City of Capitola. Discussions on conveyance to the City had recently been reopened.
	CITY OF CAPITOLA	No report submitted.
	CITY OF SANTA CRUZ	The Santa Cruz City Council, through its Park and Recreation Commission, the City Manager and the Park and Recreation Director is responsible for policy, planning and implementation. Citizen participation is possible at all levels. The goal of water oriented recreation was implemented by placing Wharf Department Management within the structure of the Park and Recreation Department. The wharf is to be a self-supporting installation supported by revenues from rents, parking meters and other fees. Further public funds are not granted except for construction of service buildings necessary to the operation of the wharf. It is expected that capital improvements be financed by revenues, since 15% of revenues are to be accumulated for such purposes.
	SANTA CRUZ PORT DISTRICT	The District questions whether the lands they were granted actually were State lands. Financing of improvements was with the assistance of the State Department of Navigation and Ocean Development. Income is also received from taxes, which will be used for repayment of the loan. Administration of the small craft harbor is the responsibility of the Port Director subject to the Port Commission.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
SOLANO	CITY OF BENICIA	At the time of the report there was a turnover in City Managers. A full explanation of the management was not forwarded. However, the proposed Benicia Waterfront Study indicated that they would attempt to limit further private filling through the Bay Conservation and Development Commission. Financing for a marina would be sought through the State Department of Navigation and Ocean Development.
	MARITIME ACADEMY, CALIF.	No report
	CITY OF VALLEJO	Management is by the City Manager's Office and the Public Works Department. New plans and proposals may be introduced by those departments, by the City Planning Department. Chamber of Commerce, consulting firms, private citizen groups, private industry and many other groups. After review by the Planning Commission the final determination is by the City Council.
SONOMA	COUNTY OF SONOMA	The Board of Supervisors established leasing policy following a resolution of the Harbor Commission. Details of administration are carried out by their executive officer. The Commission considers matters before the leases are awarded. Financing of improvements is by taxes, private enterprise and State grant.

<u>COUNTY</u>	<u>TRUSTEE</u>	<u>ADMINISTERING/GOVERNING ENTITY</u>
VENTURA	CITY OF SAN BUENAVENTURA	The City Council, Planning Commission and City Staff reported it was concentrating on rejuvenation of a deteriorating downtown and the development of a comprehensive plan for the entire City. The only significant proposal affecting tide and submerged lands is replacement of the State-owned wooden pier with a modern concrete facility. Otherwise the City recommends minimum development so as to keep them environmentally sound. Development should be on adjacent lands. The City acknowledged the extensive ocean research and inventory by State, Federal and local governmental groups. The County of Ventura Planning Staff was presently developing a coastal plan which would include the City coastline.

APPENDIX 5

DEFINITIONS USED IN APPENDIX 5

1. Trustee Governmental entity administering tide and submerged lands in trust for the State.
2. Net Gain Signifies that the trust is expected to be self-supporting at some future date or that the trustee believes the local tax base is higher because of the proximity of granted lands.
3. Net Loss The governmental entity is expending its general fund money on the trust in addition to the revenues received from the trust.
4. Present Practices Information obtained from trustee reports concerning uses of revenues, monies expended on the trust and present leasing policies.
5. Comments Significant data submitted by the trustee, explanation of statements made by the trustee or findings of the Granted Lands Program.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>ALAMEDA</u>				
CITY OF ALAMEDA		X		No financial statement submitted.
CITY OF ALBANY			Revenues expended solely on granted lands.	Part of grant revoked; limited use as harbor.
CITY OF BERKELEY		X	Maintain a separate trust fund. Funds are expended exclusively for the Marina Development Project.	Separation of funds appears to be adequate.
TOWN OF EMERYVILLE	X		Leasing policy follows procedures suggested by DNOD. No revenues for operation of the Marina.	Expect marina use of granted lands to be an economic asset.
CITY OF SAN LEANDRO		X	No leases, no revenue	Totally submerged area is supportive of the shoreline recreation area. The main channel of the marina crosses the grant area.
PERALTA JR. COLLEGE DIST.			No revenues.	Land is open for use by college students and people of the community.
<u>CONTRA COSTA</u>				
CITY OF ANTIOCH				No revenue information submitted
CITY OF MARTINEZ			No information submitted.	Revenues are pledged to area projects.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
CITY OF PITTSBURG		X	Revenues and expenditures pertain to a small craft harbor. No summary of lease data provided.	Funds are segregated within the City's accounts.
CITY OF RICHMOND	X		Cost of administration is low. Costs and revenues are insignificant portions of the budget.	No trust accounts or funds. Although expenses exceed revenue, City considers the grant an economic asset because of its influence on the value of the upland properties.
<u>DEL NORTE</u>				
CITY OF CRESCENT CITY			Funds are for the maintenance of the granted lands.	
CRESCENT CITY HARBOR DISTRICT	X		Revenues expended on harbor related activities operating and security, launching facility, maintenance, dredge and general administrative.	Leasing policy based on types of businesses.
<u>HUMBOLDT</u>				
CITY OF ARCATA				No information re: accounting of funds was submitted.
CITY OF EUREKA		X	General fund money expended on enhancement of harbors, operation, maintenance and capital costs exceed revenue.	Boundary and ownership problems. Caused financial difficulties

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>LOS ANGELES</u>				
CITY OF AVALON	X		Excess revenue used to repay loans made for construction, repair and maintenance of the harbor. Harbor control and pier operations. Revenues appear to be segregated. Rentals and fees are based on Municipal Codes.	Expenditures made out of City's General Fund, at end of the fiscal year money is transferred from the Harbor Fund into the General Fund to cover expenses.
CITY OF HERMOSA BEACH		X	\$ 500,000 bonus payment from oil companies used for construction of fishing pier.	No revenue and expenditure information submitted.
CITY OF LOS ANGELES	X		Revenue of the Harbor Department is expended solely on harbor improvement and maintenance.	Funds are segregated.
CITY OF MANHATTAN BEACH		X		No revenues or leases reported.
PALOS VERDES ESTATES		X	No portions of the granted lands is now or ever has been under lease or rent. There are no revenues in connection with the use of granted lands. Any improvement, repairs etc. are paid out of the general fund.	Grant is operated for the protection of the environment.

**Summary of Financial Data
Submitted by The Trustee**

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>LOS ANGELES</u> CITY OF RENDONDO BEACH			There is no mention of expenditures or revenue use but appears to be much development of the harbor area and public facilities. City solicits master leases for developers to improve, maintain and repair, then sub-lease. Initial lease term is 6 months on a trial basis.	In view of number of leases and rental amounts, revenues are considerable.
CITY OF SANTA MONICA			Revenues are expended on development of pier. City administers state park owned land. Beach expenses are supportive of enjoyment of granted lands but are accountable to State Park Commission.	
<u>MARIN</u> COUNTY OF MARIN				No financial report submitted.
CITY OF MILL VALLEY			No revenues received as of 1/73. There is no leasing policy. 20 PRC leases transf. from the State to the City in 1961; none of which had any consideration.	The area has been opened up for sailing, canoeing and nature study by school groups.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>MARIN</u> CITY OF SAN RAFAEL CITY OF SAUSALITO				No financial report submitted. No financial report submitted.
<u>MENDOCINO</u> NOYO HARBOR DISTRICT		X	Revenues are approximately \$580 per year. No leasing policy.	Trustee has substantially improved the granted area. Some unauthorized users do not have leases or permits.
<u>MONTEREY</u> CARMEL SANITARY DISTRICT			No revenues other than those obtained through taxes and service charges necessary to operate the sewerage system including facilities on grant. No leases.	No other information submitted on accounting systems or revenues uses.
MOSS LANDING			Greatest source of income is berthing, dockage and wharfage. An ordinance adopted in 1969 establishes rates, charges, rules and regulations for dockage, wharfage, demurrage and other services.	Expenditures and revenue uses were not included in the report.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>MONTEREY</u> CITY OF MONTEREY			Revenues and expenditures not segregated Harbor is operated on break-even basis with cash reserves for maintenance and repairs. 26 twenty-five year leases, renegotiated every five years. Marina rates are based on 3-4% of gross receipts plus a minimum rental.	Accurate accounting of funds is not kept.
CITY OF PACIFIC GROVE				No financial report submitted.
<u>ORANGE</u> COUNTY OF ORANGE		X	Revenues are deposited into an impound account. Expenses are restricted to the development of the harbor. Base leases are for a minimum monthly rental plus various percentages of the gross receipts.	Revenue vs. expenditures figures are distorted due to a one-time development cost of \$ 14.8 million dollars.
CITY OF LAGUNA BEACH				No report submitted.
METROPOLITAN WATER DISTRICT			No leases, no revenues.	Still in process of being developed.
CITY OF NEWPORT BEACH		X	Expenses exceed revenues: No standard leasing policy.	Funds are not segregated. Audit completed 7/74.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SACRAMENTO</u> CITY OF SACRAMENTO		X	Revenues do not cover costs of administration, maintenance or improvements. Lesees or concessionaires assume all responsibilities of leased area. Alterations must be approved by the City. Franchises are awarded on a bid basis	
<u>SAN BERNARDINO</u> CITY OF NEEDLES			Claim no revenues.	No accounting or revenue use information was submitted, claim they cannot afford State Lands cost to survey.
<u>SAN DIEGO</u> CITY OF CARLSBAD CITY OF IMPERIAL BEACH		X	Revenues used to retire pier bonds, pier maintenance, beach maintenance and life-guards. Leasing policy not described.	No report submitted. No separation of funds is evident.
CITY OF OCEANSIDE		X	City provides all utilities and maintains the pier from the General Fund. Leases are on a year to year basis on the pier.	

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SAN DIEGO</u> CITY OF SAN DIEGO		X	Expenses related to beach activities and debt retirement. Leases are written for a term sufficient to obtain financing and to amortize the investment	Rent for non-profit organizations is less than commercial rates dependent upon contributions to the public by the organization. Must qualify and be incorporated as non-profit.
SAN DIEGO UNIFIED PORT			Revenues are satisfactory to the requirements for operating expenses, debt service, and modest capital improvements. Revenues are expended upon the tidelands. Non-trust money was used from the General Fund to improve the grant up to 1960. District required payment of fair market value as part of consideration for granting tenancy.	Leases under tideland grants to other cities (Chula Vista, Coronado, National City) were transferred to the S.D.U.P.D. Grant.
UNIVERSITY OF CALIFORNIA-SCRIPPS			No leases, no revenues.	Land maintained in natural state.
<u>SAN FRANCISCO</u> CITY AND COUNTY OF SAN FRANCISCO				No information submitted concerning revenues or leases.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SAN JOAQUIN</u> CITY OF STOCKTON				No accounting or revenue and expenditure information submitted.
<u>SAN LUIS OBISPO</u> CITY OF MORRO BAY		X	Funds are segregated. Revenues are expended on administration charges, improvements, legal fees and general upkeep. Three types of leases. Rental bases on 6% of appraised value of land. Rates determined by City Council-6% of appraised value with no renewal clause or % of gross receipts and leases based on 6% of appraised value as minimum or % of gross receipts.	Periodically the accumulated revenues are transferred to the General Fund to repay a portion of advances. City makes a claim on future revenues to recover excess expenditures.
PORT SAN LUIS HARBOR DISTRICT			Revenue used for harbor operation and administration costs, pier reserve fund, water contract, state loan, interest, additions to property, plant and equipment and depreciation 20 year leases with renewal option.	Leasing policy includes all requirements of various State and federal agencies.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SAN MATEO</u> COUNTY OF SAN MATEO		X	Separate accounting of revenues and expenditures. Only source of income is Coyote Point Marina. Revenues expended for operation of the Marina. Leases adopted by resolution of the Board of Supervisors.	
SAN MATEO COUNTY HARBOR DISTRICT		X	No accounting information submitted other than the statement that a deficit exists.	A deficit exists between expenditures and revenues. Lease rents are determined in relation to type of business or operation, area requirements, products sold or services rendered. Bids are solicited.
CITY OF BURLINGAME			City not subject to requirements for PRC 6374 & 6375 since the grant reverted to the State.	
CITY OF REDWOOD CITY			There is no identifiable cost of administration.	No leases, no revenues no leasing policy.
CITY OF SAN MATEO			No financial report submitted.	
CITY OF SOUTH SAN FRANCISCO			No accounting, revenue, or expenditure information submitted.	

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SANTA BARBARA</u> COUNTY OF SANTA BARBARA CITY OF SANTA BARBARA CITY OF CARPINTERIA <u>SANTA CRUZ</u> COUNTY OF SANTA CRUZ CITY OF SANTA CRUZ		X	<p>Revenues exceed expenditures. Excess revenue carried over to next fiscal year. Revenues expended on administration, operation and maintenance of the harbor. Leases are to reflect fair rental returns to the City.</p> <p>Only revenue is from lease between the State and private individual for wharf facility.</p> <p>Revenues segregated into Wharf Fund and expended solely for management, maintenance and construction of municipal wharf. Revenues adequately cover expenses. Minimum rents are \$50 per month.</p>	<p>Land not being used. No information submitted.</p> <p>Leases are consistent with grant statutes.</p> <p>No information submitted.</p> <p>Revenues do not cover administrative costs.</p>

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SANTA CRUZ</u> SANTA CRUZ PORT DISTRICT			Revenues for the Upper Harbor Fund are obtained via loans for construction and planning from the state and rental of boat slips. Expenditures are in connection with maintaining the harbor. Slip rentals are based on size: range-\$25-\$90 per month.	
CITY OF CAPITOLA				No report submitted.
<u>SOLANO</u> CITY OF BENICIA				No reference made to expenditures or revenue use. No lease data submitted.
CITY OF VALLEJO			Revenues received were expended on bulkheads and to fill the areas behind the bulkheads to make land useable.	No other reference made to revenues or expenditures.
MARITIME ACADEMY, CALIF.				No report submitted.

Summary of Financial Data Submitted by The Trustee

County Trustee	Net Gain	Net Loss	Present Practices	Comments
<u>SONOMA</u> COUNTY OF SONOMA		X	All revenues received are deposited into the General Fund and all disbursements are made therefrom. Leases are to be executed to cause substantial improvement to the tidelands. Lease terms on long term leases are 6.6% of the value prior to improvement and at an increasing percentage at 10 year intervals.	A Trust Fund was recommended but rejected by the Council because they felt it not necessary.
<u>VENTURA</u> City of San Buenaventura			Only revenue received is from a crude oil line franchise.	No other information concerning expenditures or revenue uses was submitted.

General Questionnaire

FISCAL/CALENDAR YEAR ENDED _____, 19__

INSTRUCTIONS

Please answer all of the questions listed below by marking "X" in the appropriate space provided. If a question does not apply to your particular situation please indicate by marking "NA" next to the question. Make all explanations where required and where you feel necessary. Attach additional sheets if necessary.

1. FUNDS

Do you maintain a separate

- A. fund for trust assets, liabilities, revenues and expenditures?

Yes _____ No _____

If answer is "No", under what fund are they accounted for?

- B. bank account for trust cash?

Yes _____ No _____

If answer is "No", under what bank account is it combined with?

Note: Appendix 6 is a model questionnaire, page numbers will be assigned when form is printed.

2. EXPENSES

- A. What expenses are charged directly to the trust?
Please list.

- B. What expenses are allocated to the trust? Please list.

1. Indicate current basis of the allocations.

2. Has this basis been changed within the past five years?

Yes _____ No _____

If answer is "yes" describe other methods used.

3. REVENUES

Please list your sources of revenue (e.g. - permits, rentals, percentage of leases)

4. Are separate financial statements prepared for the trust?

Yes _____ No _____

If answer is "No", what financial statements are they included with?

5. CAPITAL IMPROVEMENTS

A. How are capital improvements defined by you as trustee?
(e.g. structure with a life expectancy of 10-20 years)

B. State the minimum dollar value before an expenditure is considered a capital improvement.

- C. Is an updated list of existing capital improvements, as of the end of the current fiscal year, available for review by the State Lands Commission Staff?

Yes _____ No _____

- D. If we want to review the capital improvements listing, who do we contact?

Name _____

Address _____

Telephone No. _____

6. Are there docking and/or mooring facilities directly administered by the trustee?

Yes _____ No _____

If your answer is "Yes" please complete the following:

a. Monthly, daily and/or flat rates _____

b. Number of slips _____

Moorings _____

- c. Are slips and moorings made available to other than local residents?

Yes _____ No _____

7. List any ordinances, regulations, resolutions or similar official actions taken by your governing body concerning the granted lands since your last report. Also specify if any such action was taken concerning adjoining uplands used for trust purposes.

7. Title of Action Date

_____	_____
_____	_____
_____	_____
_____	_____

8. Has the governing body adopted a general plan, a coastline plan, an environmental impact report affecting granted lands, or similar measure since your last report.

Yes _____ No _____

If answer is "Yes" given title and date

_____	_____
-------	-------

9. To help determine the impact of serving the statewide public on granted lands complete the following:

A. Describe the sections on and adjacent to the grant which attract substantial numbers of residents from other parts of the county or state.

B. Estimate the numbers of residents and non-residents who use the lands

Residents _____

Non-residents _____

- C. What activities attract the greatest number of non-residents?

How was this determined?

- D. What impact does travel to or use of the lands have on the regular services performed by the city, county or district?

What services are affected? (e.g. police, fire, life-guard)

- E. What additional personnel are needed because of the workload?

F. Explain whether the influx occurs year-round or is limited to certain seasons.

10. POLICY

A. What sections of your granting statutes do you feel

1. Should be clarified?

2. Are not easily complied with?

3. Should be amended?

B. Describe progress and accomplishments during the year in carrying out the public trust for commerce, navigation and fishery and related purposes specified by the granting statute. In what way has your administration of the grant been of benefit to the people of the State of California.

ANNUAL FINANCIAL REPORT
COVERING GRANTED TIDELANDS
AND SUBMERGED LANDS

WHEN AND WHERE TO FILE

This report must be filed with the State Lands Commission, 1807 - 13th Street, Sacramento, California 95814, on or before the _____ day of the fourth month following the close of your accounting period.

ACCOUNTING PERIOD

This report should cover the established annual accounting period of the trustee and should reconcile with any prior report. Any change in the accounting period should be reported to the State Lands Commission

AMOUNTS MAY BE ROUNDED OFF TO WHOLE DOLLARS

SIGNATURE AND CERTIFICATION

The report must be signed by a commissioner, the mayor, chairman of the Board of Supervisors or the Chief of an appropriate policy setting board. It may not be signed by the managing director or other employee on the staff of the governmental entity.

Specific Instructions

GROSS REVENUE FROM ALL SOURCES

This item is the gross amount received by the trustee during its annual accounting period from all sources without reduction for any costs or expenses, such as (a) gross sales or receipts from business activities and (b) the gross amount received as investment income, such as, interest, dividends, rents and royalties.

EXPENDITURES

This item includes expenditures related to operating the trust.

INFORMATION NOTE

"...a report on your financial statements..." means an expression of the outside accountant's judgement on the fairness of the financial statements, more commonly known as an "opinion audit".

ALLOCATION OF OPERATING EXPENDITURES

These are expenses for producing gross revenue (i.e., percentages of management and general costs incurred for such purpose).

LAND

This is the cost or other basis of land retained for producing income or in anticipation of gain.

DEPRECIABLE ASSETS

This is the cost or other basis of buildings, equipment, oil and mineral rights.

EQUITY IN LAND, BUILDING AND EQUIPMENT

This is the cost or other basis of these assets reduced by any indebtedness outstanding.

RESTRICTED FUNDS

The amounts set aside by director or trustees for producing income, or providing for recognized legal liabilities.

SCHEDULE A - ASSETS

SCHEDULE B - OTHER REVENUE

SCHEDULE C - CAPITAL IMPROVEMENTS

SCHEDULE D - OTHER EXPENDITURES

SCHEDULE E - OTHER LIABILITIES

SCHEDULE F - RECONCILIATION OF TOTAL FUND BALANCES

Periodic Report

Fiscal Year beginning _____, 19__ and ending _____, 19__

Name _____

C/O _____

Address _____

City, State _____ Zip _____

REVENUE AND EXPENDITURES

- | | | |
|---|-------|----|
| 1. Gross revenue from all sources | _____ | 1. |
| 2. Expenditures | _____ | 2. |
| 3. Increase (decrease in fund balances
(Line 1 less Line 2)) | ===== | 3. |

ASSETS, LIABILITIES AND FUND BALANCES

- | | | | |
|---|-------|-------|----|
| 4. Cash (bank accounts) -
complete Schedule A | _____ | _____ | 4. |
| 5. Other assets -
Complete Schedule A | _____ | _____ | 5. |
| 6. Total Assets | ===== | ===== | 6. |
| 7. Total Liabilities | _____ | _____ | 7. |
| 8. Fund Balances ("net worth" -
Line 6 less Line 7) -
Complete Schedule F | _____ | _____ | 8. |
- Line 8, beginning of year fund balance plus Line 3 should equal end of year fund balances.

YES NO

- | | | | |
|---|-------------------------|-------|-----|
| 9. Were the schedules and statements comprising
this Periodic Report Form LG-1 prepared by
a person outside your organization? If "NO",
skip to Line 12 | _____ | _____ | 9. |
| 10. If answer to Line 9 is "YES", give name and
address of preparer | _____

_____ | | |
| 11. Did the person named at Line 10 issue to your
organization a report on your financial state-
ments for the period covered by this Periodic
Report Form LG-1? | _____ | _____ | 11. |
| 12. The books of account are in care of _____ | | | |
| Telephone No. _____ Located at _____ | | | |

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.

SIGNATURE OF RESPONSIBLE OFFICER

DATE

TITLE

1. **GROSS REVENUE**

OPERATING

- a. Master Lessee Rents and Franchises -
Specify on Schedule B _____
- b. Pier Rent and Concessions _____
- c. Dockage _____
- d. Wharfage _____
- e. Loading and Unloading Charges _____
- f. Storage, Demurage and Space Rental _____
- g. Tideland Use Fees _____
- h. Slip Rentals _____
- i. Launching Charges _____
- j. Parking _____
- k. Parking _____
- l. Fuel Sales _____
- m. Other Sales and Services -
Specify on Schedule E _____

NON-OPERATING

- n. Interest _____
- o. Taxes and Assessment -
Related to Granted Lands _____
- p. Subventions and Grants _____
 - Federal - Specify on Schedule B _____
 - State - Specify on Schedule B _____
- q. Other - Specify on Schedule B _____

TOTAL GROSS REVENUE - Sum of Line a. through q.
Entered Here and on Line 1. _____

7. **LIABILITIES**

CURRENT

- a. Accounts Payable _____
- b. Bonds _____
 - Matured _____
 - Due Within One Year _____
- c. Notes _____
- d. Other - Specify on Schedule E _____

LONG-TERM

- e. General Obligation Bonds _____
- f. Revenue Bonds _____
- g. Government Debts _____
 - Federal _____
 - State _____
 - Local _____
- h. Other - Specify Schedule E _____
- i. Deferred Credits _____
- j. Reserves _____
- k. Intestment in Fixed Assets _____

TOTAL LIABILITIES - Sum of Lines a through k
Entered Here and on Line 7. _____

FUND BALANCES ("NET WORTH" - ASSETS LESS LIABILITIES)-
Enter Here and on Line 8, Page 1. _____

2. **EXPENDITURES**

OPERATING

- a. Salaries and Wages _____
- b. Utilities _____
- c. Rental _____
- d. Maintenance and Repairs _____
- e. Supplies and Parts _____
- f. Equipment _____
- g. Insurance _____
- h. Depreciation _____
- i. Capital Improvements -
Specify on Schedule C _____
- j. Other - Specify on Schedule D _____

NON-OPERATING

- k. Interest _____
- l. Taxes and Assessments _____
- m. Other - Specify on Schedule D _____

TOTAL EXPENDITURES - Sum of Lines a. through m.
entered here and Line 2. _____

NET INCOME OR (LOSS) - Gross Revenue Less
Expenditures _____

6.

ASSETS

- a. Cash on Hand and in Bank Accounts _____
- b. Accounts Receivable _____
- c. Investments _____
- d. Property, Plant and Equipment _____
- e. Loans - Specify Sources and Amounts
on Schedule A _____
- f. Depreciation _____
 - Accruals _____
 - Accumulated _____
- g. Deferred Charges _____
- h. Other - Specify on Schedule A _____

TOTAL ASSETS - Sum of Lines a. through h. entered
here and on Line 6. _____

SCHEDULE A

ASSETS

LOANS

SOURCE

TERM

TOTAL (Enter Here and on Line e., Page —.)

OTHER

TOTAL (Enter Here and On Line h., Page —.)

SCHEDULE B

MASTER LESSEES AND FRANCHISES

Lessee or Franchise

YEARLY INCOME

TOTAL (Enter Here and on Line a. on Page —.)

SCHEDULE B

OTHER SALES AND SERVICES

YEARLY INCOME

[illegible]

TOTAL (Enter Here and on Line m. on Page____) _____

SCHEDULE B

SUBVENTIONS AND GRANTS

	AGENCY	AMOUNT
Federal		_____

		=====
State		_____

		=====
TOTAL (Enter Here and on Line p., on Page ____.)		=====

SCHEDULE B

OTHER

AGENCY

AMOUNT

[illegible]

TOTAL (Enter Here and on Line q., on Page____.)

[illegible]

SCHEDULE D

TOTAL (Enter Here and on Line m., Page——.)

SCHEDULE E

TOTAL (Enter Here and on Line d., on Page —.)

[illegible]

SCHEDULE F

Total fund balances, as of July 1, 19____

Increase (decrease) in fund balances from
Line 3_____

Adjustments in funds balances explained below_____

Total fund balances as of June 30, 19____
=====

Explanation of Adjustments

If fund accounting is used, copies of statements of changes in fund balances for the year may be attached to Form LG-1 in place of this reconciliation.

A P P E N D I X 7

PROPOSED LEGISLATION

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

Section 1. Sections 6305 - 6306 of the Public Resources Code are Repealed.

Section 2. Sections 6310 - 6311 of the Public Resources Code are Repealed.

Section 3. Chapter 2 (Commencing with Section 6701) is added to Division 6, Part 2 of the Public Resources Code to read:

CHAPTER 2

ADMINISTRATION OF GRANTED TIDE AND SUBMERGED LANDS

6701. In accordance with its authority pursuant to Section 6301, the State Lands Commission shall monitor and review all grants by the Legislature of tide and submerged lands to governmental agencies for the purpose of administration of the public trust to determine that each trustee of such lands is in compliance with the provisions of law. Whenever the Commission finds that a trustee has violated or is about to violate the terms of its grant or any other principle of law, relating to the public trust obligation, it is authorized to bring such actions as are necessary to enforce the rights of the State as settlor-beneficiary of the tidelands trust. The Attorney General shall represent the State in all such actions or proceedings. If the judgment is given against the State in any such action or proceeding, no costs can be recovered from the State thereunder.

6702. Each trustee of tide and submerged lands granted by the Legislature shall record all revenues derived from the administration of such lands in a manner specified by the State Lands Commission. Such funds shall be expended solely for purposes authorized by law.

6703. Notwithstanding any other provision of law, on and after the effective date of this section as enacted at the 1970 Regular Session of the Legislature, whenever a legislative enactment now in force or hereafter enacted grants or conveys State tide or submerged lands and requires the filing of any financial report with the Department of Finance, such financial report shall be filed, instead, with the State Lands Commission.

6704. Notwithstanding any provision of law, each trustee of public tide and submerged lands shall, on or before October 1 of each year, cause to be made and filed with the State Lands Commission a detailed statement of all revenue and expenditures thereof from the administration of such lands, including obligations incurred but not yet paid. Said statement shall be in a form specified by the Commission and shall cover the fiscal year preceeding its submission.

In addition to the other powers and duties specifically delegated to it, the State Lands Commission shall have authority to examine financial records of any trustee relating to their administration of granted tide and submerged lands and to conduct other such investigations and studies as it may deem necessary in connection therewith.

6705. The powers granted by this chapter to the Commission as to leasing or granting of rights or privileges with relation to such lands owned by the State are hereby conferred upon the counties and cities to which such lands have been granted.

6706. Notwithstanding any other provision of law, each trustee of public tide and submerged lands shall, within 180 days of the effective date of this act, develop and submit to the State Lands Commission for its approval, a procedure, rules and regulations to govern the issuance, renewal, or renegotiation of any lease of State tide and submerged lands or any development thereon.

6707. Such rules and regulations shall specify lease rates, the bases upon which such rates are established, lease terms and conditions, and such other information as may be required by the Commission. No lease shall be issued, renewed or renegotiated by any trustee until its procedure, rules and regulations as required by this section have been approved by the Commission. The Commission shall make its determination within 90 days of its receipt of the above information.

6708. The provisions of Section 6706 to 6707 shall be applicable to all general law and chartered cities, all counties, and public districts with respect to tide and submerged lands granted in trust to such entities by the State.

6709. Subsequent to the adoption of the lease procedure, rules and regulations pursuant to Section 6707 and at the end of each quarter thereafter, each trustee of granted lands shall submit to the State Lands Commission, a copy of each lease issued, renewed or renegotiated during the three months preceeding such report.

6710 Each trustee of granted tide and submerged lands shall prepare and submit to the State Lands Commission by September 30, 1979, a land use plan specifying the present and proposed uses of such lands. Such plan shall be approved by the governing body of the trustee prior to its submission to the Commission and shall contain such information as may be specified by the Commission. Each trustee shall notify the Commission whenever an amendment or other change is made to its plan and shall transmit a copy of such amendment or change to the Commission. All leases or agreements proposed, or entered into, by any trustee after the effective date of this section shall be consistent with the provisions of the land use plan submitted by the trustee.

6711. It is the intent of the Legislature that before any grant of tide and submerged lands made after the effective date of this section becomes effective, the intended recipient of such lands shall submit to the Commission and the Legislature a land use plan which details the proposed uses of the subject lands. Such plan shall be approved by the governing body of the trustee and be in a form and contain such information as may be specified by the Commission. The Commission may require any additional information as it deems necessary to evaluate the ability of the intended recipient to effectively administer the subject lands.

The State Lands Commission shall transmit the results of its investigation to the Legislature within 6 months of its receipt of the aforementioned information.

6712. Subject to the provisions of Section 6702, no amendment, modification, or revocation, in whole or in part, of any grant of tide or submerged lands heretofore made or that may be hereafter made by the Legislature shall impair or affect the rights or obligations of third parties, including lessees, lenders for value, holders of contracts conferring the right to the use and occupation of, or the right to conduct operations upon or within such lands, arising from leases, contracts, or other instruments lawfully entered into prior to the effective date of such amendment, modification, or revocation.

6713. (a) The provisions of Section 6712 shall not apply to any of the following unless the provisions of subdivision (b) are first complied with:

(1) Any lease, contract, or other instrument entered into on or after the effective date of this chapter.

(2) Any lease, contract, or other instrument entered into before the effective date of this Chapter if (i) such lease, contract, or other instrument affects lands which have been filled in between January 1, 1970, and the date of any such amendment, modification, or revocation by the Legislature, or (ii) there have not been erected, prior to January 1, 1970, any artificial structures or any of the lands affected thereby pursuant to any exercise of rights expressly or impliedly conferred by any such lease, contract, or other instrument and under the terms of such lease, contract, or other instrument the total capital expenditures reasonably anticipated on such lands are ten thousand dollars (\$10,000) or greater.

(3) Any amendment, modification, or alteration made on or after January 1, 1970, to any lease, contract, or other instrument entered into before the effective date of this chapter if such amendment, modification, or alteration either extends the term of such lease, contract, or other instrument for more than six months or authorizes the erection of improvements not previously authorized thereby upon lands unoccupied by permanent structures as of January 1, 1970. For purposes of this chapter, "lease, contract, or other instrument" includes any amendment, modification, or alternation described by this paragraph.

(b) The provisions of Section 6712 shall be applicable to any lease, contract, or other instrument described in subdivision (a) which is submitted to the State Lands Commission and as to which the Commission makes all the following determinations:

(1) That such lease, contract, or other instrument is in accordance with the terms of the grant or grants under which title to the tide or submerged lands in question is held.

(2) That the proceeds of such lease, contract, or other instrument shall be deposited in an appropriate fund expendable only for statewide purposes authorized by a legislative grant.

(3) That such lease, contract, or other instrument is in the best interests of the State.

(c) The provisions of Section 6712 shall apply to any lease, contract, or other instrument entered into before the effective date of this chapter if such lease, contract, or other instrument is not one described by subdivision (a), without requiring that it be submitted to the State Lands Commission.

(d) For purposes of this section, lands shall be deemed to have been "filled in" if such lands were permanently or periodically covered by tidal waters on or after January 1, 1970, and thereafter are either raised a level above mean lower low water by the disposition of earth or other materials thereon or have permanent artificial structures erected thereon.

6714. On or before October 1 of each year, all trustees shall pay to the General Fund \$100.00 or .5% of their gross revenues from granted tidelands for the last fiscal year, whichever is more, provided that in no event shall a trustee be required to pay more than \$60,000.00 annually. The monies collected under this section are hereby appropriated without regard to fiscal years from the General Fund to the State Lands Commission for use in performing the functions specified in Chapter 2, Section 3 of Division 6, Part 2 of the Public Resources Code.

6715. Failure of the State Lands Commission to issue to the legislative grantee a written report making, or declining to make with reasons for so declining, the determinations set forth in Section 6713 within 90 days of receipt from the legislative grantee of all material required by the rules and regulations of the Commission to be submitted pursuant to Section 6713, or within any other period of time mutually agreed upon by the Commission and the legislative grantee, shall be the equivalent of an affirmative finding with respect to each of such determinations required by Section 6713 and the provisions of Section 6713 shall become applicable to the lease, contract, or other instrument in question.

6716. This chapter shall not be construed to affect the validity of leases, contracts, or other instruments affecting tide or submerged lands, and there shall be no presumptions raised concerning the validity or invalidity of any lease, contract or other instrument which is required by Section 6713 to be submitted to the State Lands Commission in order to make the provisions of Section 6712 applicable thereto because of the failure of the legislative grantee to submit such lease, contract, or other instrument to the Commission, or because of any findings of such Commission thereon.

6717. If on the effective date of any revocation of a grant of tide or submerged lands, there are in effect any leases, contracts, or other instruments to which the provisions of Section 6712 are applicable, the State may at its options, exercised by, and evidenced by appropriate action on the part of, the State Lands Commission, succeed to the interest in any such instrument of the grantee named in such grant; otherwise, the interest of such grantee in any such instrument then in effect shall continue during the term or other

period of time during which such instrument shall remain in effect, or until such time as the Commission exercises the option set forth in this section. The grantee shall furnish the Commission with all such instruments within 30 days after the effective date of any such revocation, or any longer period mutually agreed upon between the Commission and the grantee, and the Commission may exercise the option at any time within six months from the date such instruments were submitted to it.

6718. Whenever tide and submerged lands granted in trust to a county by the Legislature are included within a city's boundaries as the result of that city's incorporation, trust title to such lands shall pass to such city only upon specific authorization and direction of the Legislature and at that time all papers, records, and all other documents pertaining to such lands and the administration thereof shall automatically become the property of the city and shall be transferred to the possession of the appropriate city officials by the county officials having possession thereof; provided, that the city shall pay to the county all costs necessarily incurred in making such transfer.

6719. It is hereby declared to be the policy of this State that any grant of tidelands or submerged lands made after January 1, 1971, within an area which has been designated by the Department of Navigation and Ocean Development as the location of a small craft harbor of refuge shall contain a reservation and condition requiring the grantee to submit a plan to the Department of Navigation and Ocean Development within a reasonable period of time after the effective date of the grant for the construction of facilities necessary or convenient for the use of such granted lands as a small craft harbor of refuge and requiring that construction of such facilities be completed within a specified period of time after the approval of the plan by the Department of Navigation and Ocean Development.

Section 4 - Within 90 days of the effective date of this act, each trustee of tide and submerged lands shall prepare and submit to the State Lands Commission: (1) a map or aerial photograph designating all areas of the granted lands which have been developed by the trustee and all areas of such lands that have been encumbered by lease or other agreements; and (2) a legal description of such areas.

Section 5 - The State Lands Commission shall review the material submitted pursuant to Section 4 and determine the extent to which each trustee has utilized the lands granted to it by the Legislature. Within 180 days of the effective date of this act, the State Lands Commission shall recommend to the Legislature a program for the continued administration of such lands.

APPENDIX 8

MAPS OF THE GRANTED LANDS

ALPHABETICAL LIST OF LEGISLATIVE GRANTS

<u>CITY OR COUNTY</u>	<u>Page</u>	<u>CITY OR COUNTY</u>	<u>Page</u>
Alameda, City of	133	Needles, City of	166
Albany, City of	134	Newport Beach, City of	167
Antioch, City of	135	Noyo Harbor District	168
Arcata, City of	136	Oakland, City of	NA
Avalon, City of	137	Oceanside, City of	169
Benicia, City of	138	Orange, County of	170-1
Berkeley, City of	139	Pacific Grove, City of	172
Bolinas Harbor District	159	Palos Verdes Estates, City of	173
California, Univ. of (Scripps)	204	Peralta Jr. College District	174
Capitola, City of	140	Pittsburg, City of	175
Carlsbad, City of	141	Pt Reyes National Seashore	NA
Carmel, Sanitary District	142	Port San Luis Harbor District	176
Carpinteria, City of	143	Redwood City, City of	177
Chula Vista, City of	186	Redondo Beach, City of	178
Coronado, City of	186	Richmond, City of	179
Crescent City, City of	144	Sacramento, City of	180
Crescent City Harbor District	145	San Buenaventura, City of	181
Dept. of Education		San Diego, City of	182-5
Maritime Academy	146	San Diego Unif. Port District	186
Emeryville, Town of	147	San Francisco, City & County	187
Eureka, City of	148	San Francisco Port District	187
Hermosa Beach, City of	149	San Leandro, City of	188
Humboldt Bay Harbor, Rec. and Cons. District	NA	San Luis Obispo, County of	140
Imperial Beach, City of	150	San Mateo, City of	189
Laguna Beach, City of	151	San Mateo County Harbor District	190
Lake County	NA	San Mateo, County of	191-2
Long Beach, City of	NA	San Rafael, City of	193
Los Angeles, City of	152-4	Santa Barbara, City of	194
Los Angeles, County of	155	Santa Barbara, County of	195
Manhattan Beach, City of	156	Santa Cruz, City of	196
Mare Island, U. S. Navy	NA	Santa Cruz, County of	197
Marin, County of	157-9	Santa Cruz Port District	198
Maritime Academy, Dept. of Education	147	Santa Monica, City of	199
Martinez, City of	160	Sausalito, City of	200
Metropolitan Water District	161	Sonoma, County of	201
Mill Valley, City of	162	South San Francisco, City of	202
Monterey, City of	163	Stockton, City of	203
Morro Bay, City of	164	University of California, (Scripps)	204
Moss Landing Harbor District	165	Vallejo, City of	205
National City, City of	186	Ventura, City of (San Buenaventura)	181

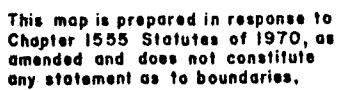
NA= No Map Available

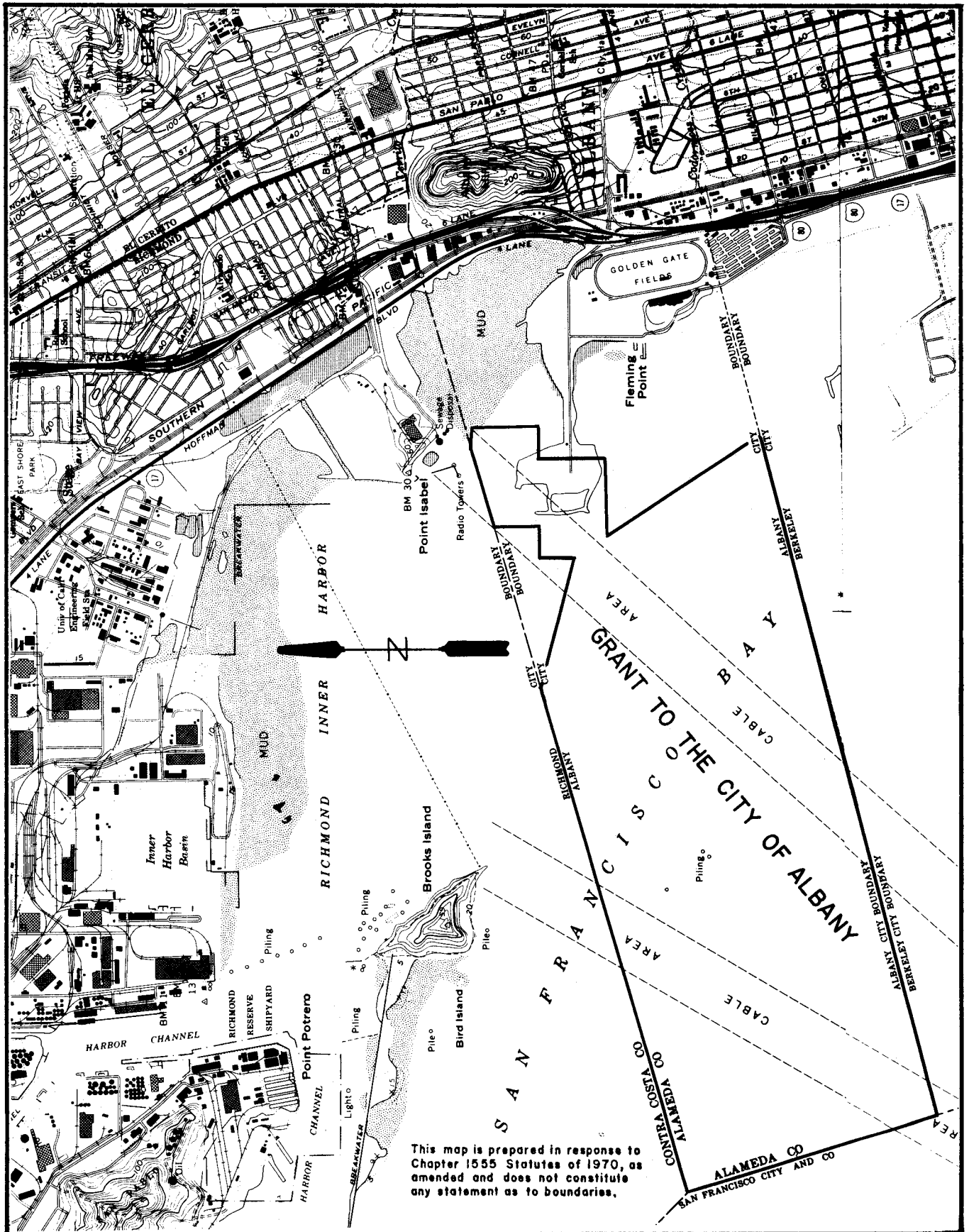
ABOUT THESE MAPS

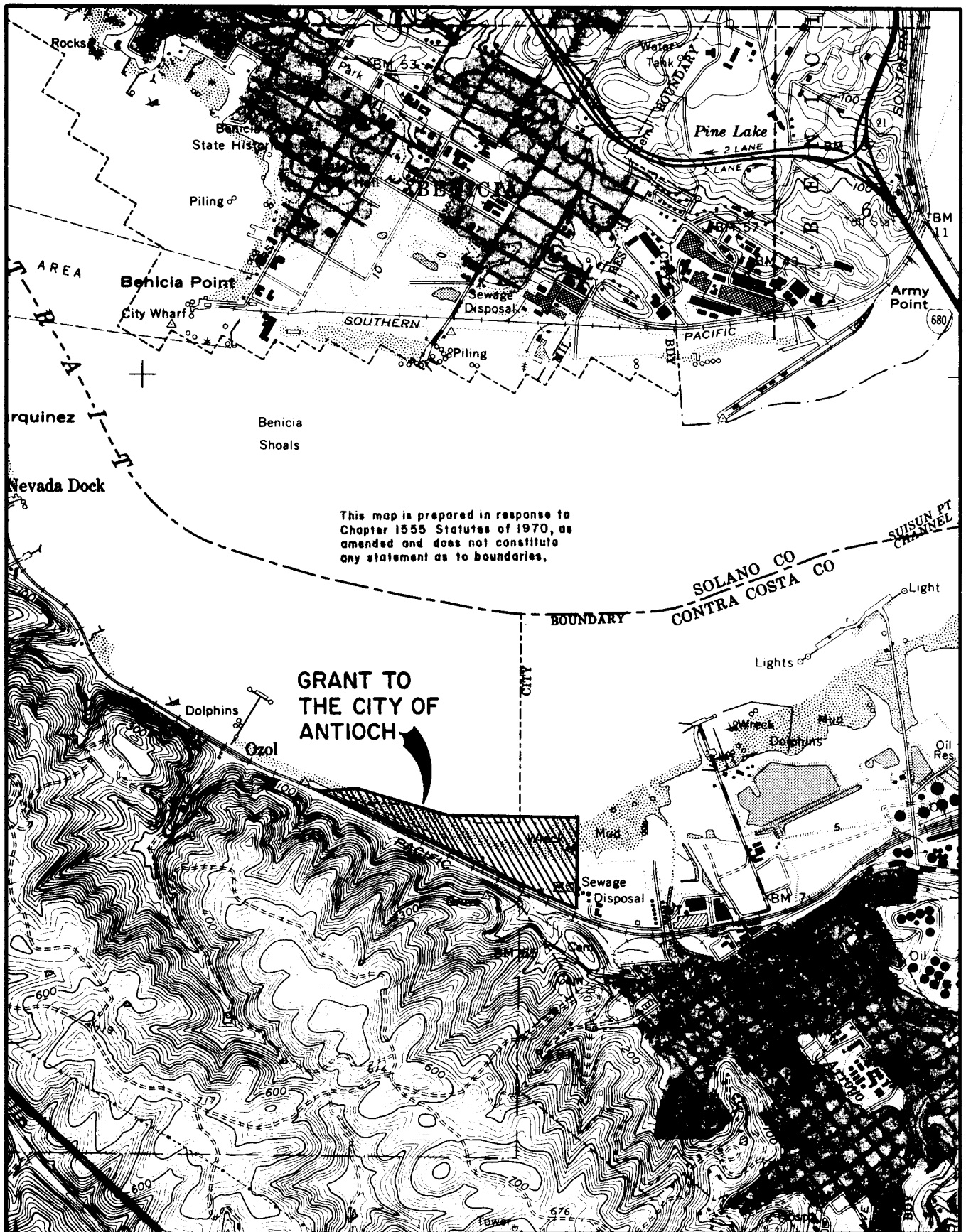
Most early grants and some recent grants merely grant all lands within boundaries of city limits at the effective date of the statute. As a result, there is no clear delineation of the boundaries of a particular grant. This is particularly true along the shore boundary where various factual and legal questions remain unresolved. The Legislature has recognized this problem and every year since the mid-sixties, a Bill has been introduced establishing a procedure for resolving these problems. In one instance, it passed both Houses but was vetoed by the Governor. The present version of this Bill, SB 563, Dills, as amended April 23, 1975, is supported by the Commission and is currently undergoing study in the Assembly. Earlier efforts in this direction resulted in PRC Section 6359, enacted in 1959, requiring the State Lands Commission to map grants that were amended.

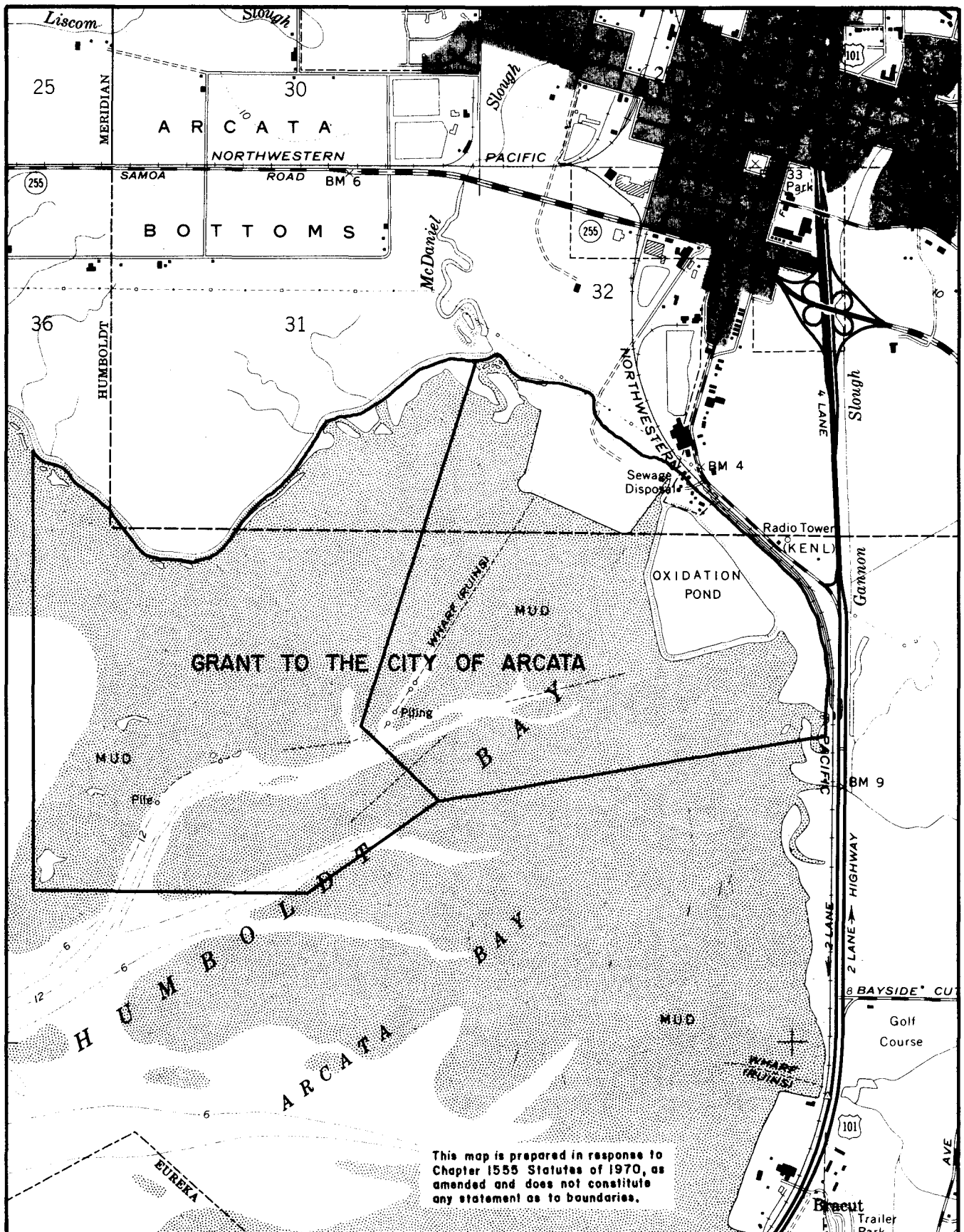
In addition to clear fee ownership of the State, grants were effective to pass title to all retained title interest of the State such as that of the trust for commerce, navigation and fisheries over tidelands patented to private parties. In some cases, litigation and negotiation are pending and when complete, the precise delineation of the grants will be possible.

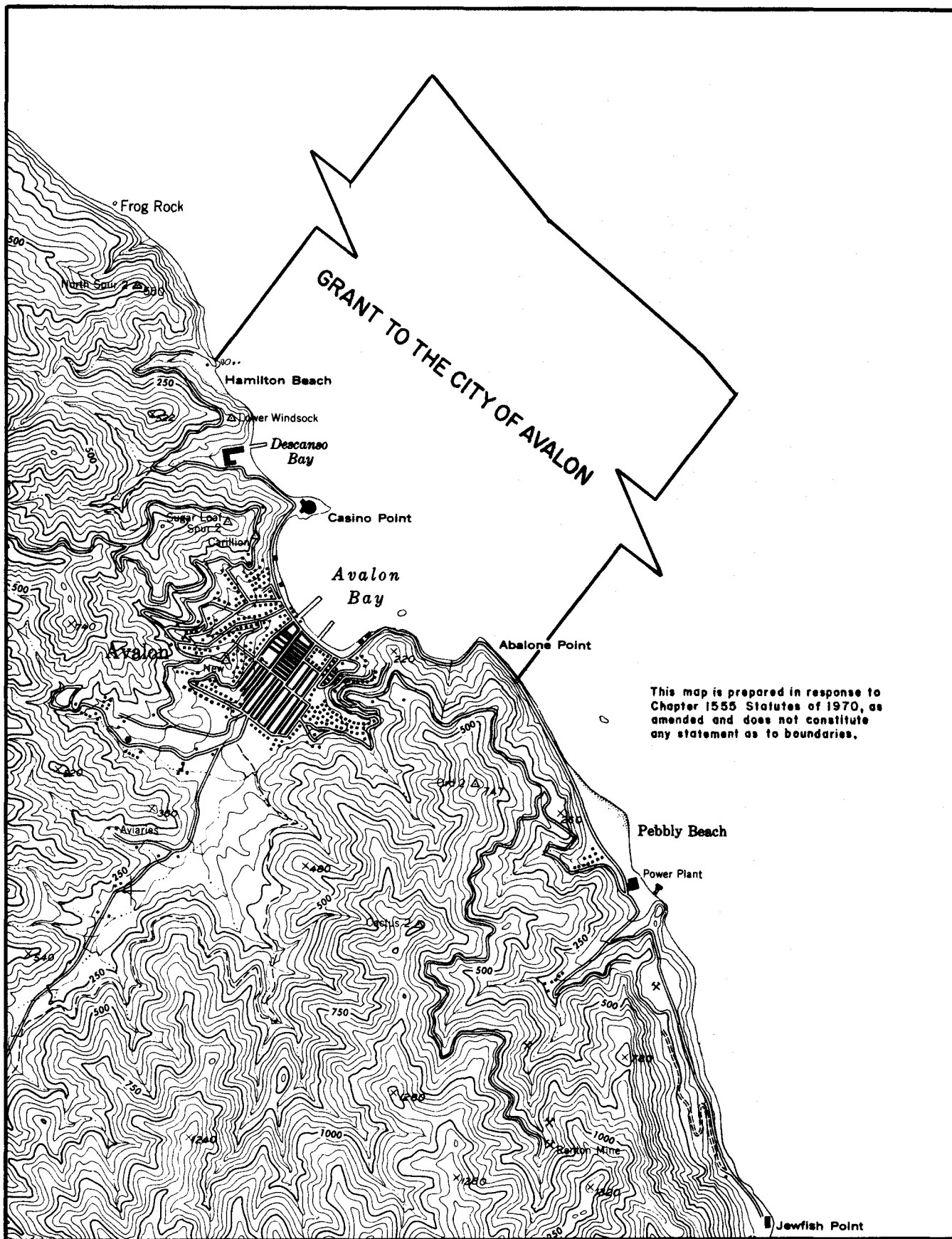
The following series of maps give a general approximation only of the boundaries of the grants, but do not include any State interest by virtue of the invalidity of State patents to private parties or to any retained interest of the State as a result of patents to private parties.



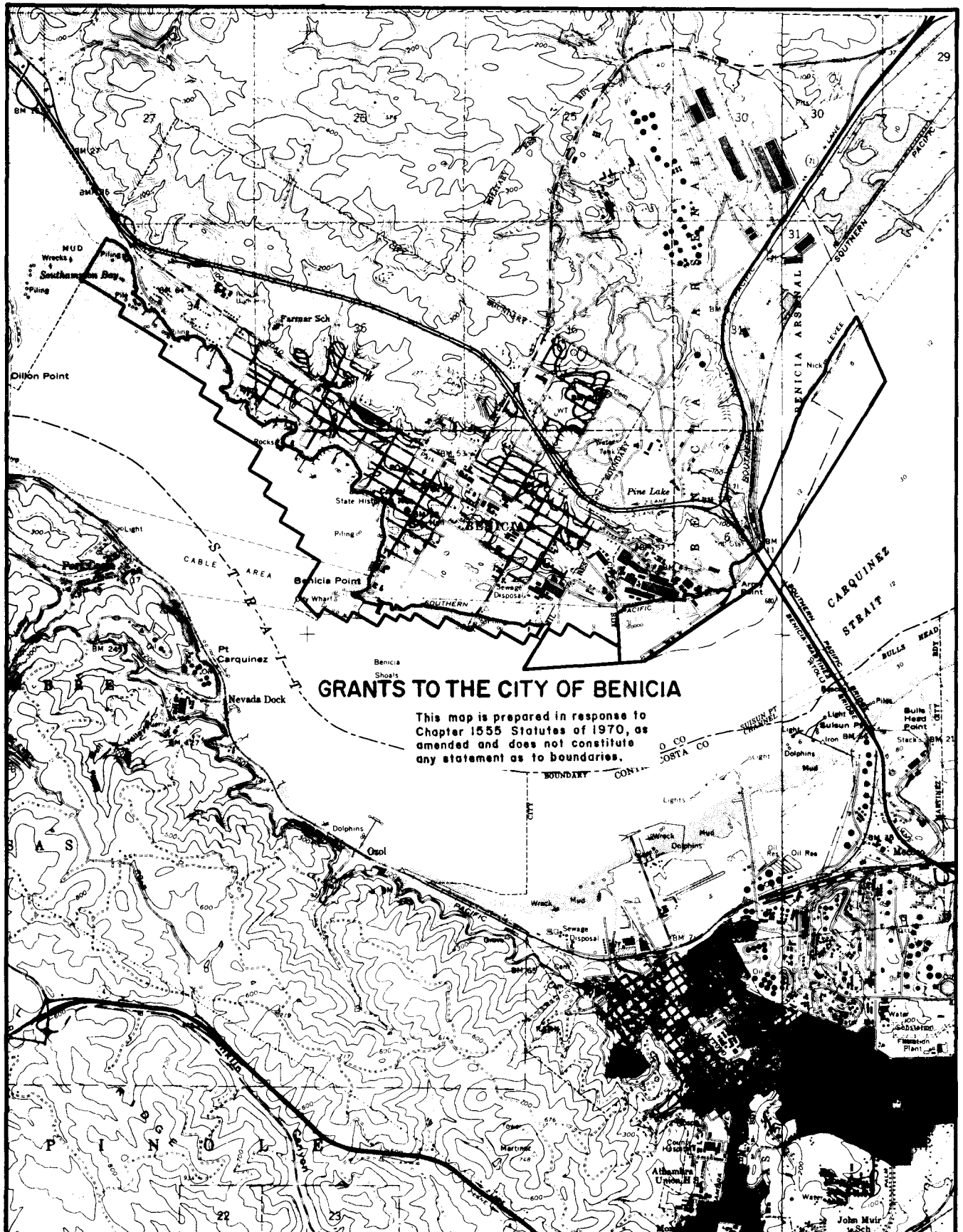


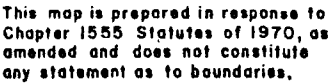


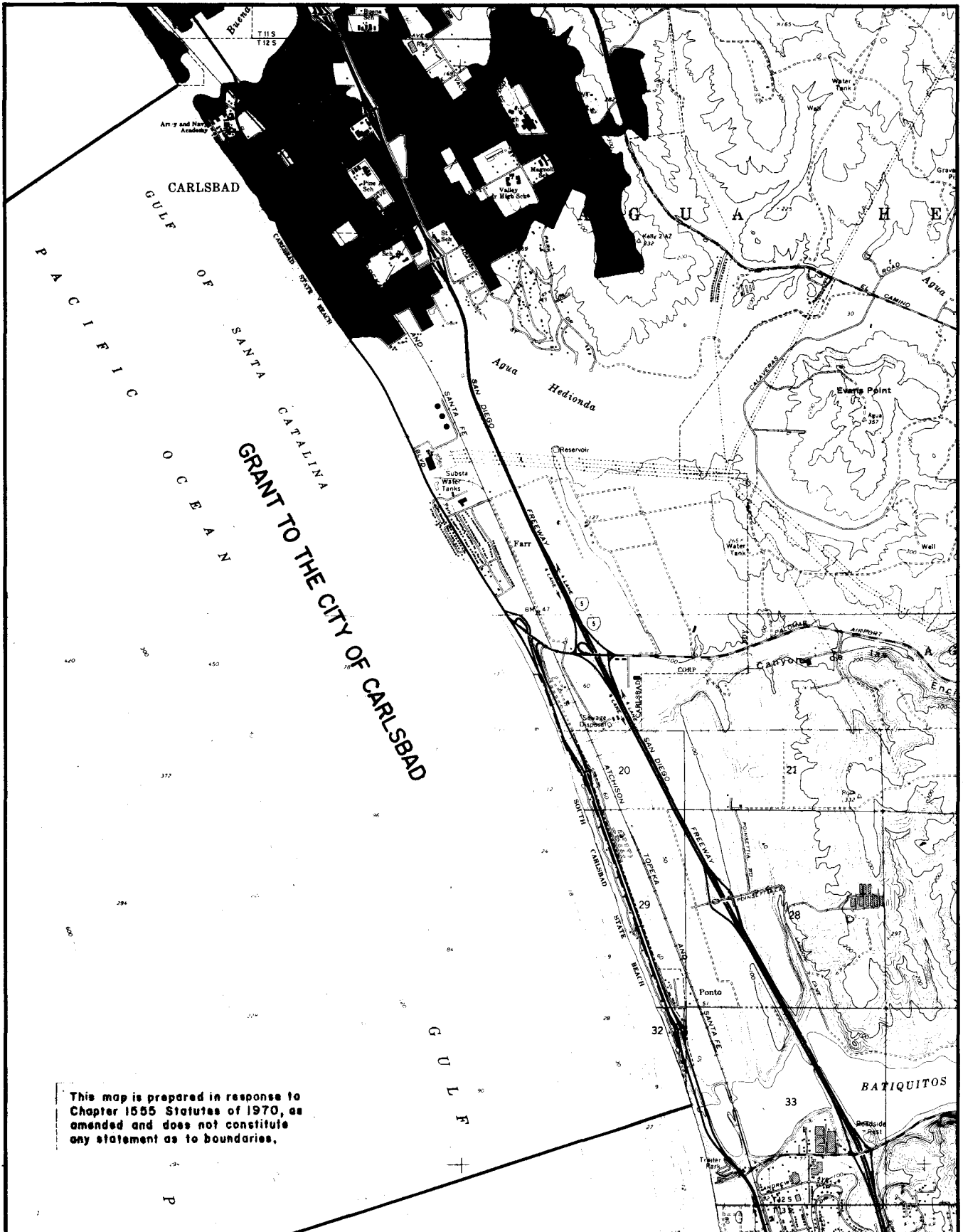




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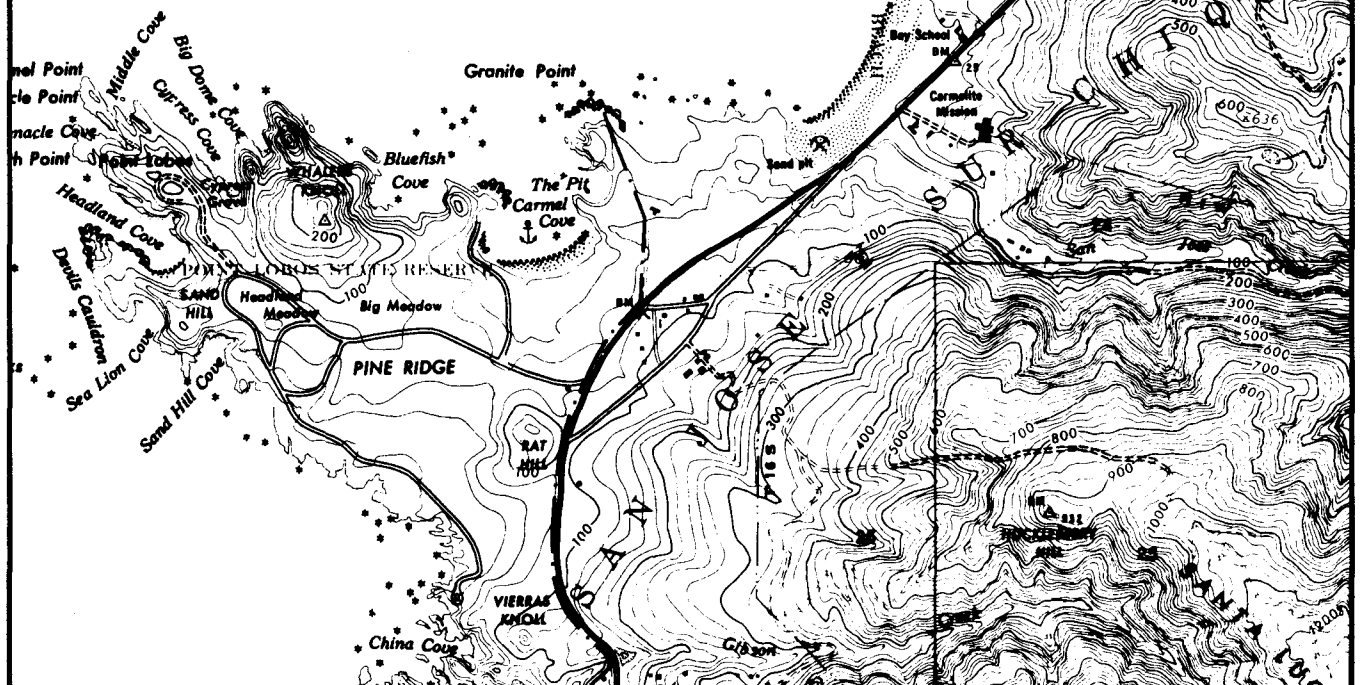


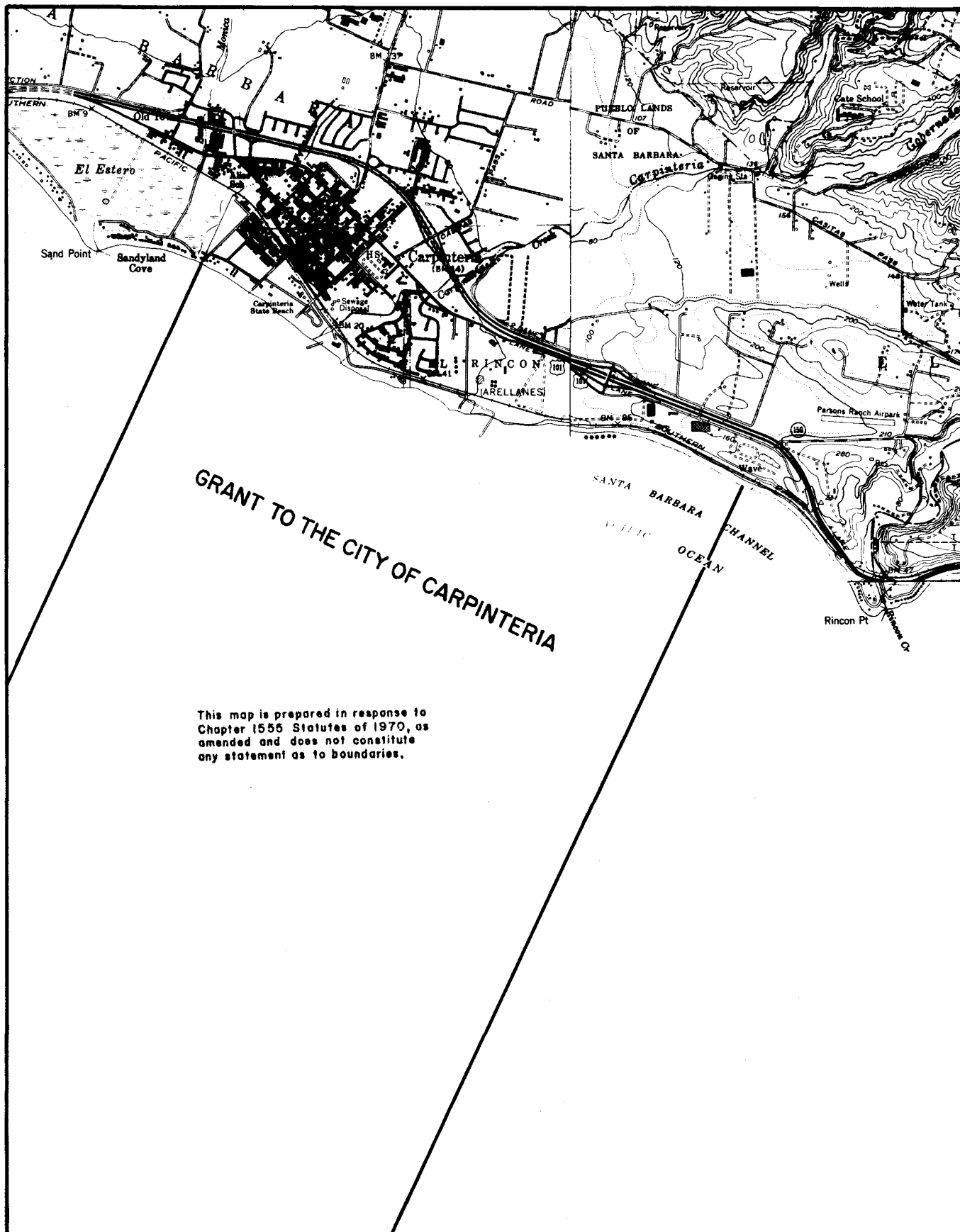
R M E L

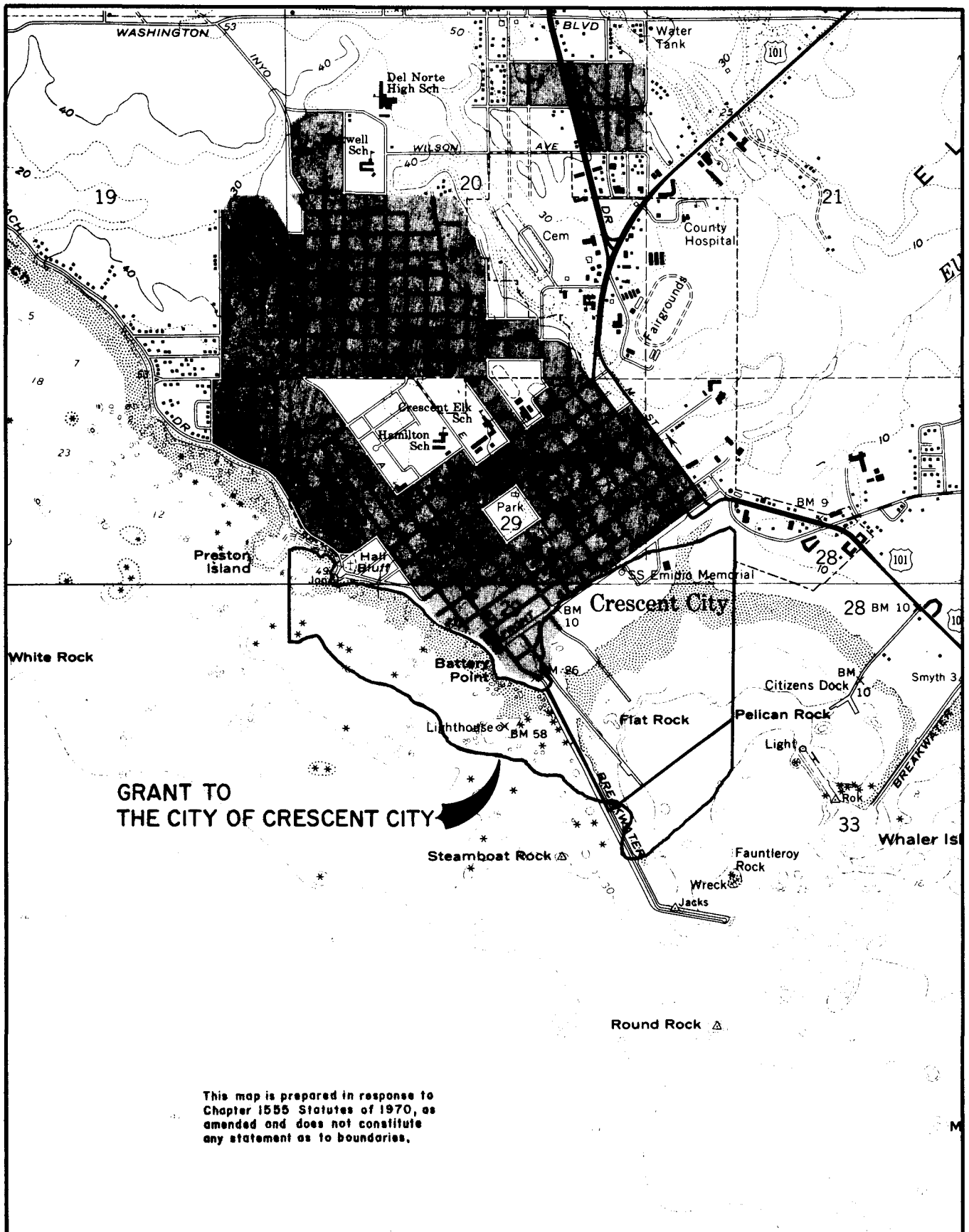
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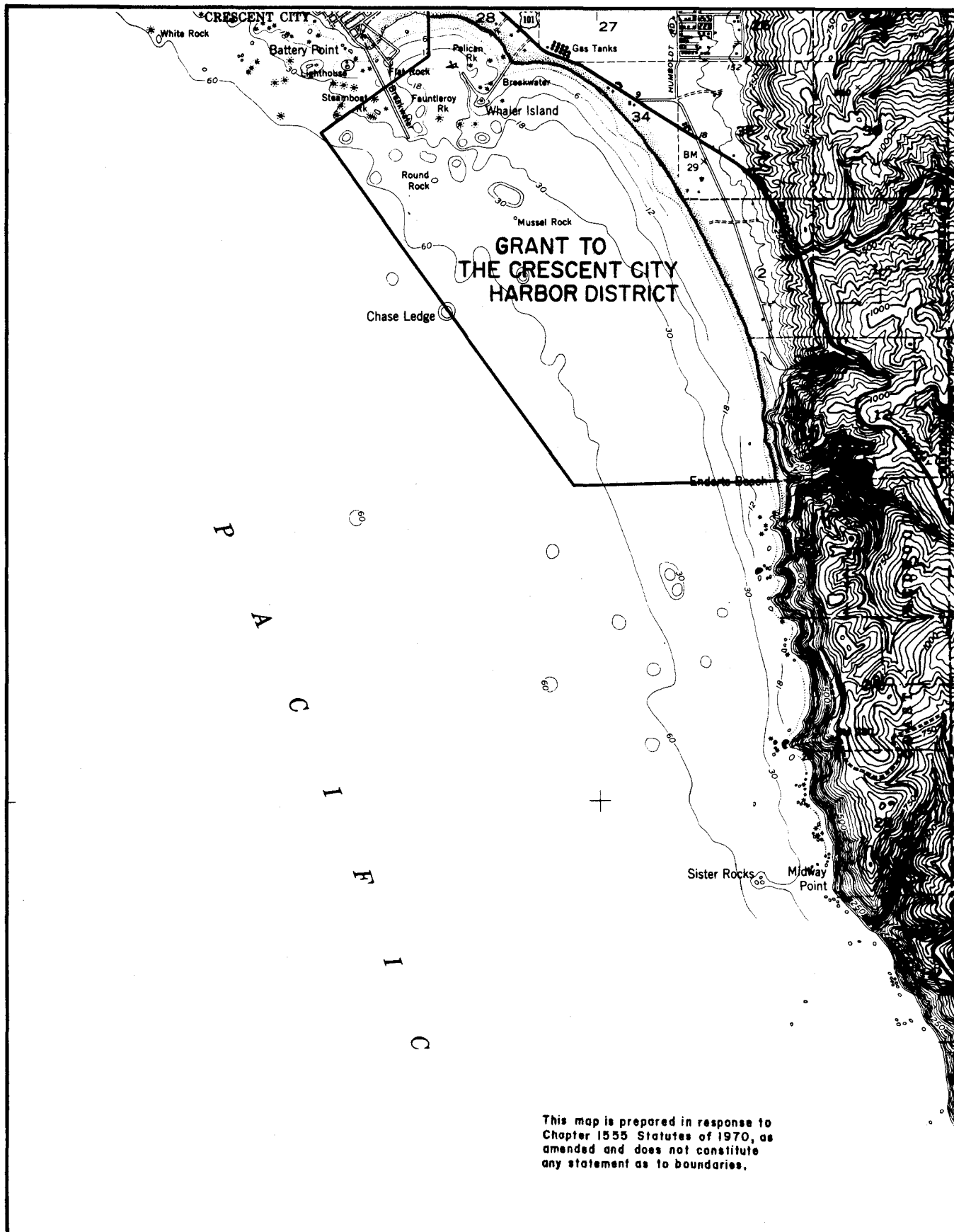
GRANT TO CARMEL SANITARY DISTRICT

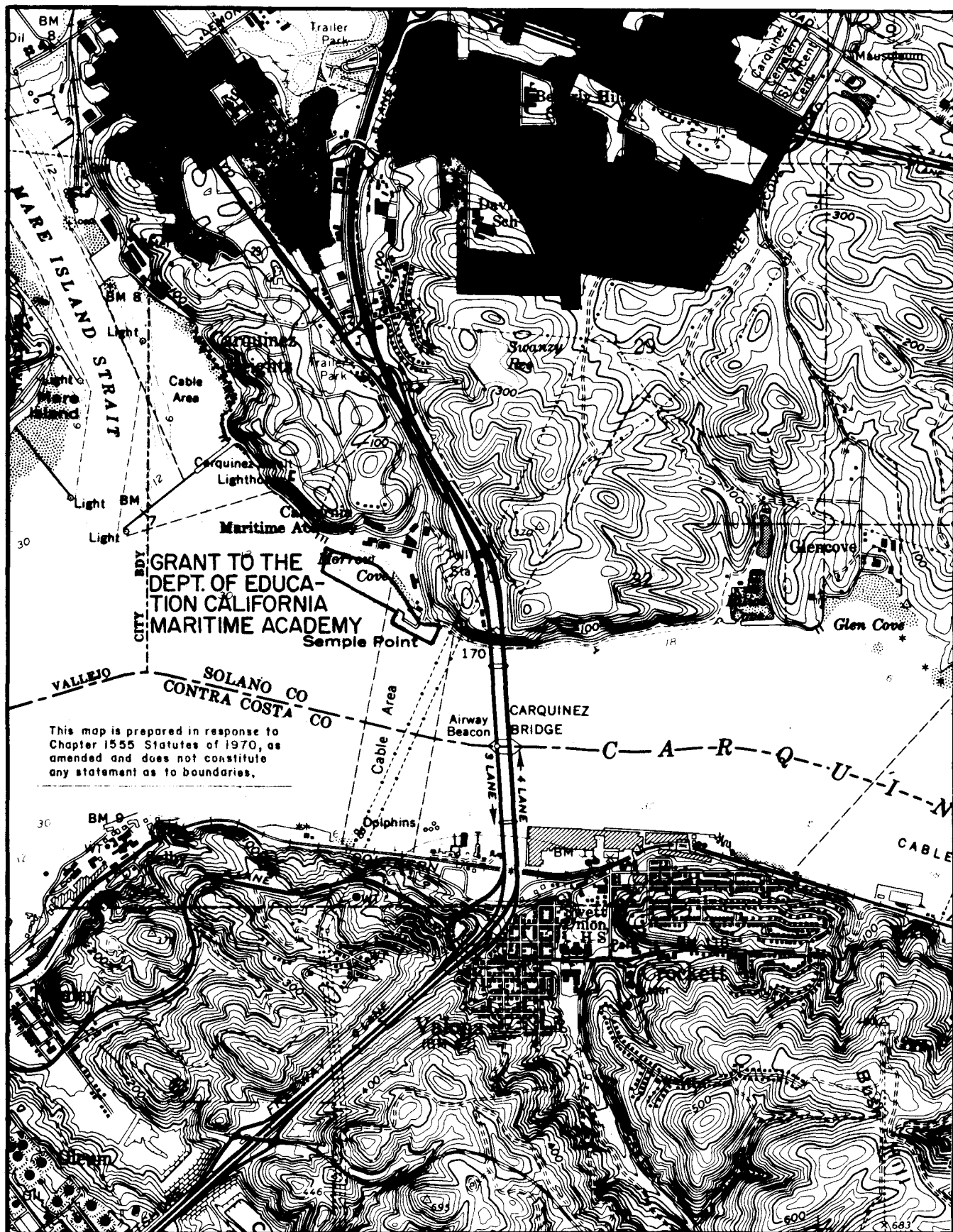
This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries.

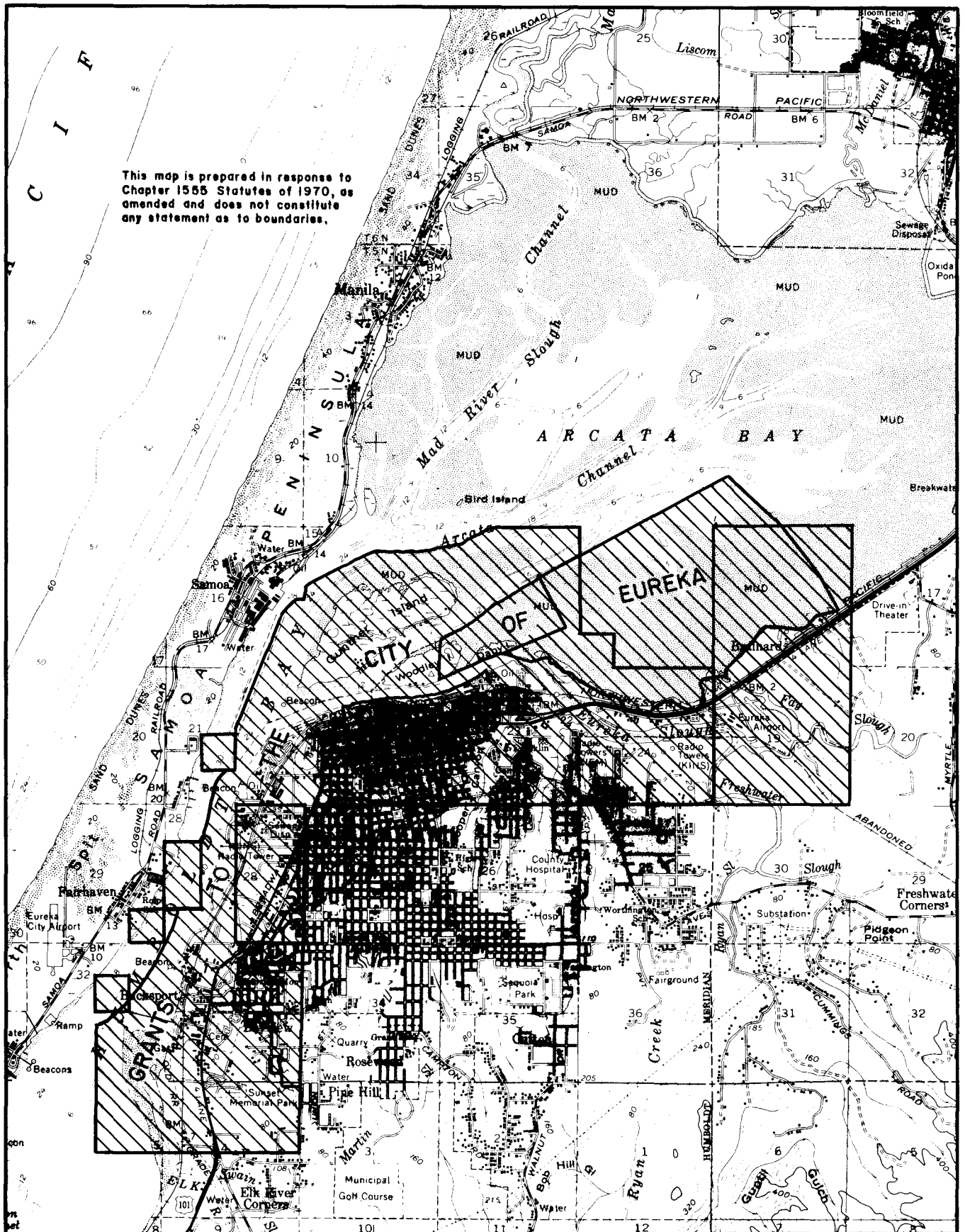




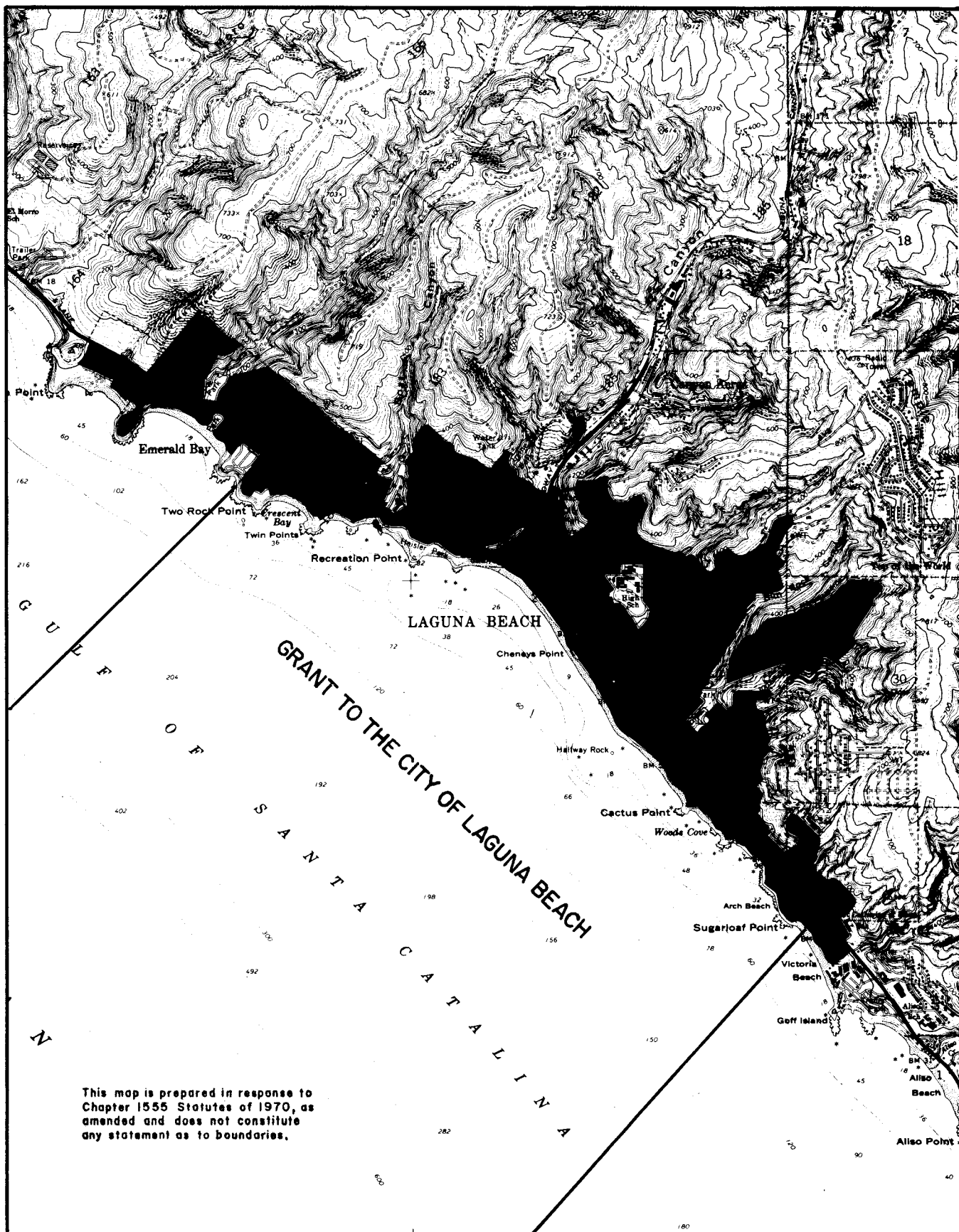


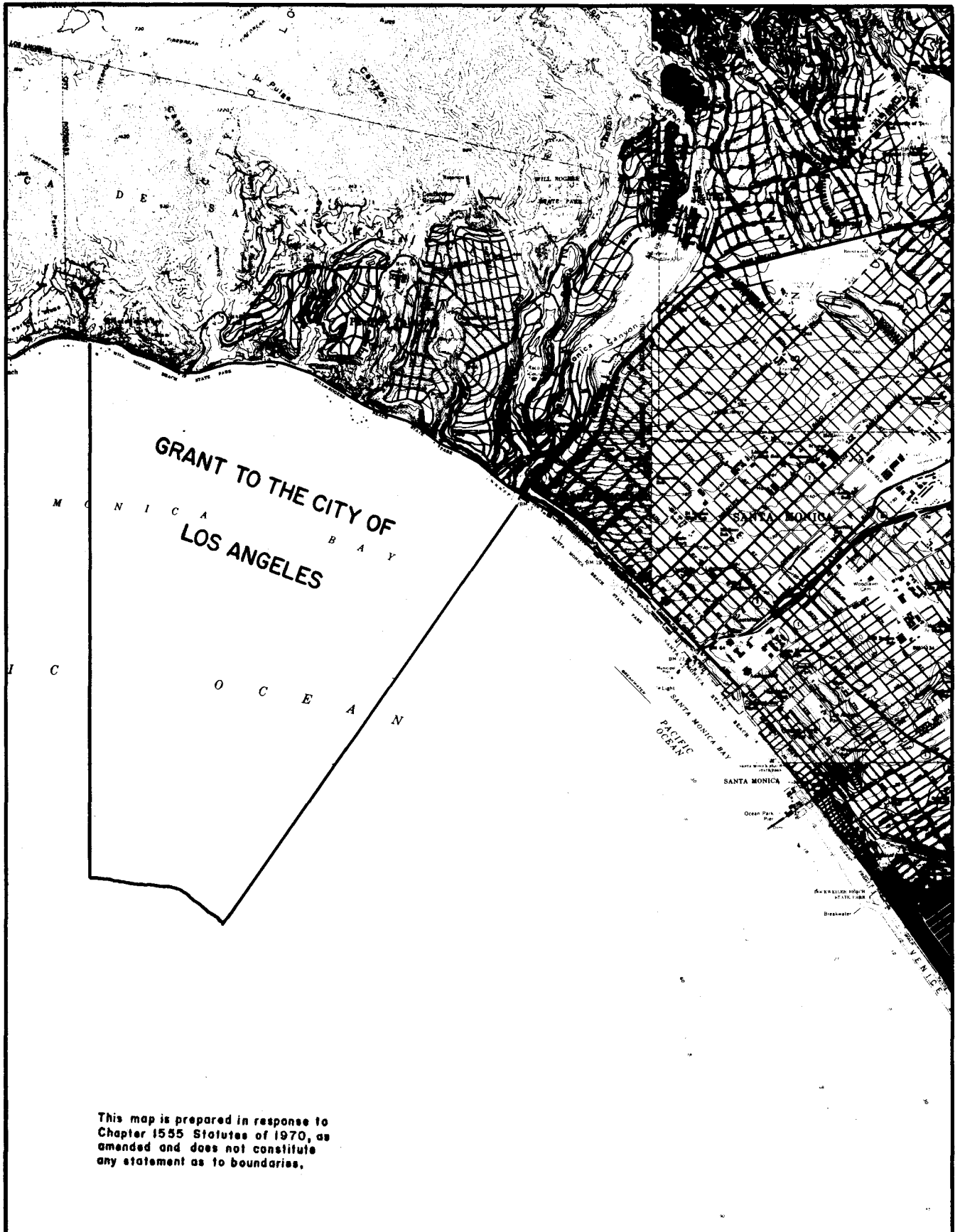


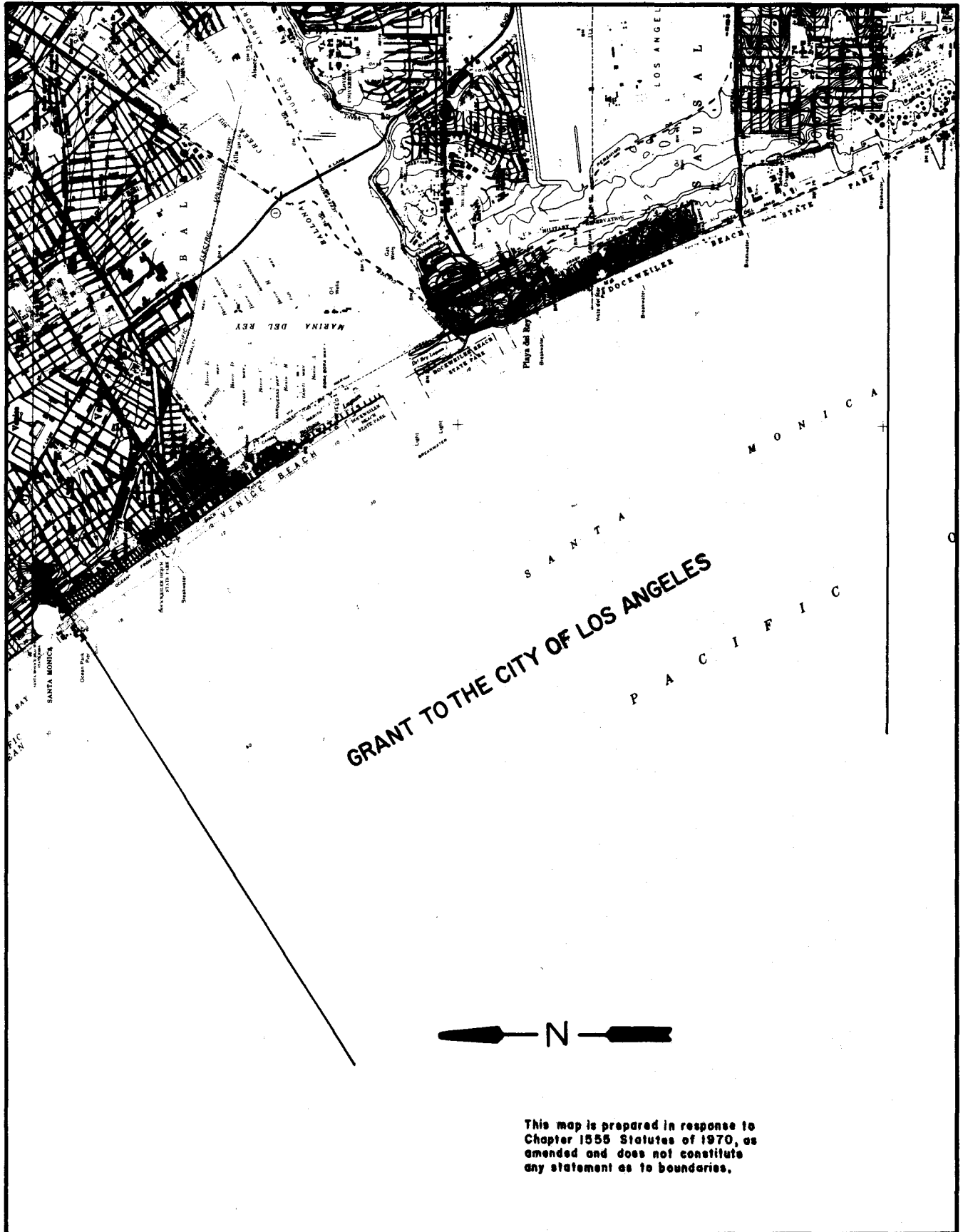


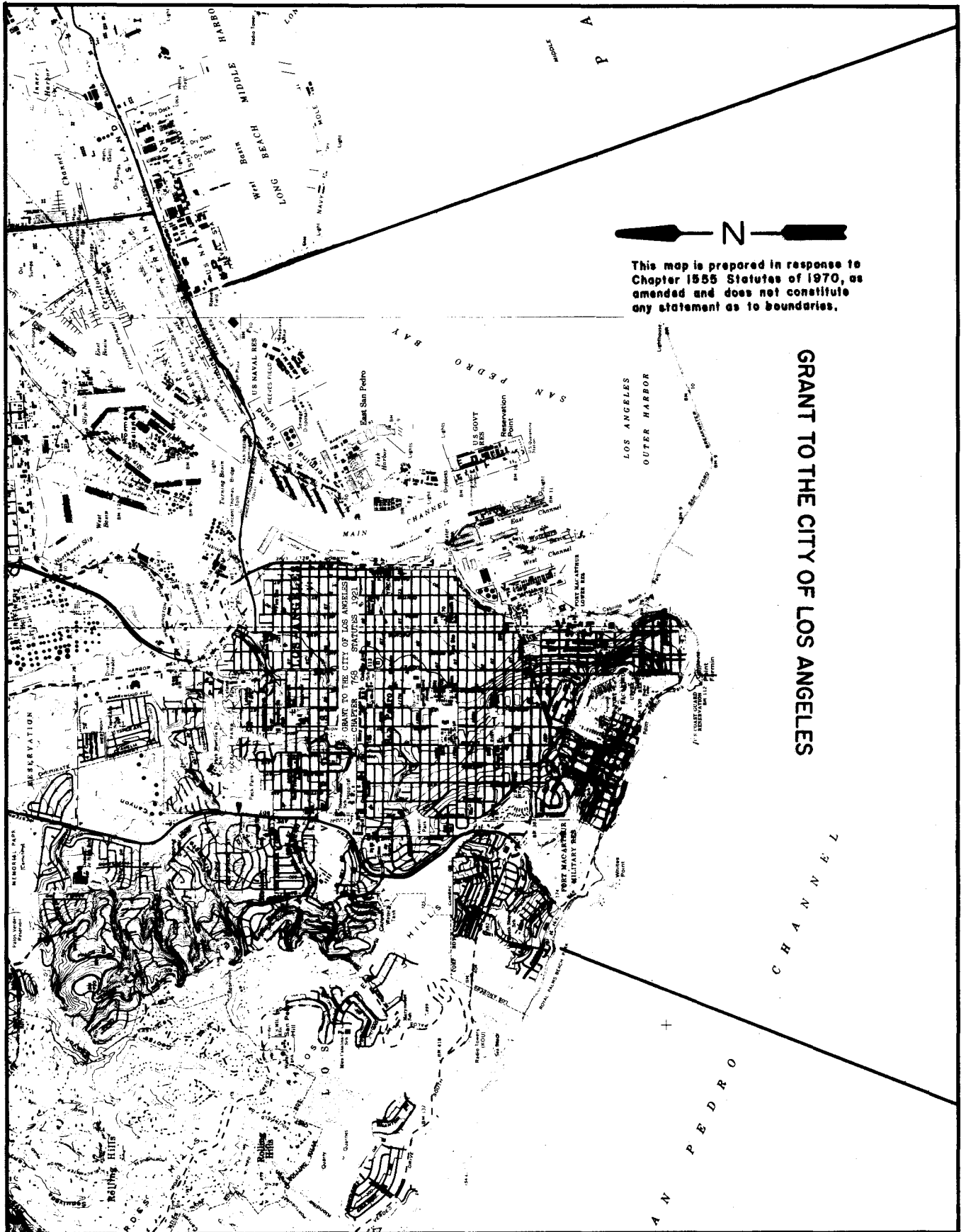


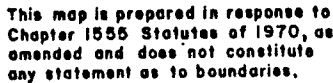


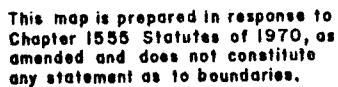


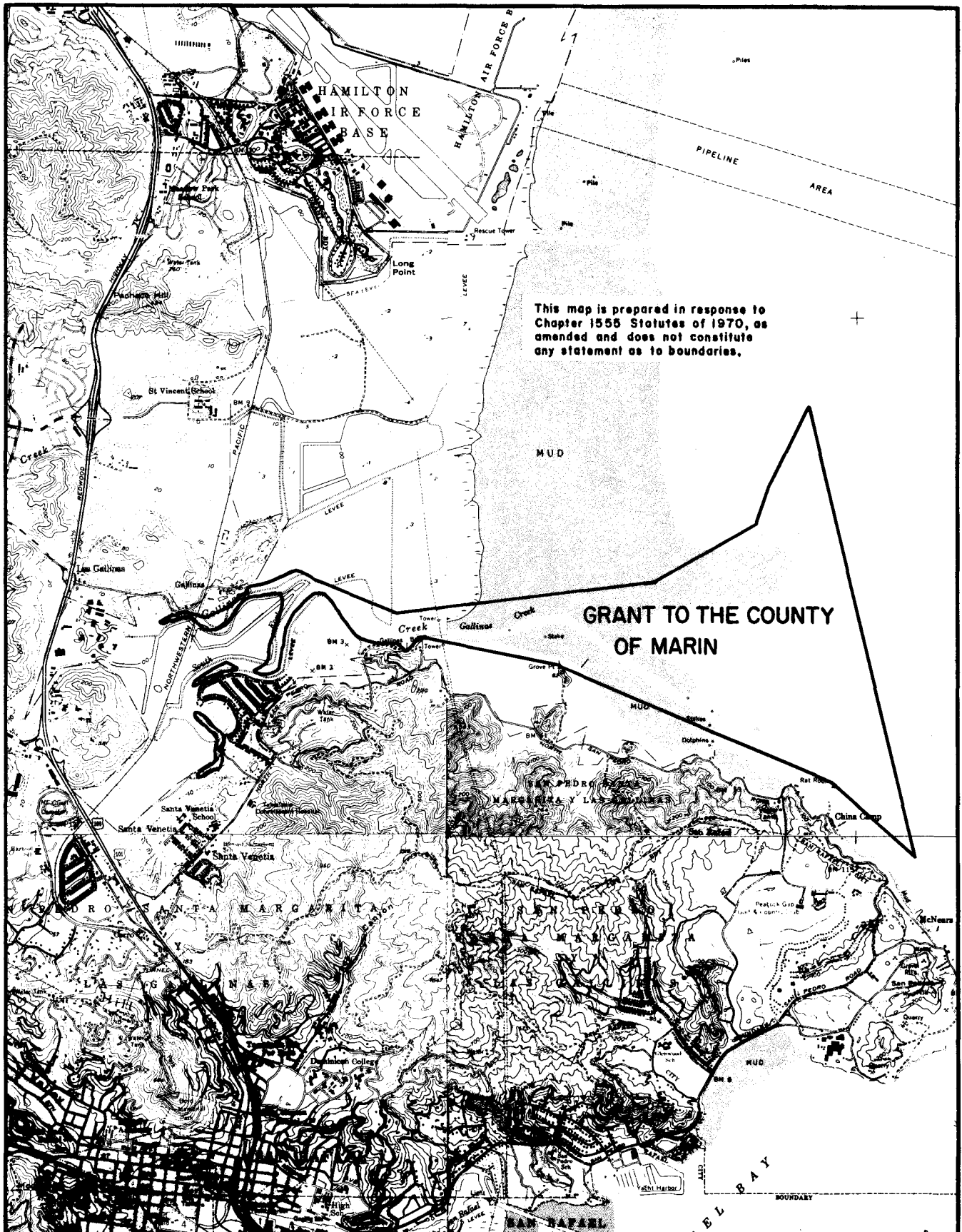






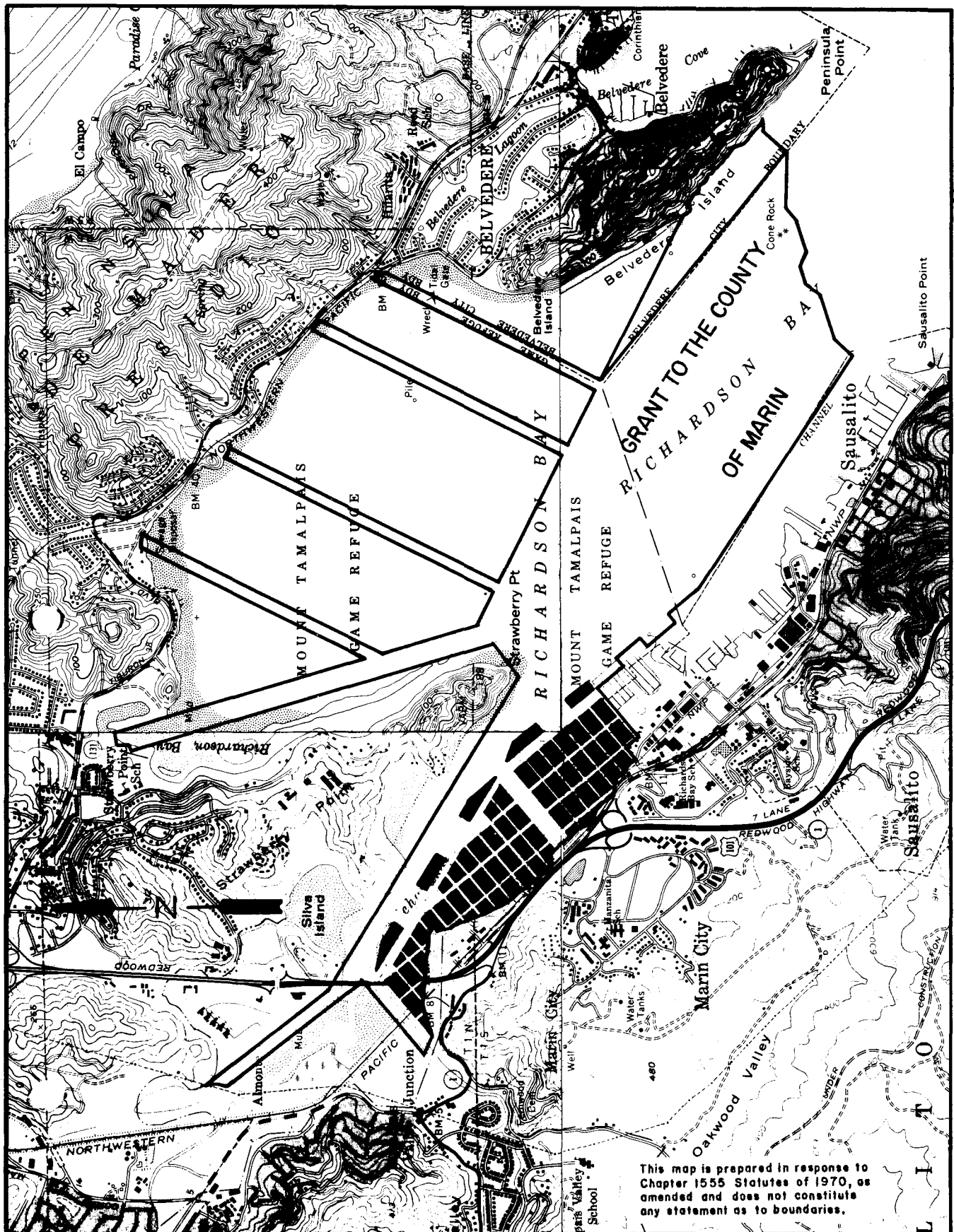


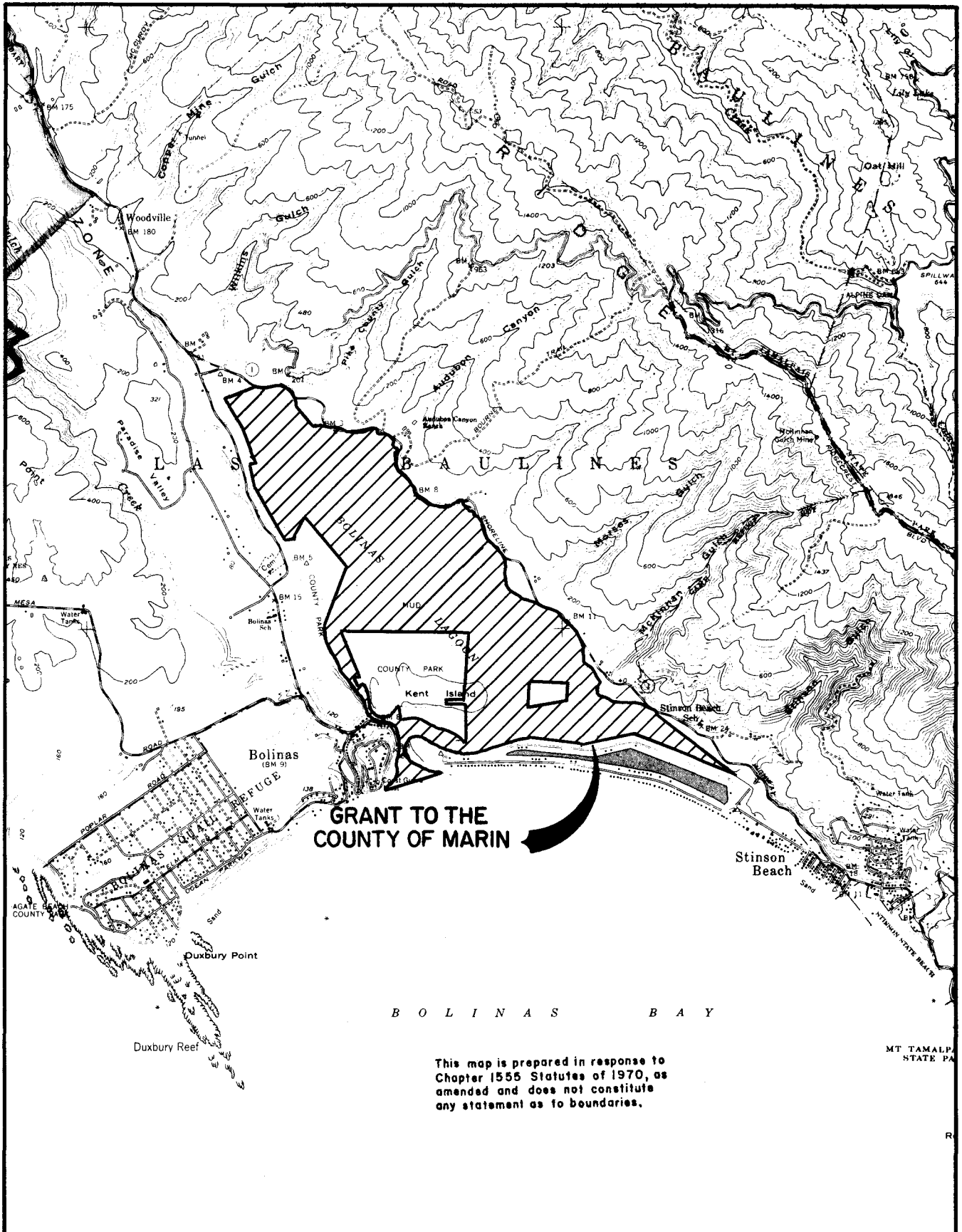


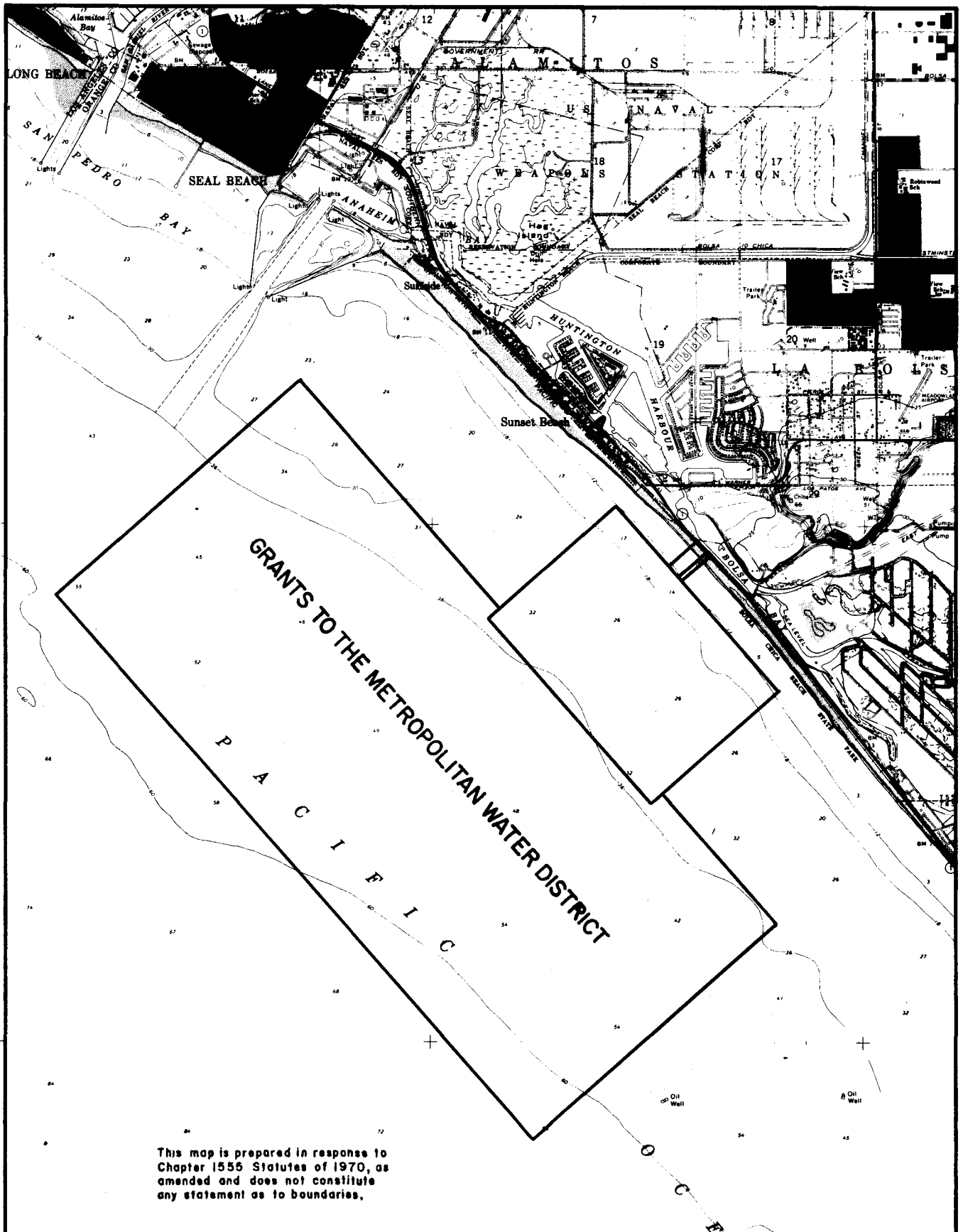


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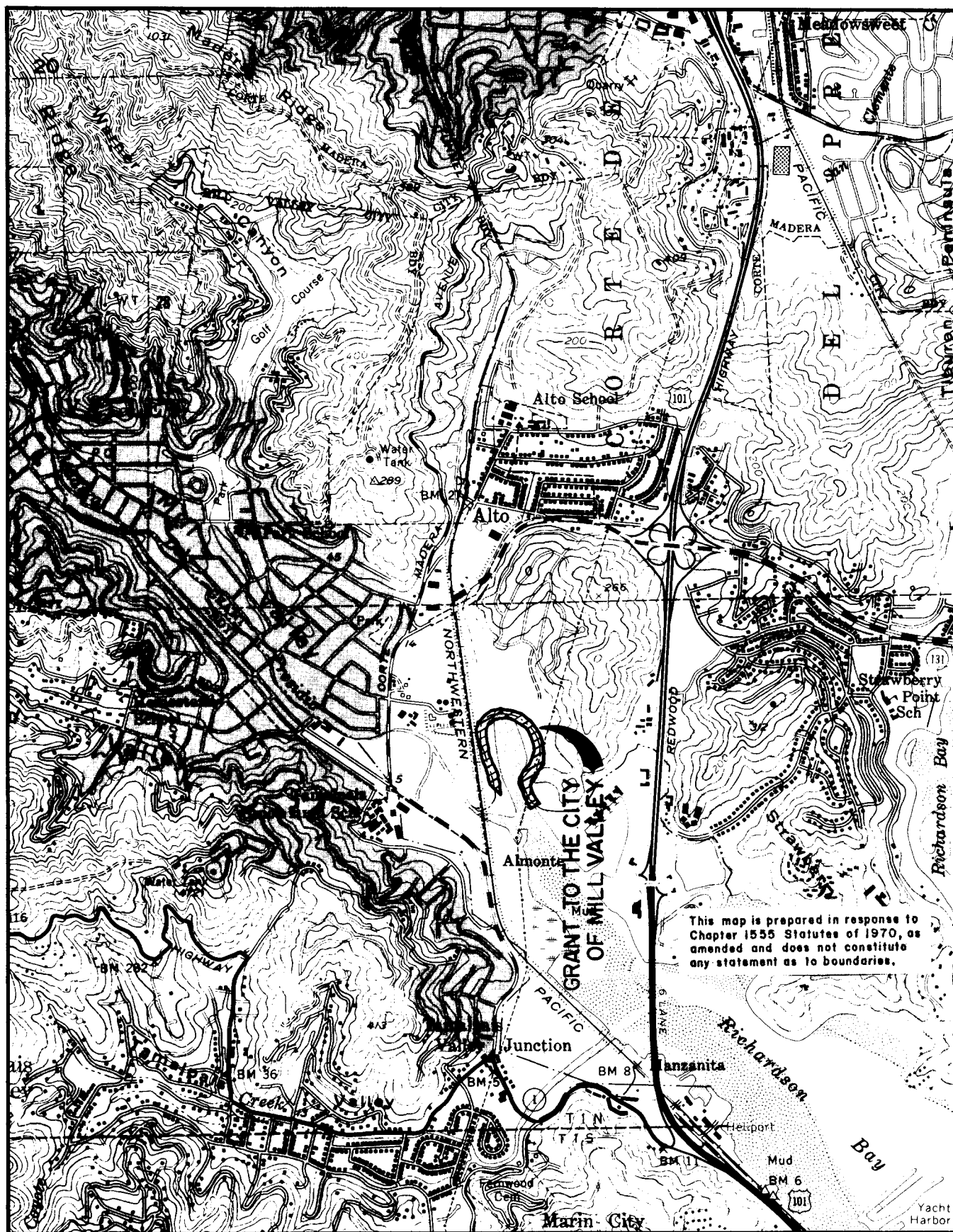
GRANT TO THE COUNTY OF MARIN





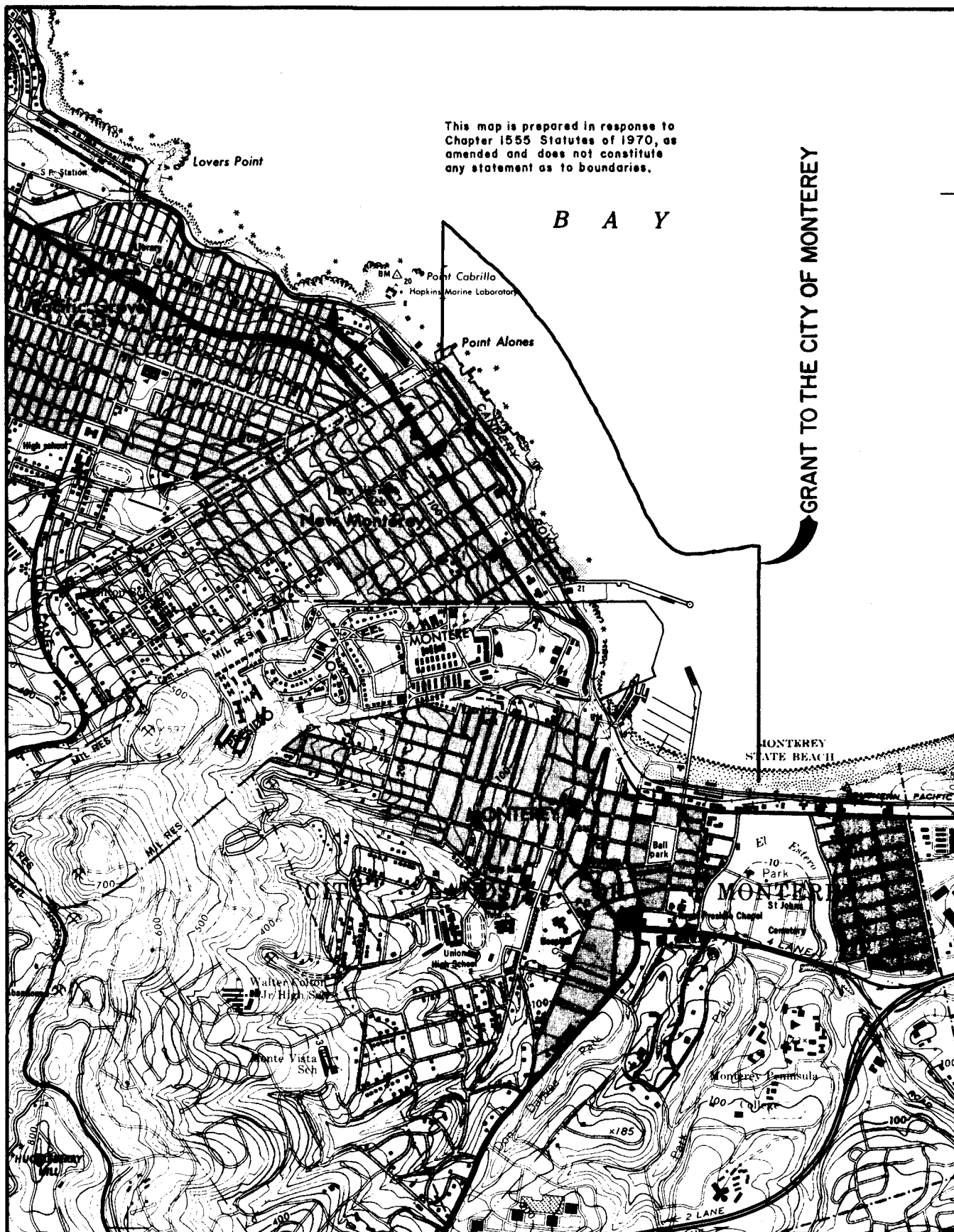


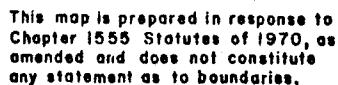
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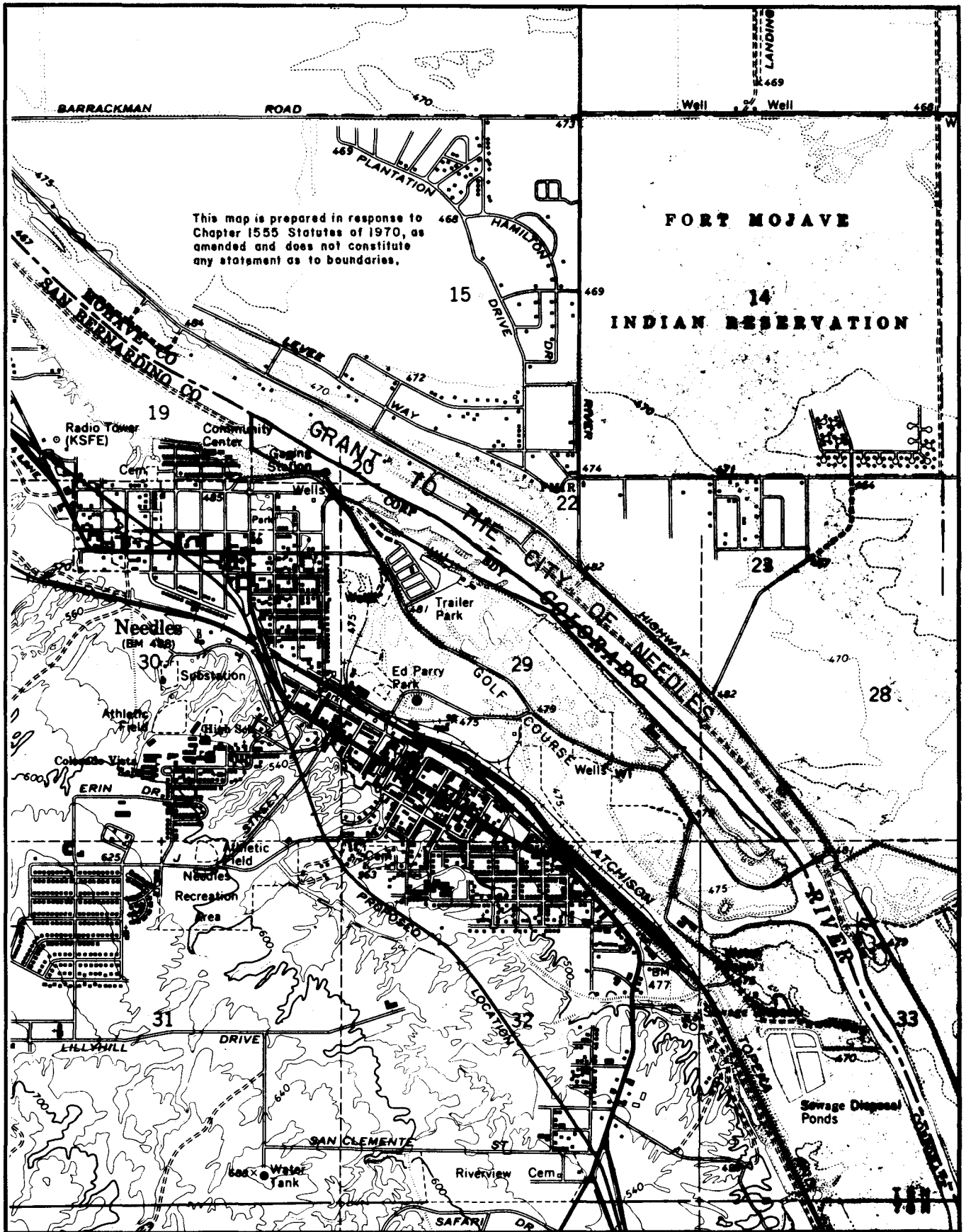


GRANT TO THE CITY OF MONTEREY

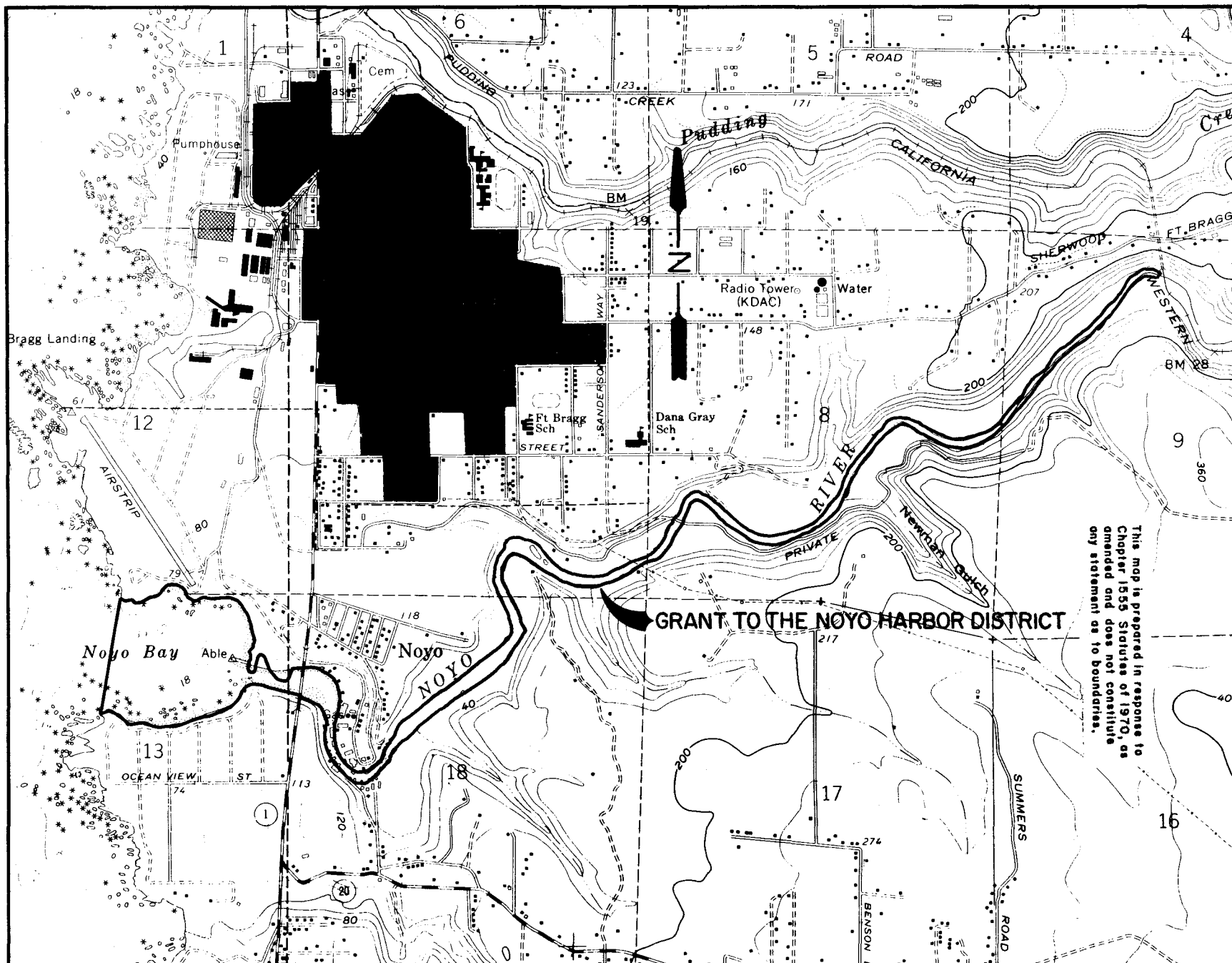
B *A* *Y*

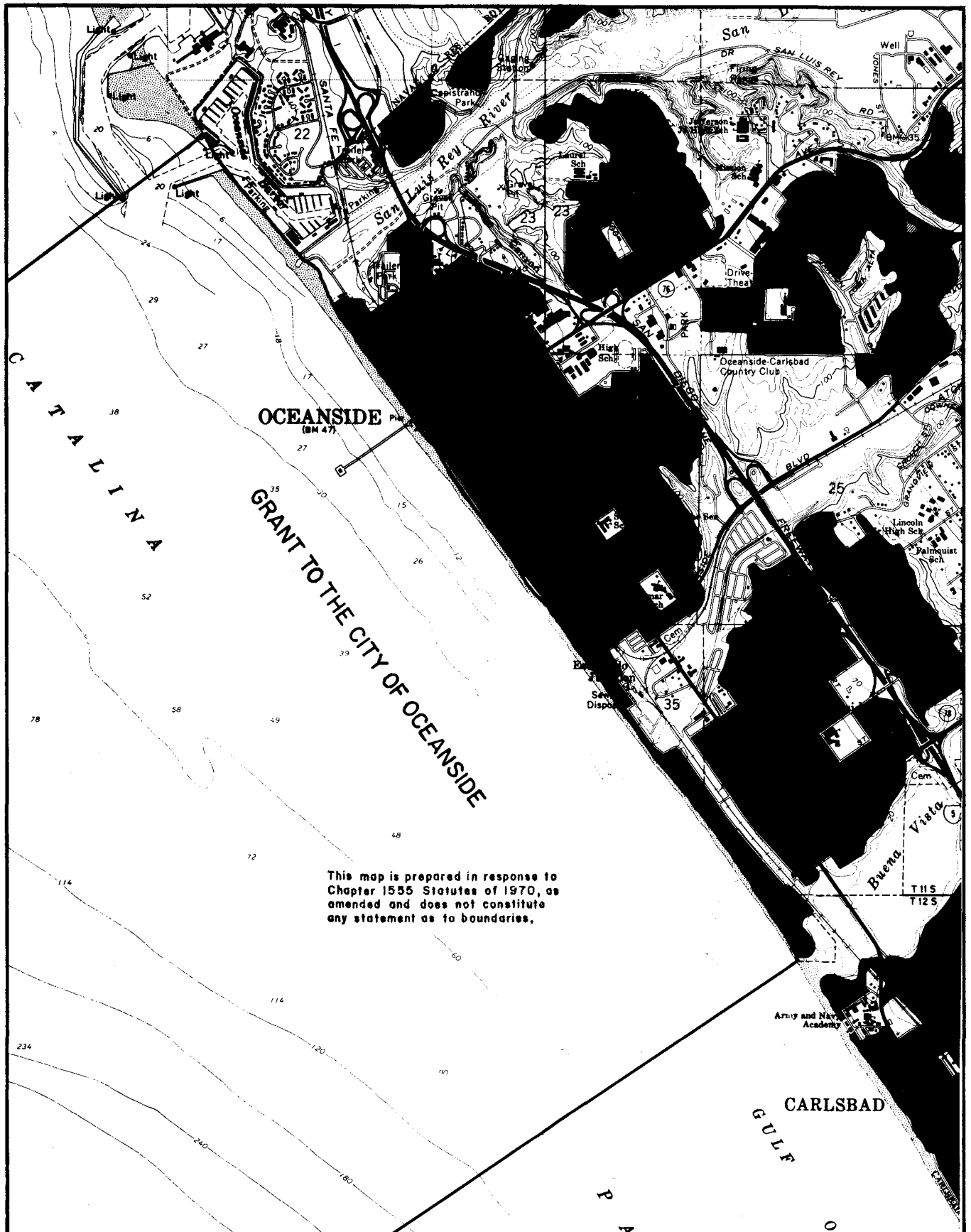


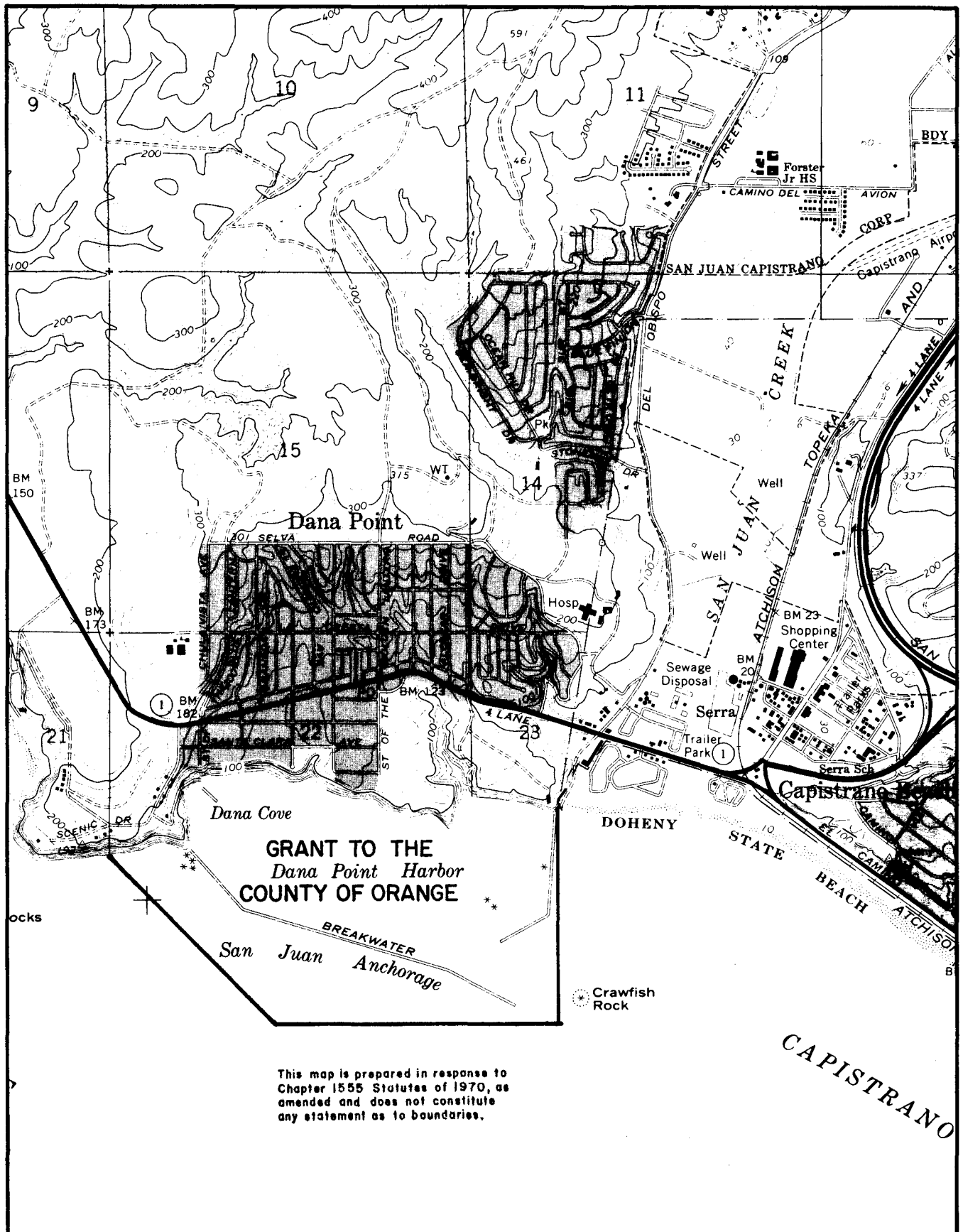




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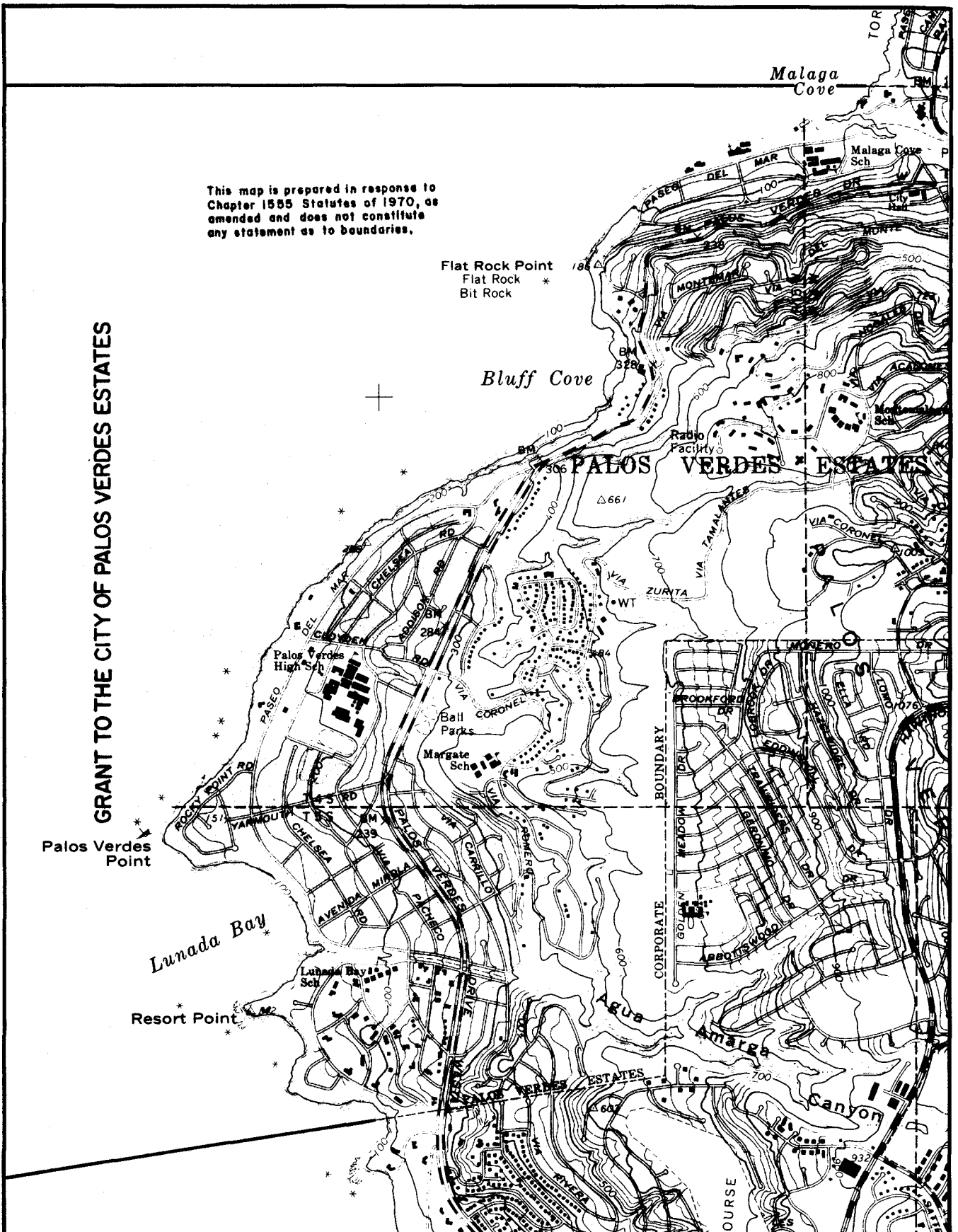


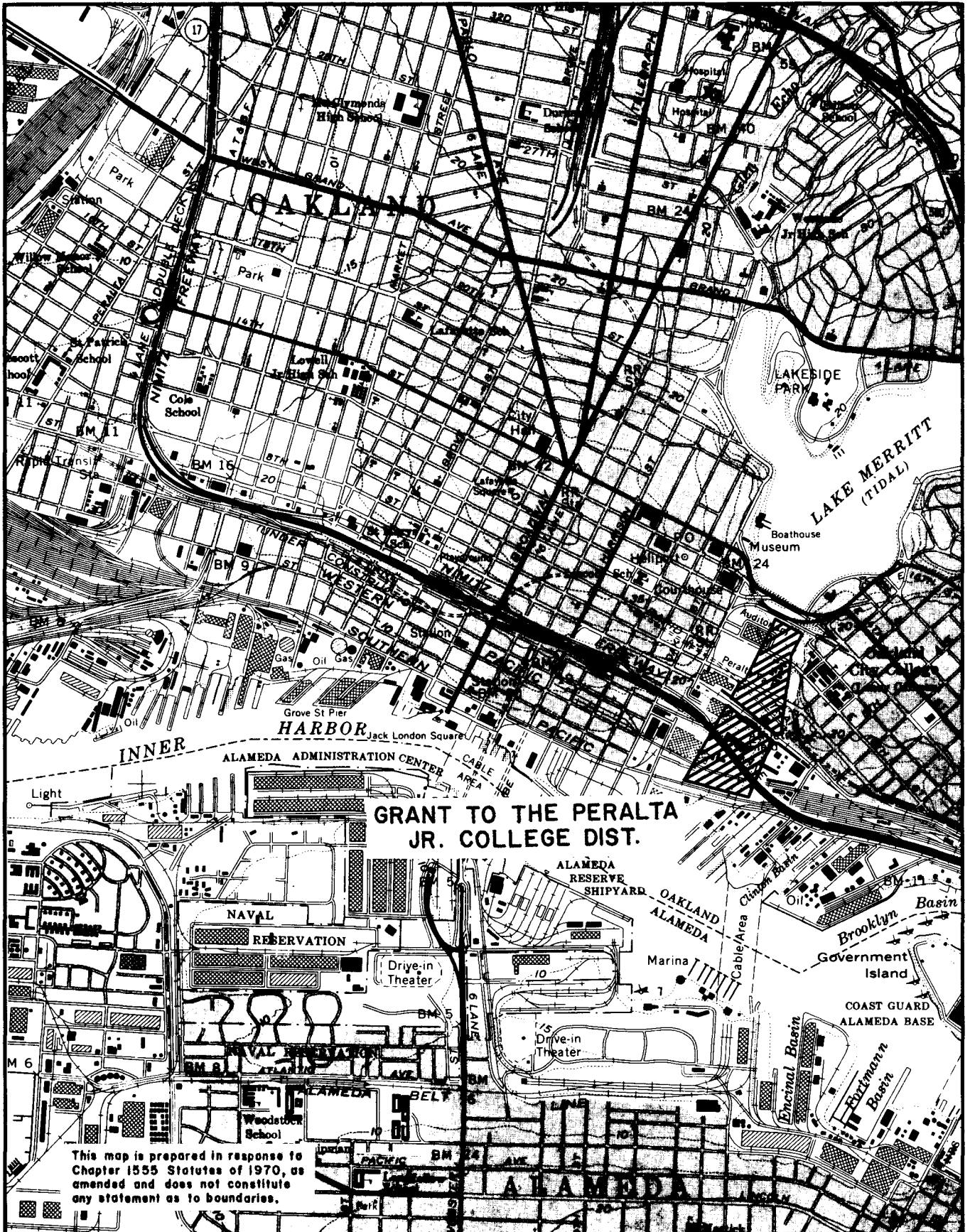


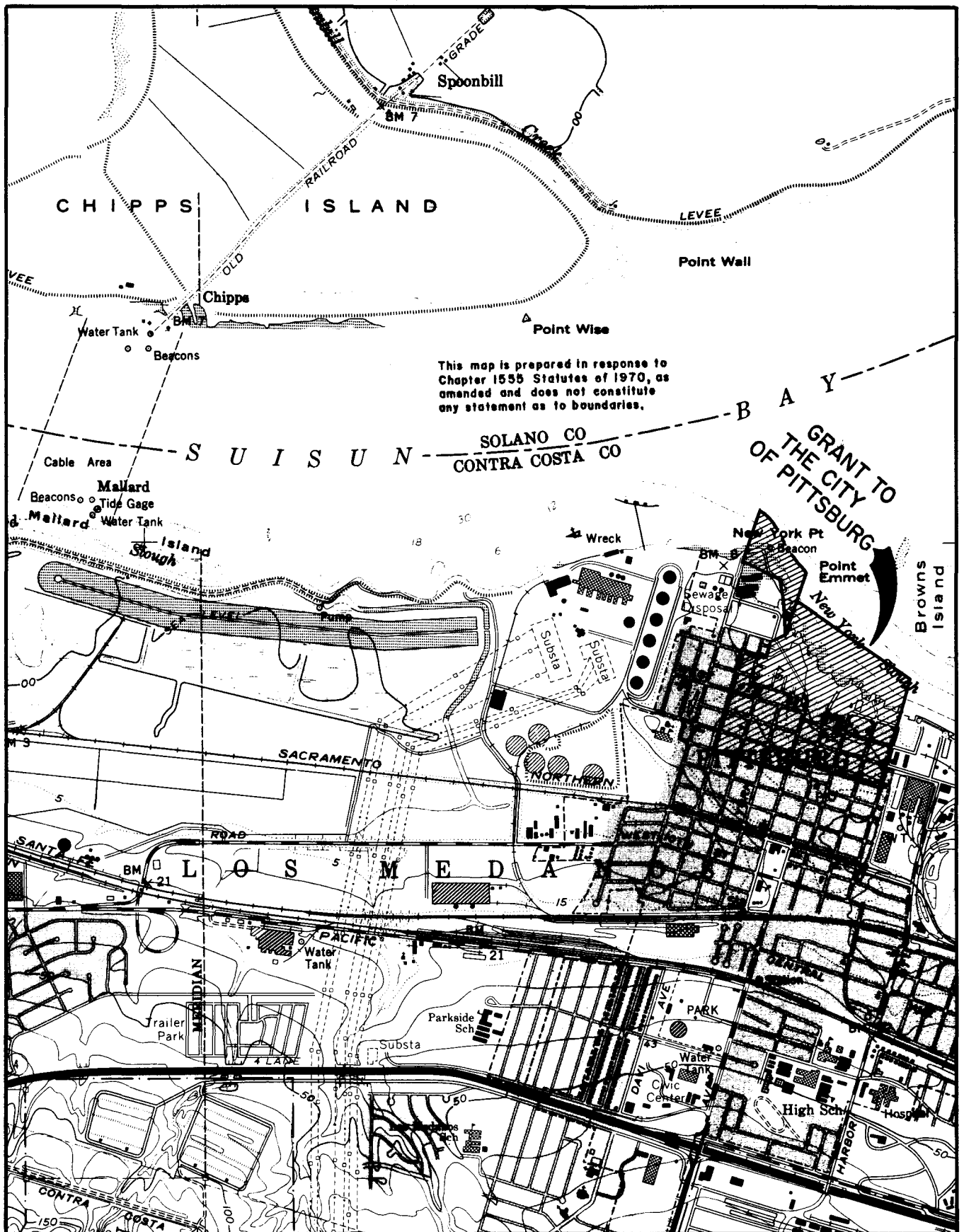


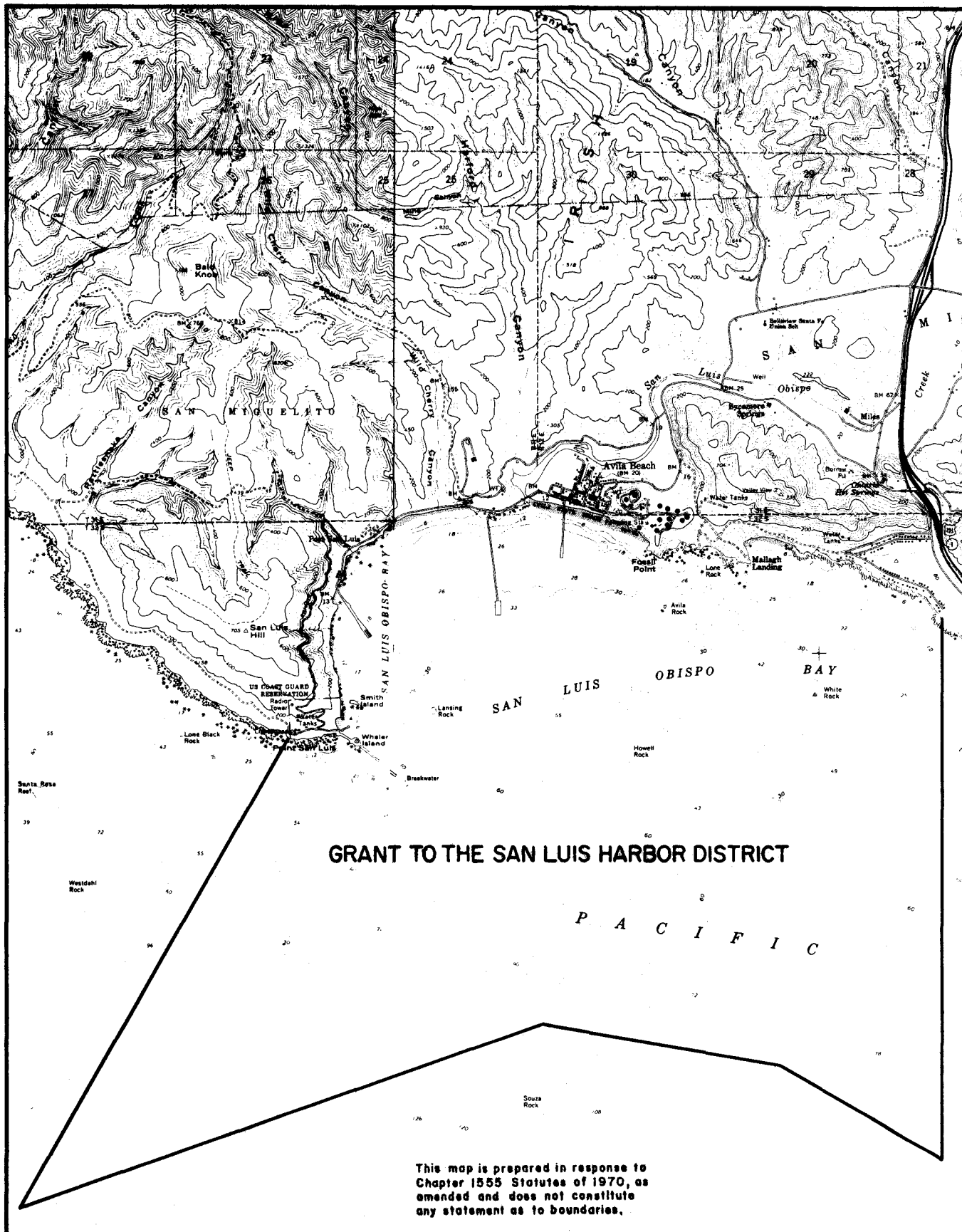
GRANT TO THE CITY OF PALOS VERDES ESTATES

This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries.

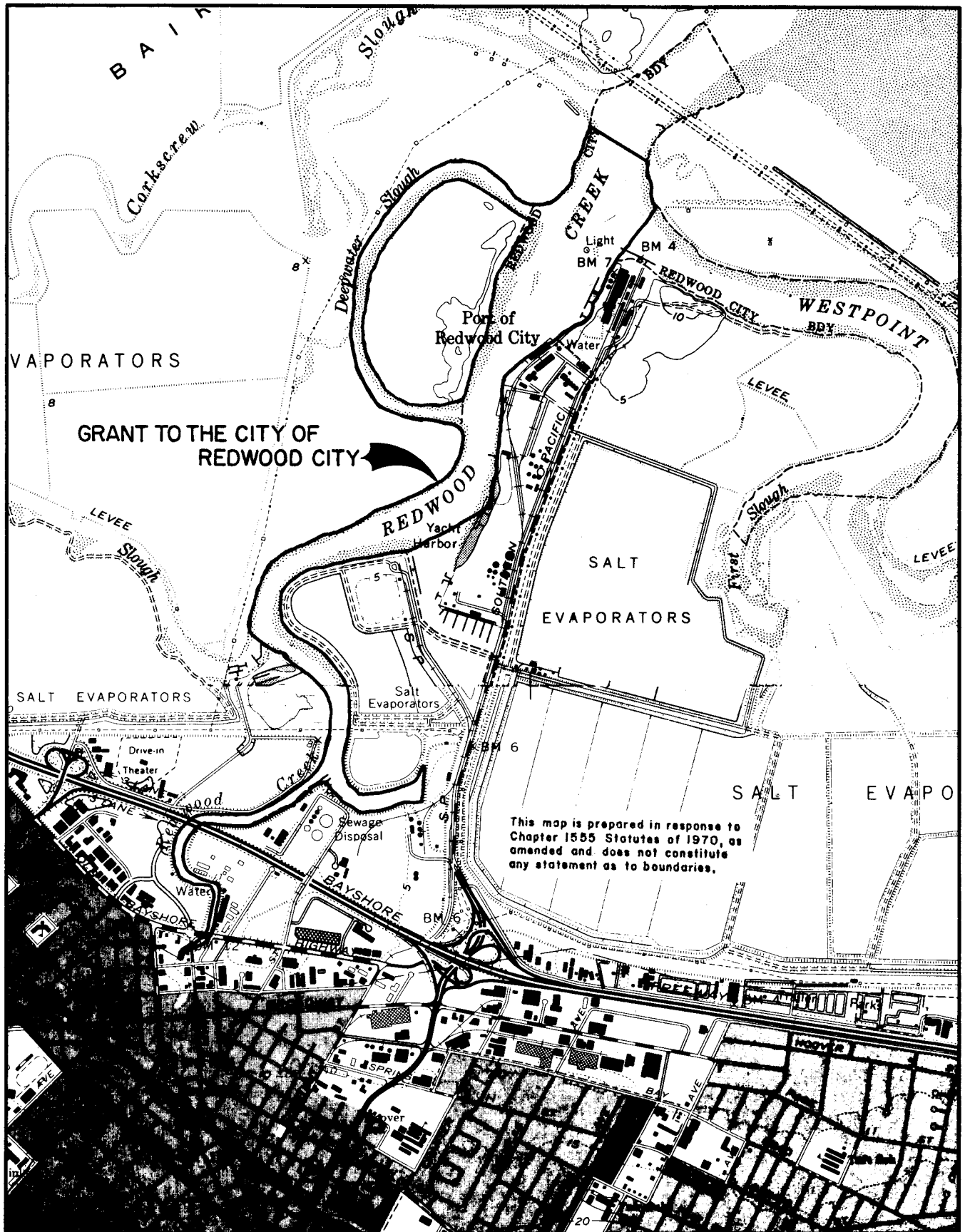


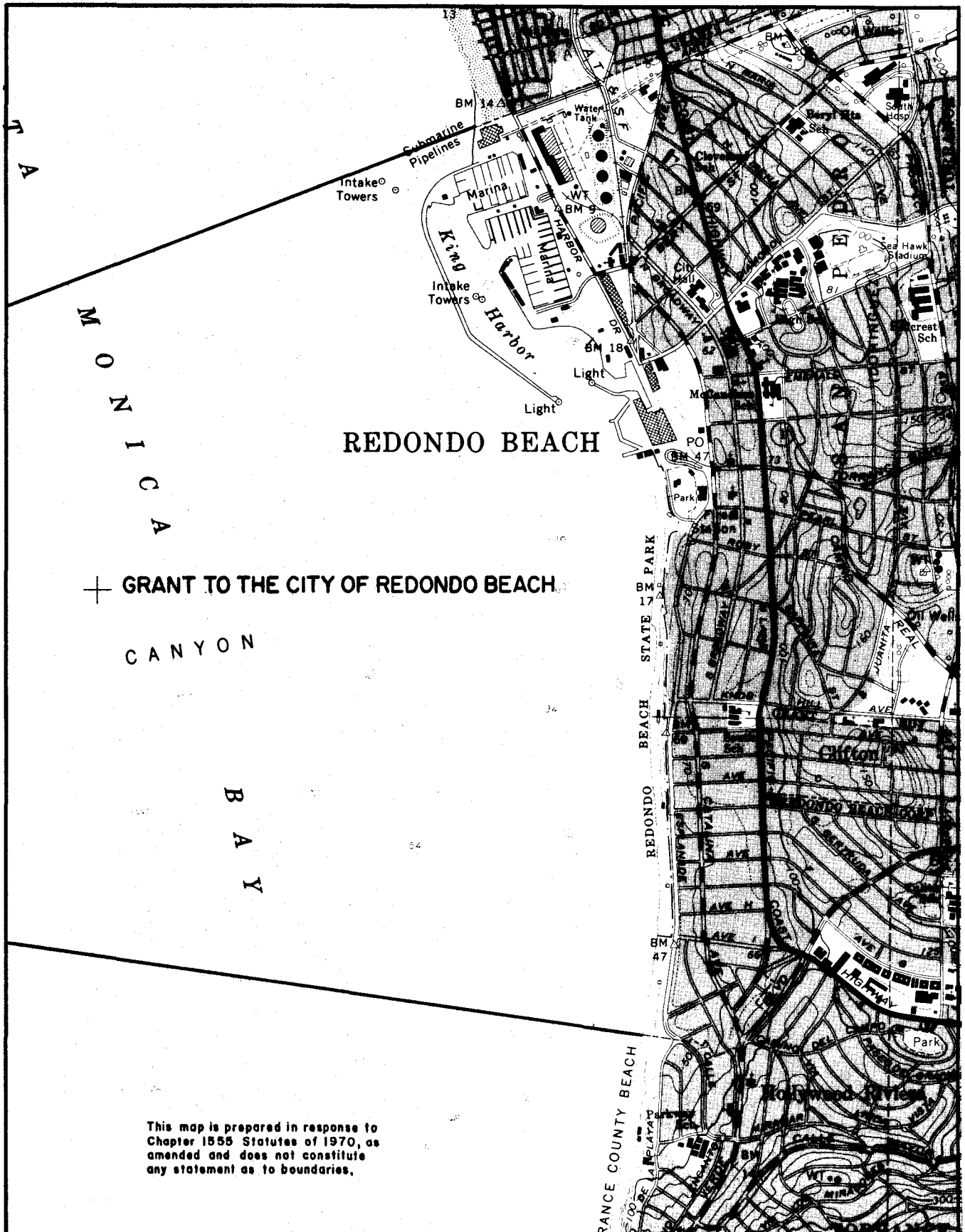




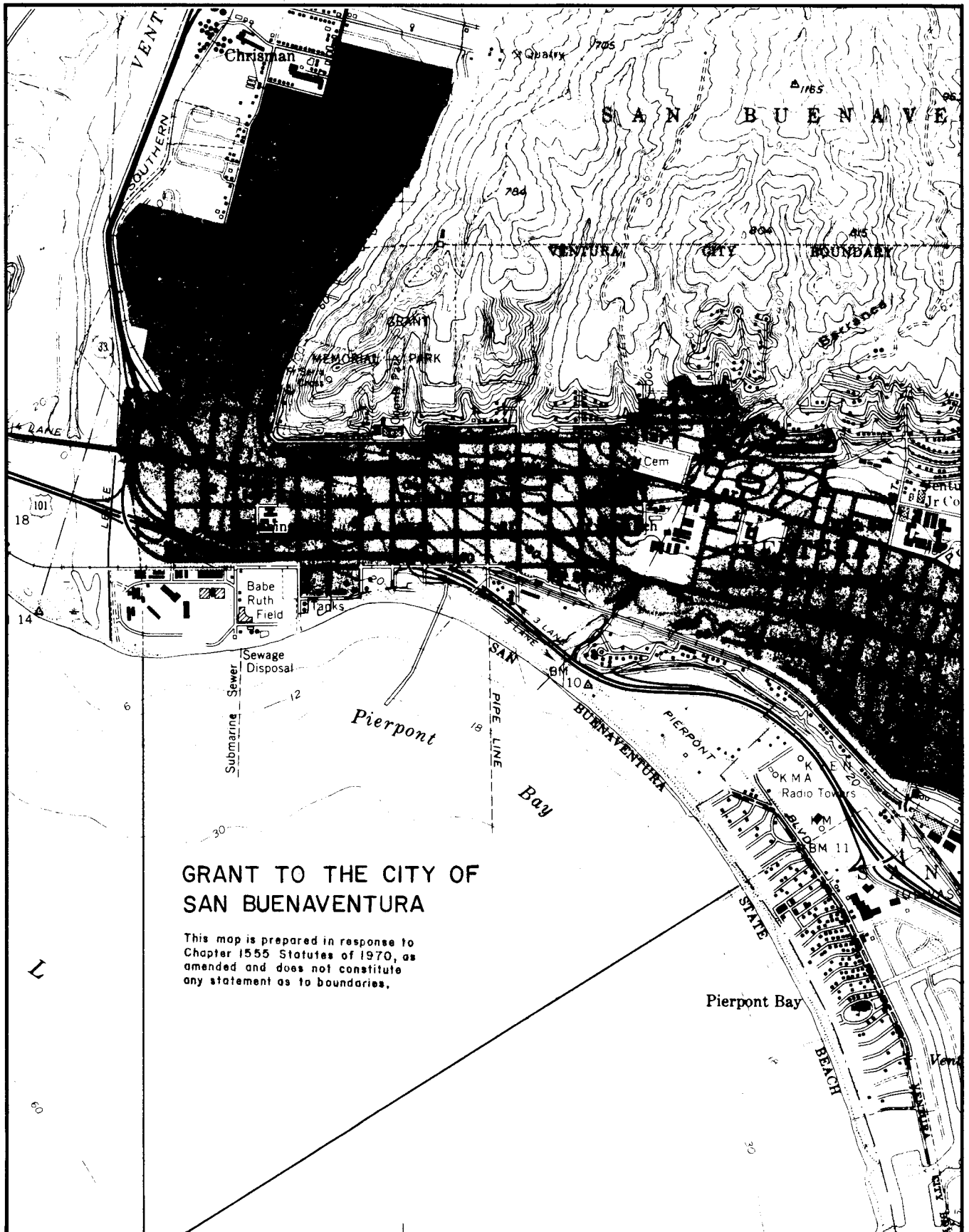


This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries.









Del Mar

GRANT TO THE CITY OF SAN DIEGO

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This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries.

SHEET 1 OF 2

GRANT TO
THE CITY OF
SAN DIEGO

42'30"

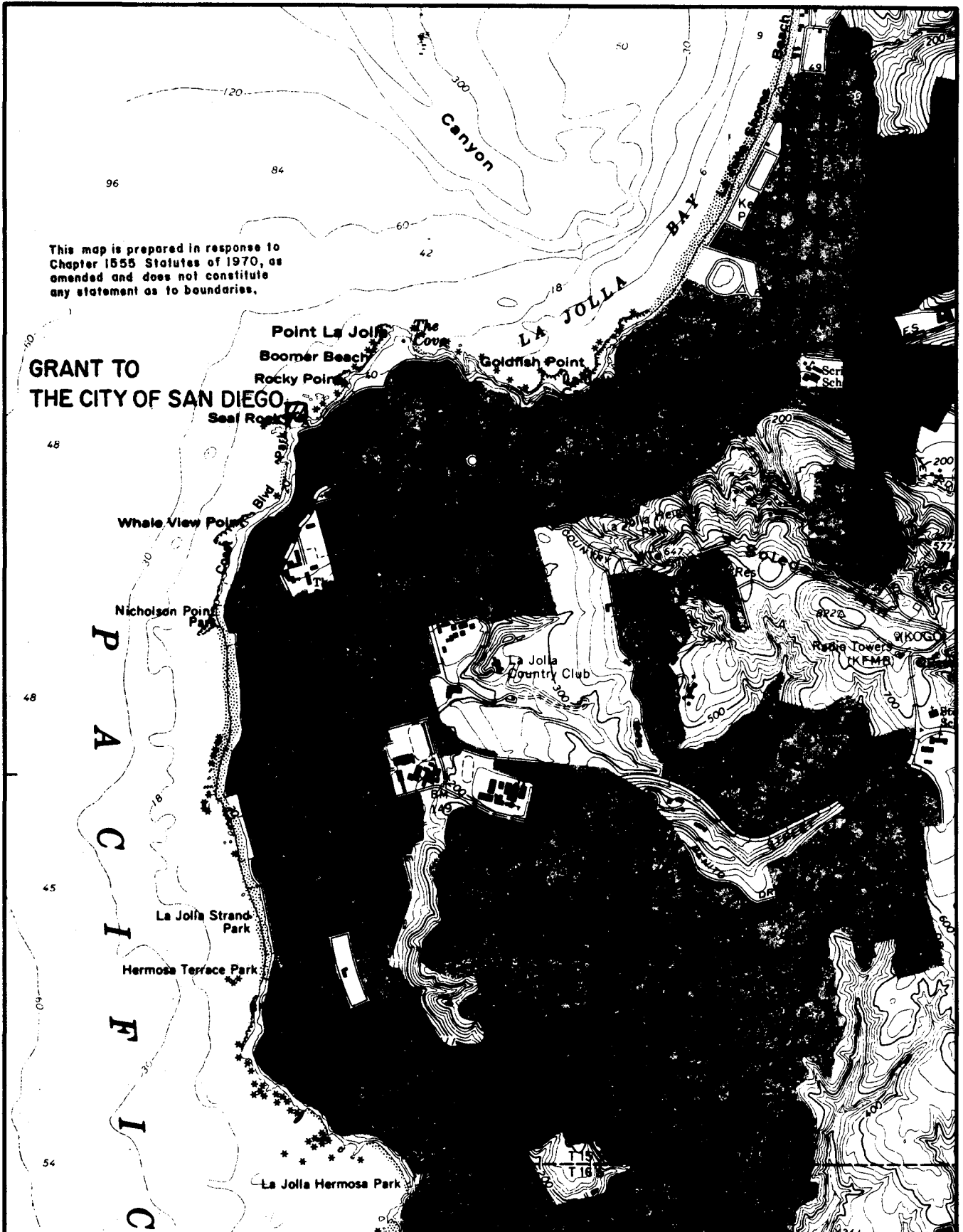
This map is prepared in response to
Chapter 1555 Statutes of 1970, as
amended and does not constitute
any statement as to boundaries.

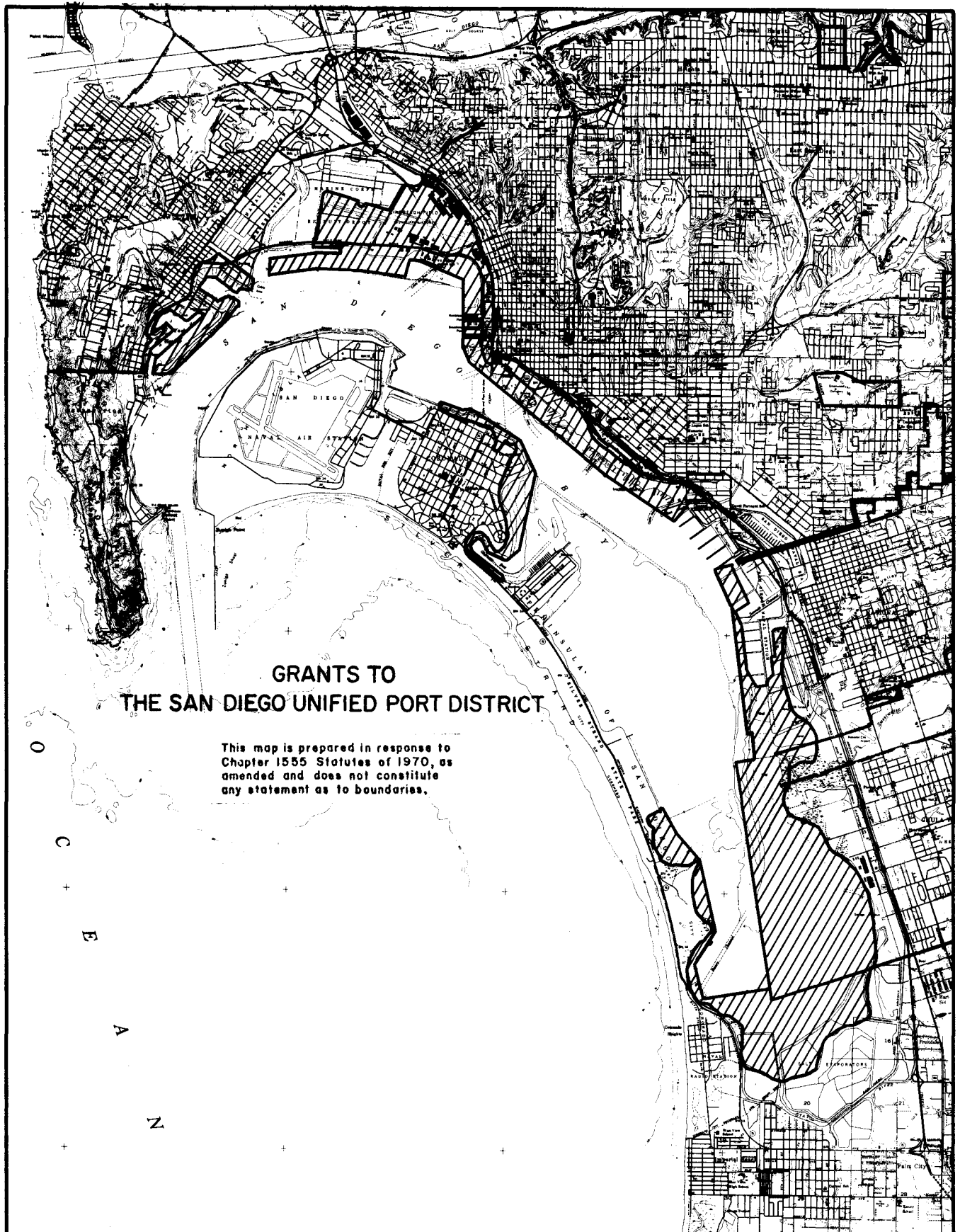
Salt Water
Conversion Plant
Radio Tower
US COAST GUARD
RESERVATION
Lighthouse

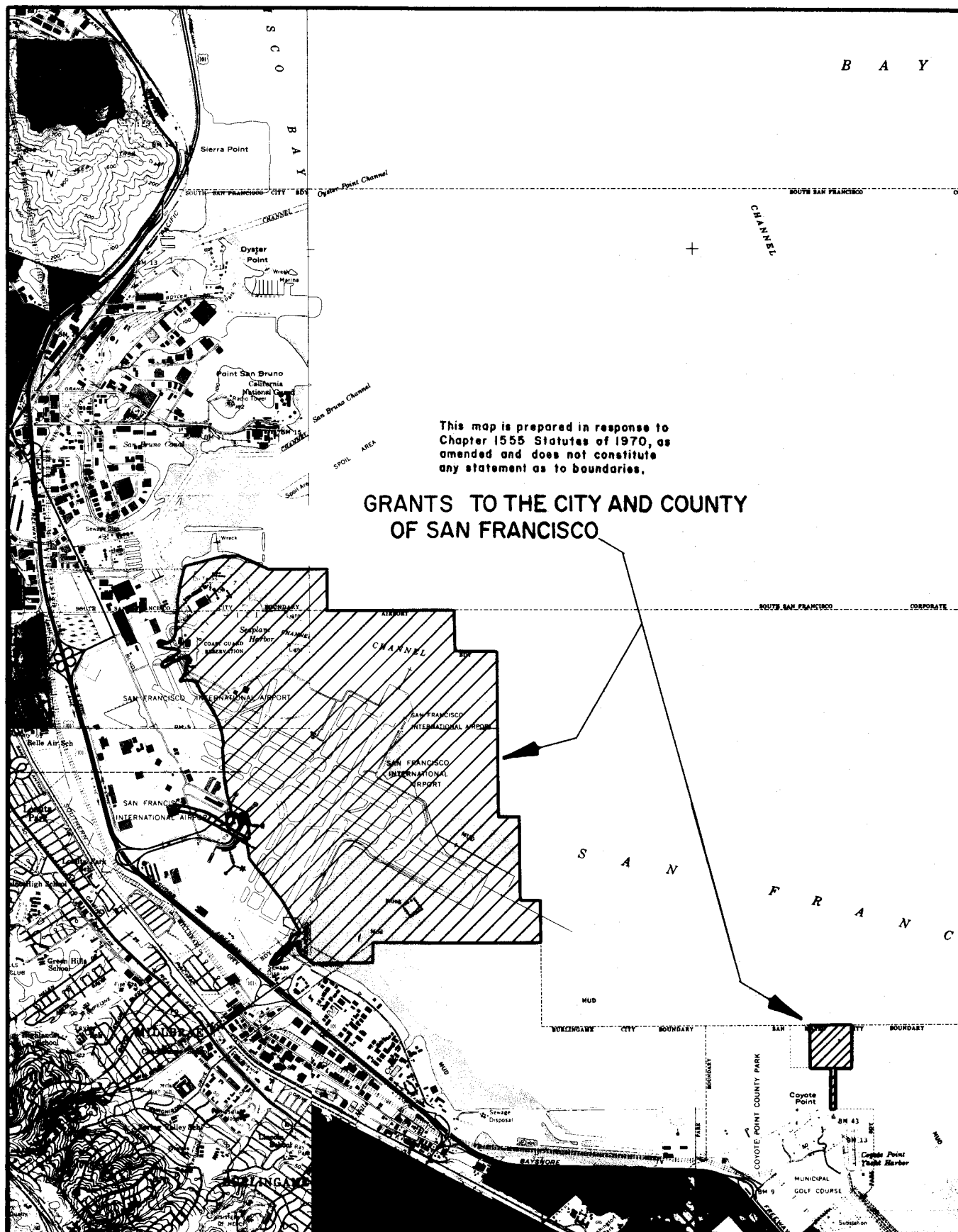
SHEET 2 OF 2

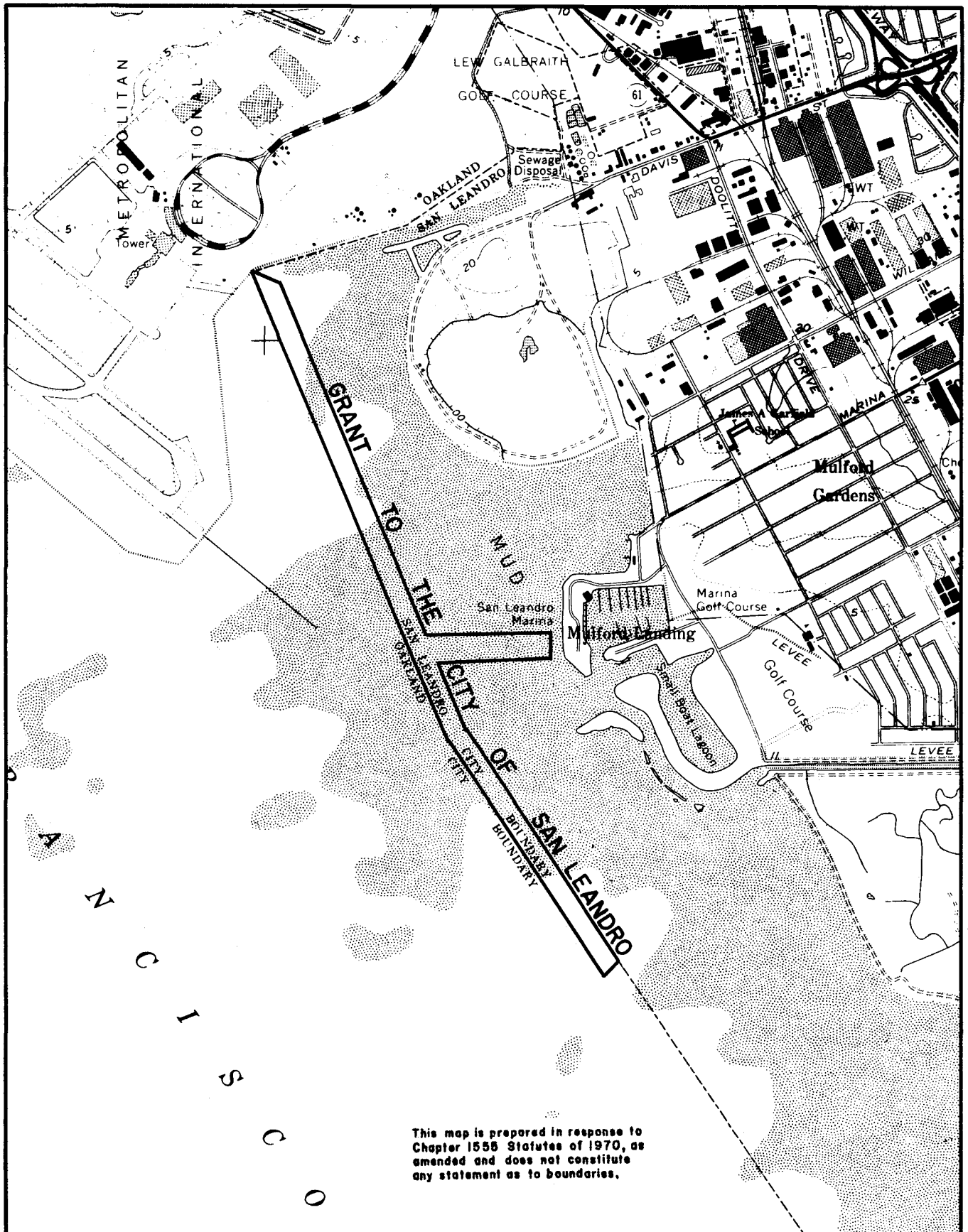
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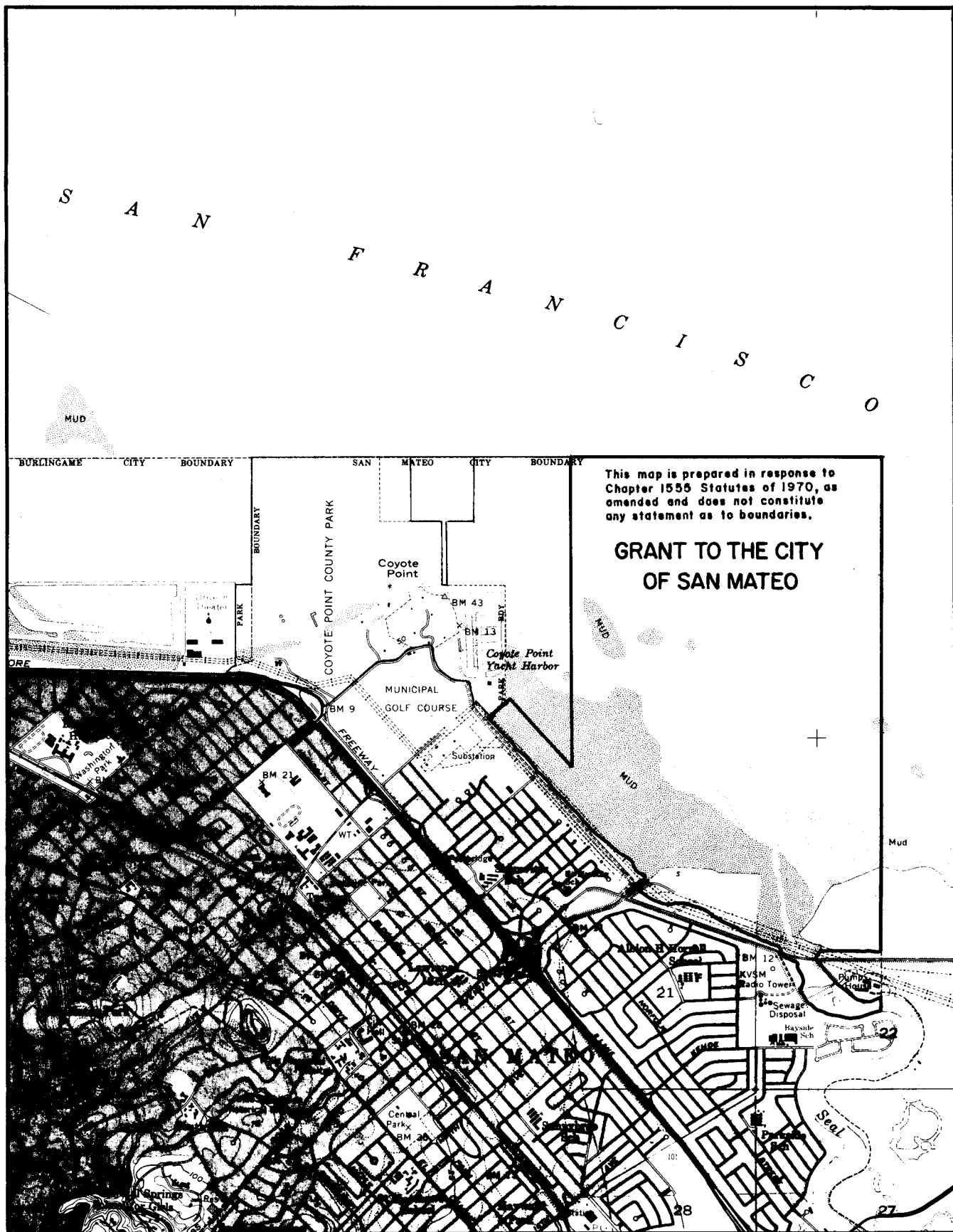
GRANT TO THE CITY OF SAN DIEGO

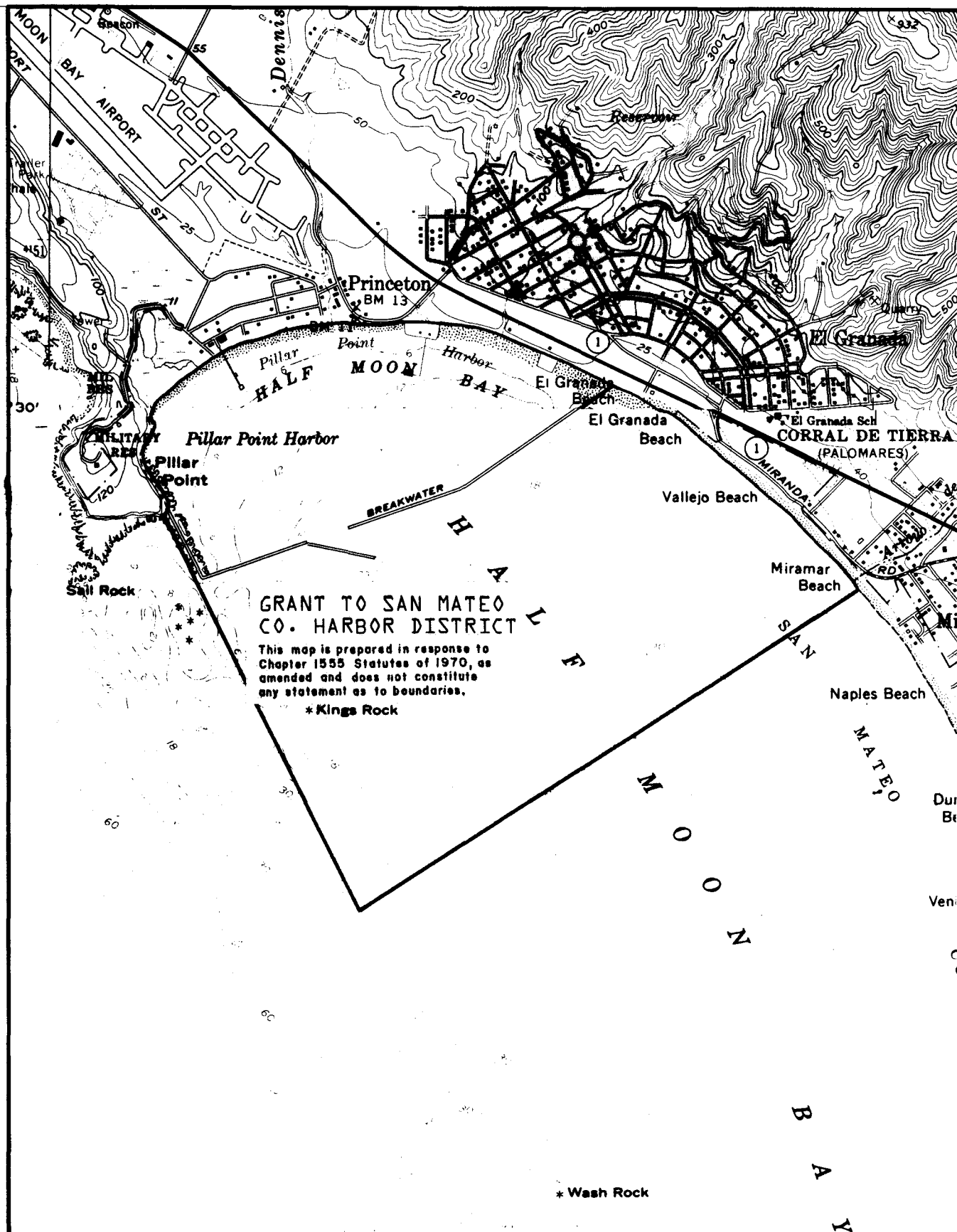










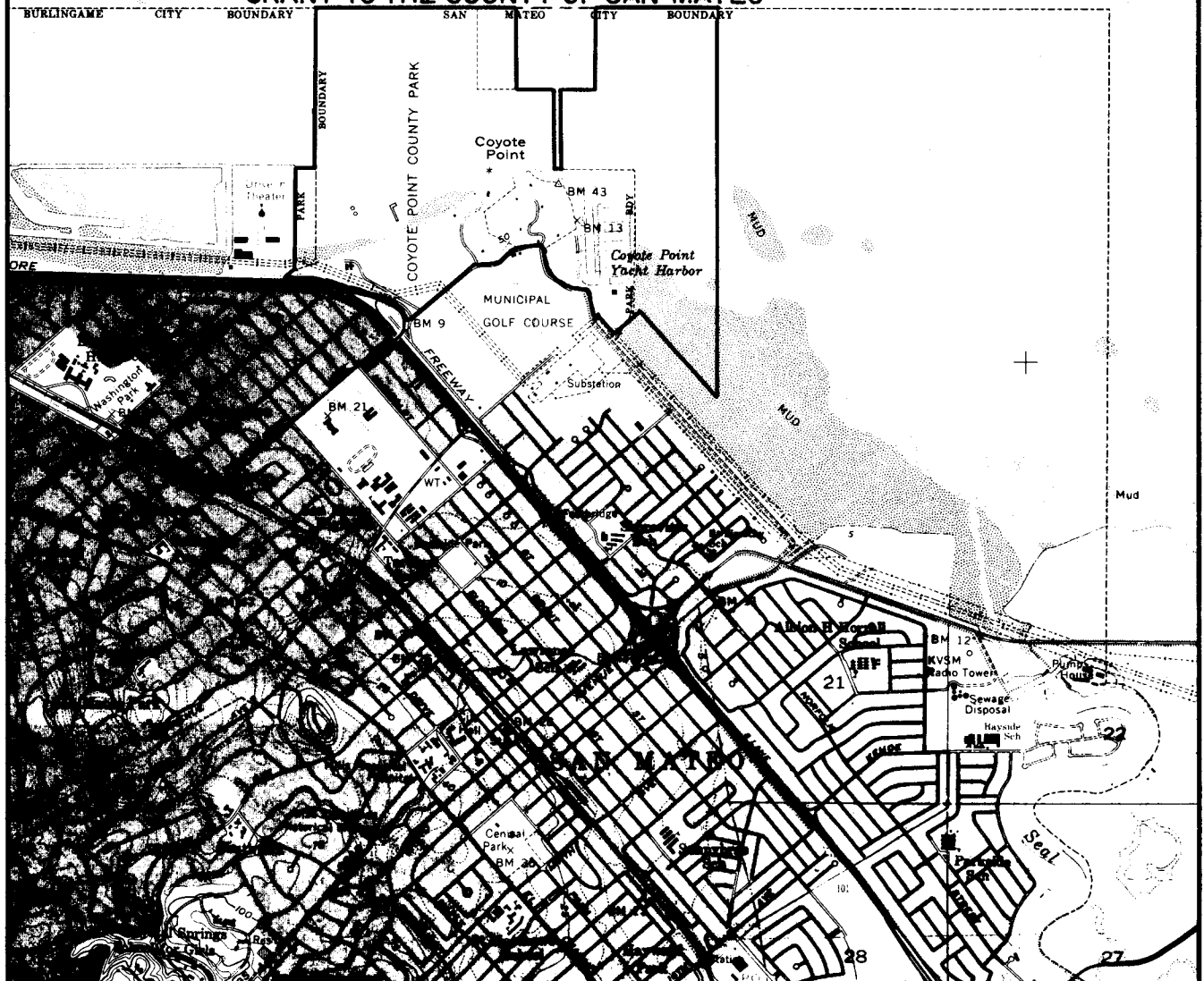


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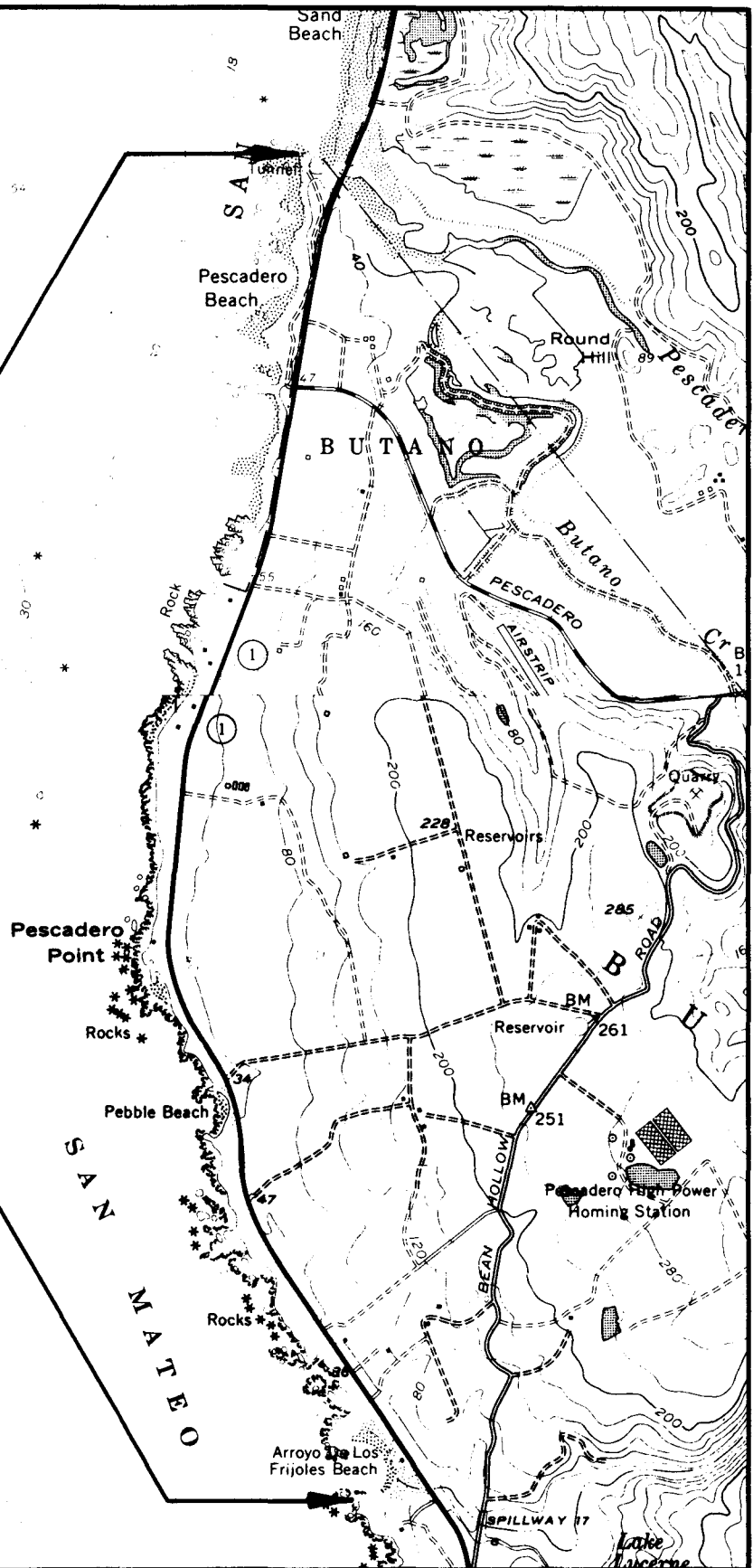
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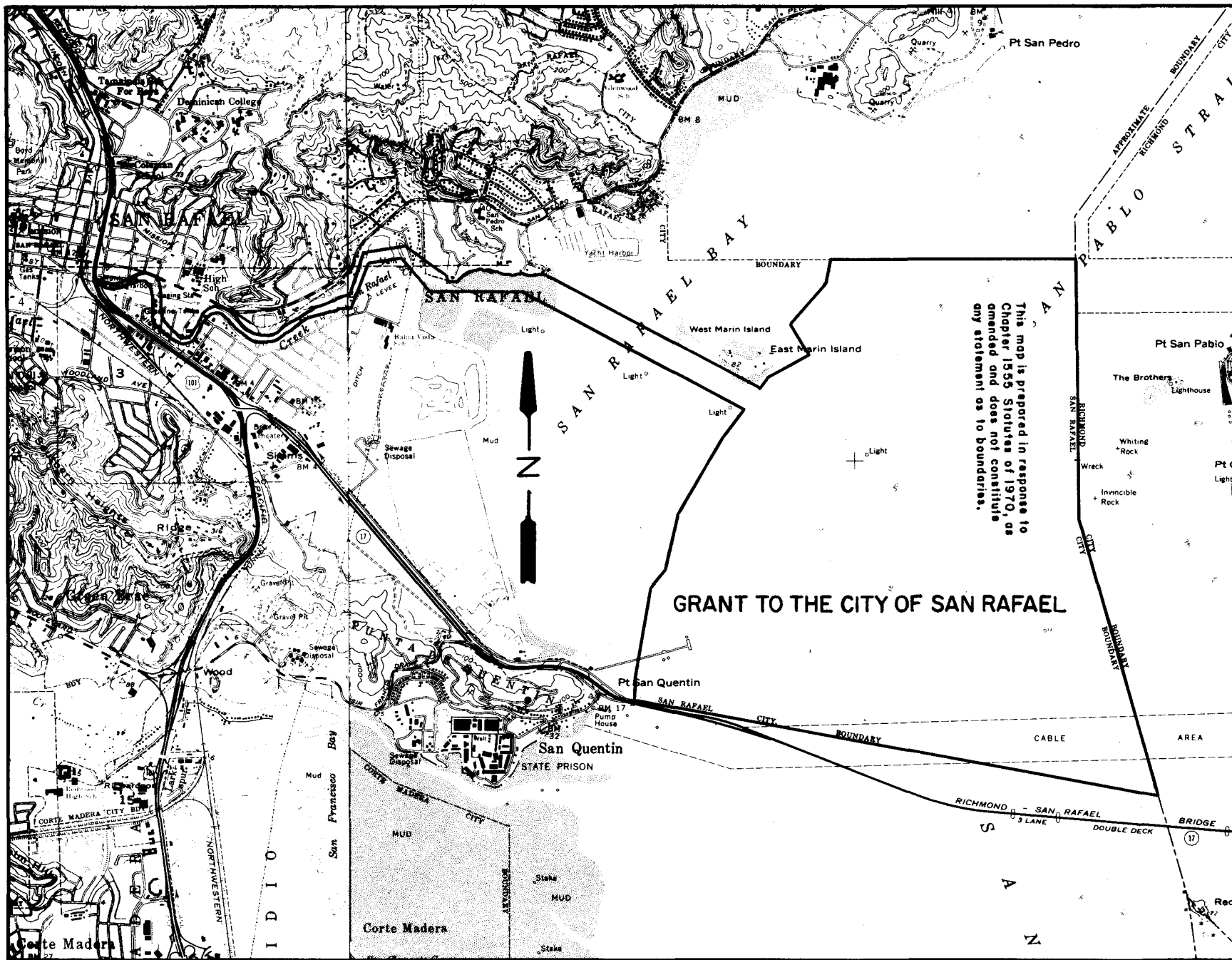
GRANT TO THE COUNTY OF SAN MATEO

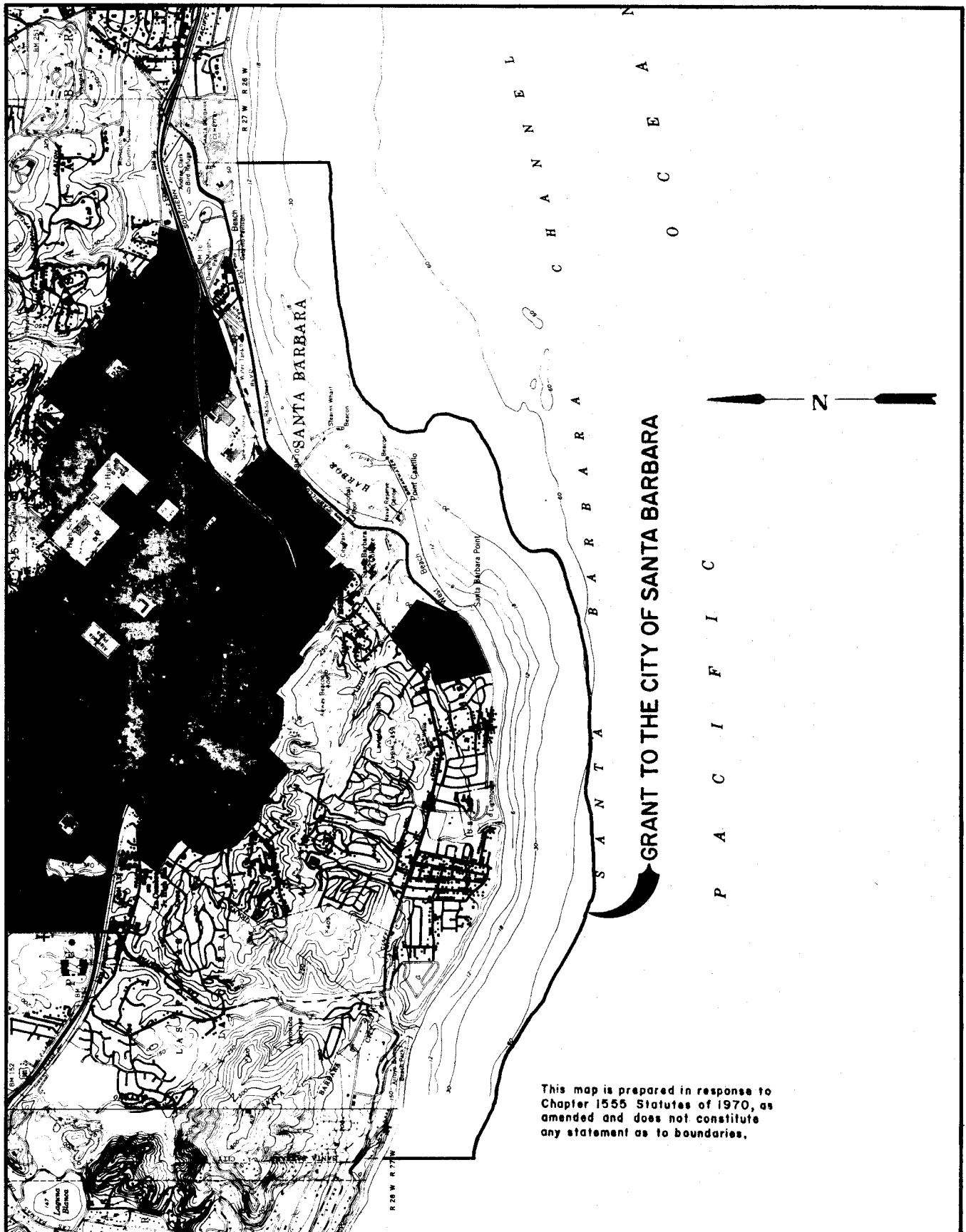


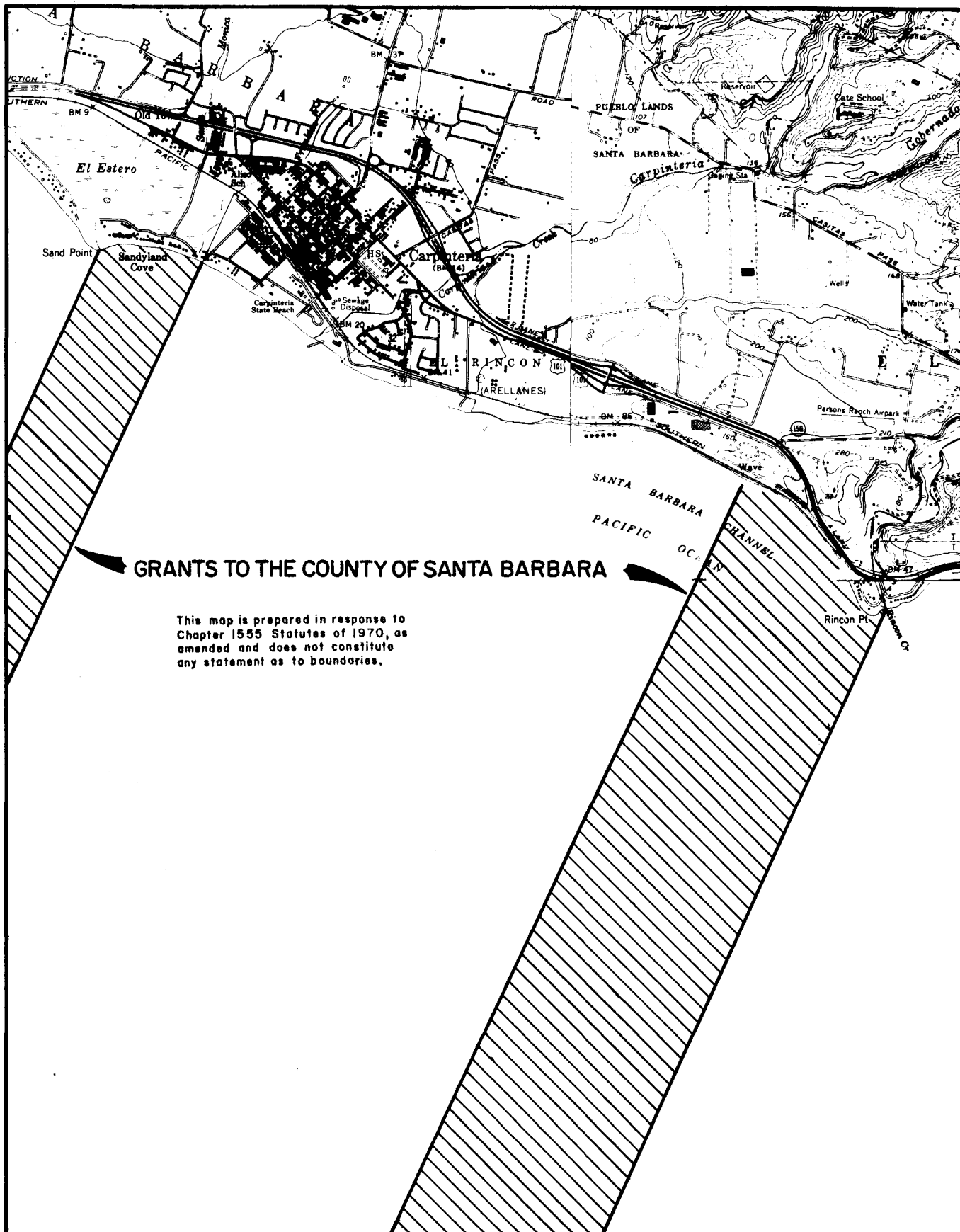
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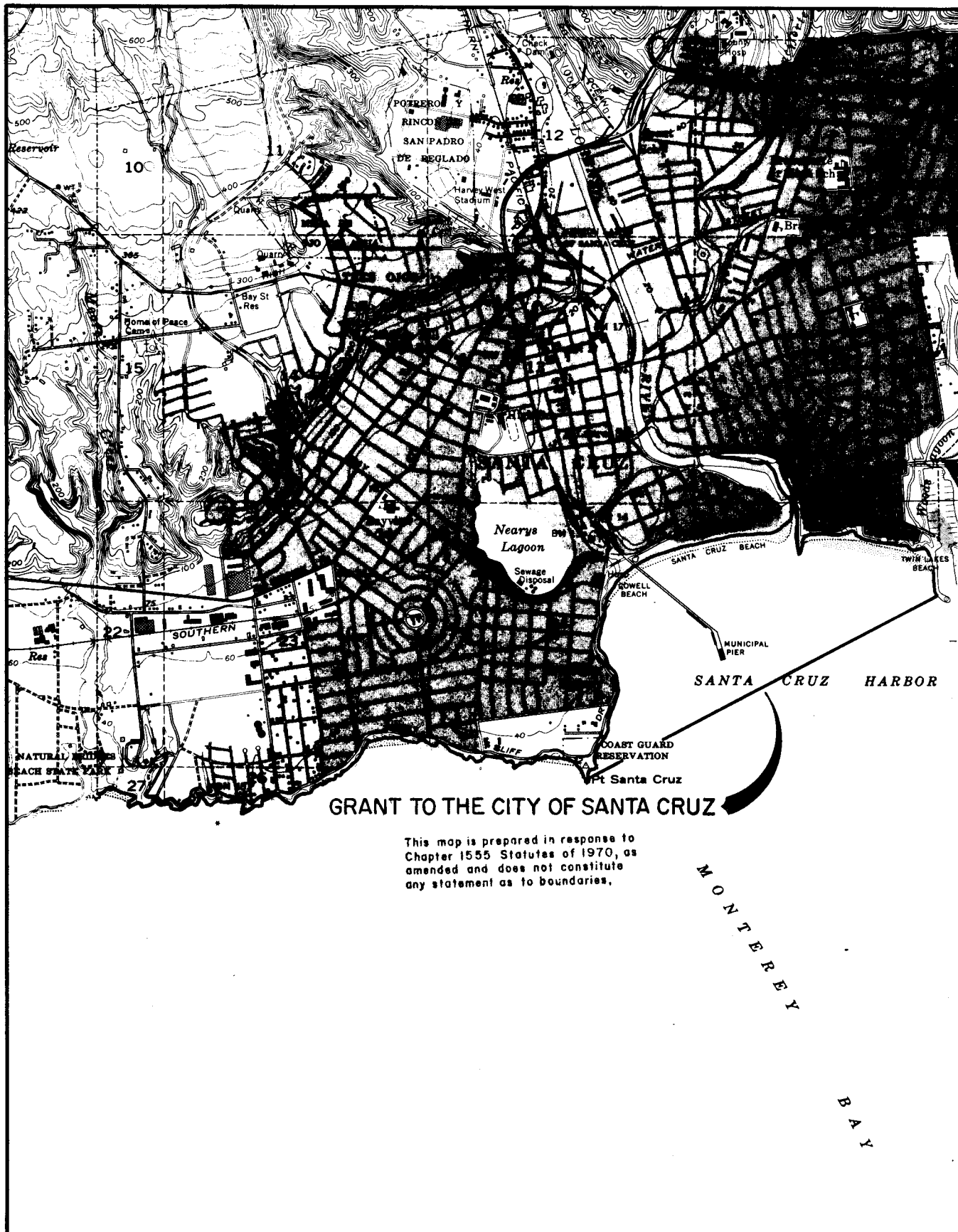
GRANT TO THE COUNTY OF SAN MATEO

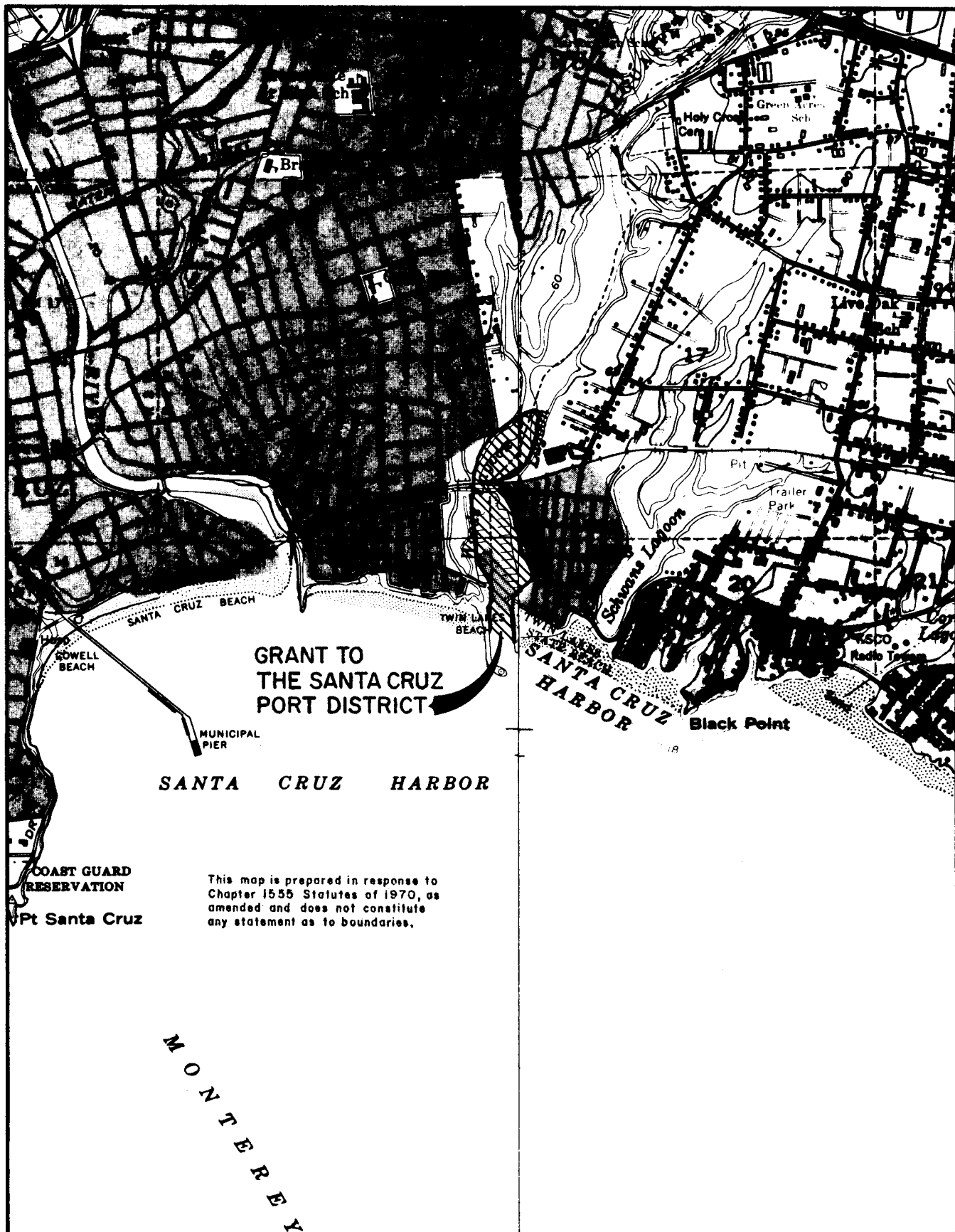


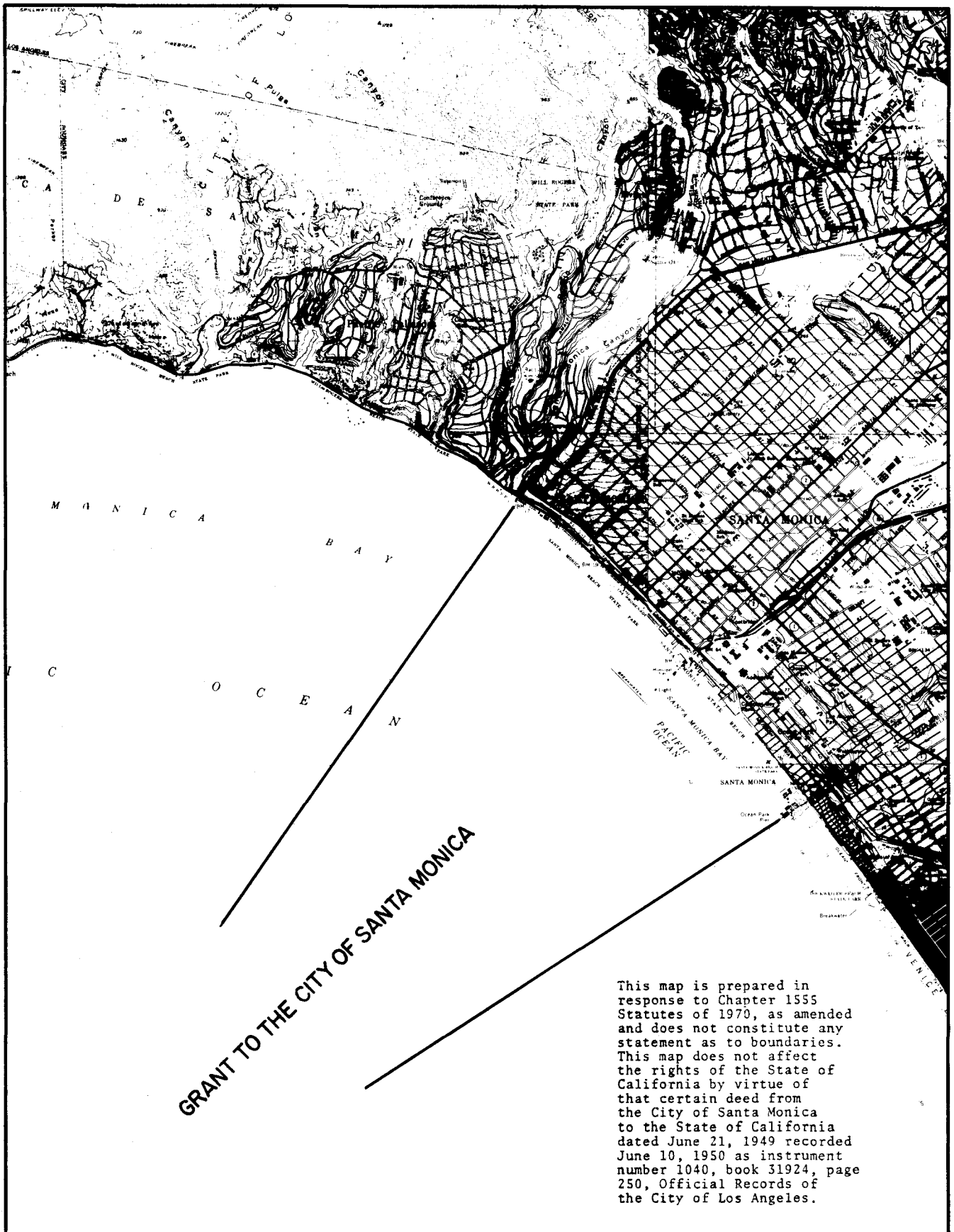












This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries. This map does not affect the rights of the State of California by virtue of that certain deed from the City of Santa Monica to the State of California dated June 21, 1949 recorded June 10, 1950 as instrument number 1040, book 31924, page 250, Official Records of the City of Los Angeles.

