

such terms and conditions as the Commission may prescribe at the time of renewal, provided performance of the term of the lease shall be covered in an amount of \$1,000 and that this guarantee, if desired by the Pacific Gas and Electric Company, may be covered by blanket bond in amount of \$50,000 filed with the State on May 4, 1944.

19. (United States Condemnation Case, U.S. vs. 1419.89 acres, San Joaquin County, Rough and Ready Island Naval Installation) The Commission was informed that during the War the United States filed an Order for Immediate Possession under the Second War Powers Act for Rough and Ready Island in San Joaquin County adjacent to the Stockton Deep Water Channel. The description of the taking went to the low water mark. In addition to the land between the high and low water mark, the State land involved also included small parcels of unsold reclaimed tidelands. The Attorney General has suggested to the United States Department of Justice that the description in the Complaint in Condemnation be revised to exclude the State land between the high and low water marks. Also, the Attorney General was successful in maintaining that the State owned approximately 8 acres. As consideration for the change in description and the 8 acres of State land involved, stipulations have now been submitted whereunder the State will issue a Use Permit on the area between the high and low water marks to the United States as long as the United States owns Rough and Ready Island and will receive the sum of \$6,000 for the 8 acres taken in fee.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Attorney General to settle the State's interest in United States vs. 1419.89 acres, County of San Joaquin, U.S.D.C. No. 1963, for the sum of \$6,000, and the Executive Officer to enter into a Use Permit with the United States for the State land between the high and low water mark adjacent to Rough and Ready Island for such period of time as the United States shall own the adjacent upland; such right of user to cease as to any part of said State lands whenever the United States ceases to be the owner of the adjacent upland.

20. (Application, Del Monte Properties Company for lease to extract sand at Moss Beach, in Spanish Bay, Monterey County - W.O. 359) The Commission was informed that Mr. S. F. B. Morse, Chairman of the Board of the Del Monte Properties Company has made an application for a lease of State tide and submerged lands on Spanish Bay near Asilomar, Monterey County, from which to extract 100,000 tons of sand per year. The Del Monte Properties Company, a major producer of sand for glass and ceramic industries, have recently developed a market for coarse sand for stucco construction work. They have found that the best source of this sand is below the high water mark on Spanish Bay adjoining their upland properties.

In accordance with the Public Resources Code, since removal of the sand below the high water mark could result in denuding the beach for recreational purposes, the application was submitted to the Beach Erosion Control Engineer of the Division of Beaches and Parks. Response from the Beach Erosion Control Engineer and the State Park Commission offers the recommendation that the State Lands Commission, if a lease is entered into, do not permit the removal of in excess of 100,000 tons of sand per year and require that the lease be subject to revocation on six months notice in case the operations, as determined by accurate surveys, unreasonably interfere with the maintenance and use of the beaches in the area for recreational purposes.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the advertising for bids for a 5-year lease renewable at the option of the lessee for three additional periods of 5 years up to a maximum of 20 years, on an area of tide and submerged lands between the high and low water marks at Moss Beach in Spanish Bay, Monterey County, from Asilomar on the north, to the bath house adjoining the Seventeen-Mile Drive on the south, for the extraction of not to exceed 100,000 tons of sand per year. Said advertising and lease to provide that the lease may be cancelled on six months notice should accurate surveys determine that the removal of sand is unreasonably interfering with the maintenance and use of beaches in the area. Advertising to further set forth that the minimum royalty acceptable to the State shall be \$.03 per ton and that any bidder shall deposit with his bid the sum of \$1,000 to be forfeited to the State should the bidder fail to execute any lease awarded and fail within 15 days after award to file a \$3,000 surety bond to guarantee performance of the terms of the lease.

21. (Application for lease of tide and submerged land in Noyo River - Mr. and Mrs. Tom Carine - W.O. 382) The Commission was informed that an application has been received from Mr. and Mrs. Tom Carine of Fort Bragg for a lease of 2,000 square feet of tide and submerged land in Noyo River to be used for construction of a fish unloading wharf. The desired land is adjacent to littoral land now owned by the applicants. Annual rental based on the appraised value of similar property in Noyo Harbor and computed in accordance with the established rental policy of the Commission, determines that the minimum rental of \$50.00 would apply.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to issue a lease to Mr. and Mrs. Tom Carine for an area of tide and submerged land in Noyo River, 2,000 feet in area, for a term of fifteen years at an annual rental of \$50.00, with right of renewal for an additional term of ten years at such rental as may be fixed by the Commission. The lease to require the filing of a bond satisfactory to the State guaranteeing performance of the lease terms.

22. (Modification of Lease on Bodega Bay, County of Sonoma, P.R.C. 173, W.O. 413) The Commission was informed that on January 1, 1945, the State Lands Commission authorized the issuance of a lease of the whole of Bodega Bay (Lagoon) to the County of Sonoma at an annual rental of \$1,500.00. Recently the County Board of Supervisors of Sonoma County have indicated their desire to terminate the lease because the present revenue under sublease of the lands of Bodega Bay amounts to only \$750.00 per year. Discussions with the Board of Supervisors of Sonoma County have indicated that they would be willing to continue the present lease if the State would accept an annual rental of \$500.00 and 50 per cent of all rentals received above \$500.00, after deduction from said rentals in excess of \$500.00 the actual cost of County administration. The office of the Attorney General by unofficial opinion advises that since the County is a political sub-division of the State, no violation of the provisions of the State Constitution would be involved in a rental adjustment.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to enter into a lease modification of P.R.C. 173 whereby the rental payable to the State from January 1, 1949 should be \$500.00 per annum and 50 per cent of all rentals received above \$500.00, after deduction from said rentals in excess of \$500.00 the actual cost of County administration.