

Because of the legal situation as it has now developed, the City of Huntington Beach is desirous of having the above quoted letters confirmed by a Resolution of the State Lands Commission.

A short discussion was held as to the possibility of the State's interests being affected by the proposed annexations, but it was concluded that such annexations will be in conformity with State statutes over which the State Lands Commission has no control, and that the question of anticipating possible future problems that might arise as a result of such annexations therefore is not pertinent at this time.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING AND CONFIRMING THE SENDING OF THE LETTERS DATED FEBRUARY 6, 1950, AND JUNE 4, 1951, AS SENT TO THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH WITH RESPECT TO RESOLUTIONS NOS. 1099 AND 1149 OF THE CITY COUNCIL OF HUNTINGTON BEACH.

30. (PROPOSED LEGISLATION - W.O. 1141.) Section 6357 of the Public Resources Code reads as follows:

"Authority to establish. The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, either by arbitration or action to quiet title, whenever it is deemed expedient or necessary."

There are problems incident to the Commission's jurisdiction pursuant to Section 6301 of the Public Resources Code on boundaries of State-owned lands that involve the determination of the low-water mark on nontidal rivers, streams, and lakes. Sections 6107, 6461, and 7555 of the Public Resources Code involve such boundaries in quiet title actions. Furthermore, Section 830 of the Civil Code (with reference to boundaries of lands fronting on water) states that when the land borders "upon a navigable lake or stream where there is no tide, the owner takes to the edge of the lake or stream, at low water mark." It is believed necessary to introduce legislation to provide that the Commission may establish the ordinary low-water mark on navigable rivers, streams, or lakes, this to be done by amending Section 6357 quoted above.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER AND STAFF TO HAVE INTRODUCED INTO THE LEGISLATURE AN AMENDMENT TO SECTION 6357 OF THE PUBLIC RESOURCES CODE TO PROVIDE THAT THE COMMISSION MAY ESTABLISH THE LOW-WATER MARK ON NAVIGABLE RIVERS, STREAMS, AND LAKES, IN ADDITION TO THE PRESENT AUTHORITY FOR ESTABLISHING THE ORDINARY HIGH-WATER MARK AND ORDINARY LOW-WATER MARK ON TIDAL WATERS AS SET FORTH IN SECTION 6357.