

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A PERMIT, CONFORMING TO ALL OPERATING CONDITIONS ESTABLISHED BY THE COMMISSION, TO THE STANDARD OIL COMPANY OF CALIFORNIA, FOR THE CONDUCT OF SUBMARINE GEOPHYSICAL EXPLORATION OPERATIONS ON THOSE TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION LYING NORTHERLY OF THE PROLONGATION OF THE WESTERLY LIMITS OF THE CITY OF SANTA BARBARA AND SOUTH OF A LINE DRAWN DUE WEST FROM POINT ESTERO, SAN LUIS OBISPO COUNTY, FOR THE PERIOD TO JUNE 12, 1954, INCLUSIVE, THE PERMITTEE TO REIMBURSE THE DIVISION OF STATE LANDS FOR ALL OF ITS INSPECTION COSTS. THE PERMIT IS TO BE EFFECTIVE ONLY AS LONG AS A CONCURRENT PERMIT BY THE FISH AND GAME COMMISSION IS IN EFFECT FOR THE SAME OPERATING AREA.

29. (SUBMARINE GEOPHYSICAL EXPLORATION, SANTA BARBARA COUNTY, SIGNAL OIL AND GAS COMPANY - W.O. 1703, P.R.C. 964.1.) The Signal Oil and Gas Company has made application for authorization to conduct submarine geophysical exploration operations on those tide and submerged lands under the jurisdiction of the State Lands Commission lying in the area westerly of the prolongation of the westerly limits of the Hope Ranch Section, City of Santa Barbara, and easterly of Gaviota, County of Santa Barbara, during the period ending June 15, 1954. The Board of Supervisors of the County of Santa Barbara and the Council and the Mayor of the City of Santa Barbara were informed that this application was to be considered, and all reported nonobjection to the operations. The conduct of the proposed operations is predicated primarily upon the necessity of evaluating any further bases for development work on existing State Oil and Gas Leases P.R.C. 308 and P.R.C. 309, held jointly by the Signal Oil and Gas Company and the Honolulu Oil Corporation. The statutory filing fee has been paid by the applicant.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A PERMIT, CONFORMING TO ALL OPERATING CONDITIONS ESTABLISHED BY THE COMMISSION, TO THE SIGNAL OIL AND GAS COMPANY FOR THE CONDUCT OF SUBMARINE GEOPHYSICAL EXPLORATION OPERATIONS ON THOSE TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION LYING WESTERLY OF THE PROLONGATION OF THE WESTERLY LIMITS OF THE HOPE RANCH SECTION, CITY OF SANTA BARBARA, AND EASTERLY OF GAVIOTA, SANTA BARBARA COUNTY, FOR THE PERIOD INCLUDING JUNE 15, 1954, THE PERMITTEE TO REIMBURSE THE DIVISION OF STATE LANDS FOR ALL OF ITS INSPECTION COSTS. THE PERMIT IS TO BE EFFECTIVE ONLY AS LONG AS A CONCURRENT PERMIT BY THE FISH AND GAME COMMISSION IS IN EFFECT FOR THE SAME OPERATING AREA.

30. (ISSUANCE OF PERMITS FOR STRUCTURES IN LAKE TAHOE - W.O. 1124.) The Executive Officer reported as follows:

During 1953 a survey of the California shore of Lake Tahoe was completed which located structures built out into the lake. Only a few of the structures had been built under permits authorized by the State Lands Commission; by far the majority of them are purprestures.

On December 1, 1953, letters were sent out to the record owners of 225 different boathouses, piers, etc., advising them of the illegal status of the structures and of the rules and policies of the Commission relating to the issuance of permits and the rates and conditions of rental. An inventory made on March 22, 1954, shows that permits for 25 installations had been issued and applications for 61 were being processed.

The following schedule of rentals adopted by the Commission at its meeting of October 24, 1951 (Minute Item 20, page 1468), has been applied:

<u>Value of Structure on State Lands</u>	<u>Use</u>	<u>Annual Rental</u>
\$1,000 or less	Recreational	\$ 5.00
	Commercial	10.00
\$1,000 - \$2,000	Recreational	10.00
	Commercial	20.00
Over \$2,000	Recreational	6% of value of State lands; minimum - \$10.00
Over \$2,000	Commercial	6% of value of State lands; purpvestures to pay 9%; minimum - \$100.00

The above rates are in addition to a filing fee of \$5 for each application. Where the rate of rental is \$25 per year or less, a lump-sum payment for the total rental for the term of the permit is required. Where the annual rental is in excess of \$25, the rentals for the first and last years are to be paid in advance.

To avoid the cost of field appraisals and the necessary expense deposits by applicants, the latter have been furnishing statements of the cost to them of the structures involved. The value of the portion of a structure occupying State lands is then determined by proration; ten per cent of this prorated value is then taken as the value of the State lands thus occupied. A few major installations exist where a field appraisal may be advisable.

No expense deposits nor performance bonds are required for applications involving structures costing less than \$2,000. Relatively few installations have cost more than that amount.

Since the issuance of notices to owners on December 1, 1953, numerous complaints have been received, based upon one or more of the following points:

1. The State of California, through the State Lands Commission, has no authority in the premises.
2. Fixing the low-water mark (the waterward limit of upland ownership) at elevation 6,223 is incorrect; it should be at some lower elevation.
3. The schedule of rentals is excessive.

As to the first complaint, the Attorney General, in Opinion No. 53/288, dated February 16, 1954, upheld the authority of the State.

Low-water mark, as defined in Section 830, Civil Code, has not been fixed by the State Lands Commission, nor by any of its agents, at any elevation. No authority exists at law to do so, except by arbitration or judicial procedure. Elevation 6,223 is that estimated by the Staff, after a careful engineering study, to be a reasonable solution of a very difficult problem that may ultimately have to be resolved by the courts. In the absence of such determination, this elevation has been used solely for the basis of calculating the rates of rental to be assessed.

The schedule of rentals being used is that shown above. It has been uniformly applied elsewhere throughout the State. No reason is apparent for changing it, except for the 9% rate for commercial purposes which might well be abolished in cases where other requirements of the State Lands Commission are met.

There are a number of abandoned piers in Lake Tahoe which have deteriorated to such an extent that they are a hazard to navigation and other recreational use. By building up a backlog of permits, it would be proper to request the Legislature to appropriate a substantial sum for the abatement of such hazards, and it is the intention to make a recommendation to that effect if the present program is not changed substantially.

It is recommended that the State Lands Commission reconfirm the actions taken with respect to the issuance of permits on Lake Tahoe and direct the Executive Officer to continue this program without change, except that a rate of 6% be authorized for any existing commercial installation, the owner of which applies for and is issued a permit therefor before August 31, 1954.

Appearances on behalf of the owners of piers at Lake Tahoe were made by Messrs. Fred Links, Ed. Wahl and Don Huff. All complained about the high rate of rentals that was to be assessed and requested that if they were to be assessed at that rate, steps be taken by the State Lands Commission looking toward the removal of abandoned piers which had deteriorated to the point where they became a hazard. Mr. Huff, on behalf of the Homewood resort, objected to the classification of the pier pertaining to that resort as a commercial enterprise and subject to the much higher rates that the Commission has established for commercial installations. He stated that no direct revenue was obtained as a result of charges made for the use of the pier and that it was merely part of the general facilities afforded to patrons of the resort, without a specific extra charge.

Mr. Peirce suggested that the Staff give consideration to the establishment of an intermediate category as far as rates of rental were concerned so that installations such as that at Homewood would not be unduly discriminated against.

The Commission requested the matter be held in abeyance pending further study by the Staff.

31. (CORRECTORY SURVEY, LOT 2, SECTION 16, TOWNSHIP 2 NORTH, RANGE 2 EAST, M.D.M., CONTRA COSTA COUNTY - W.O. 1053, GEO.-CONTRA COSTA CO.) The Pacific Gas and Electric Company is the successor in interest to Lot 2, Section 16, Township 2 North, Range 2 East, M.D.M., Contra Costa County, which lot was sold by the State as school lands pursuant to U. S. Plat of Township 2 North, Range 2 East, approved December 24, 1862. Said Plat when approved by the United States was incomplete in that one course of the survey of Lot 2 was omitted, thus preventing the survey closure of the lot. The Pacific Gas and Electric Company has requested that a correctory survey be made and approved by the Commission pursuant to Sections 7951 et seq. of the Public Resources Code. The land adjacent to the omitted course was sold as swamp and overflow lands by the State on March 25, 1907, and the Pacific Gas and Electric Company is successor in interest to these swamp and overflow lands. A correctory survey for the swamp and overflow lands was approved by the Commission on September 3, 1953 (Minute Page 1871). An attempt was made to have the United States Bureau of Land Management make the correctory survey for Lot 2, but, because the United States has disposed of all of its interest in the lands, it is unable to make a correctory survey at this time.

The correctory survey of Lot 2 has now been made by a Registered Engineer for the Pacific Gas and Electric Company, and has been checked for sufficiency and correctness by the engineers of the Commission.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE THE CORRECTORY PLAT OF SURVEY OF LOT 2, SECTION 16, TOWNSHIP 2 NORTH, RANGE 2 EAST, M.D.B. & M., CONTRA COSTA COUNTY, WHICH SURVEY, DATED AUGUST 1953, WAS MADE UNDER THE DIRECTION OF PAUL S. HIGGENBOTTOM, LICENSED SURVEYOR NO. 2750, AND TO HAVE IT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY IN ACCORDANCE WITH SECTION 7952 OF THE PUBLIC RESOURCES CODE.

32. (MODIFICATION OF TERMS, LEASE P.R.C. 121.1, TIDE AND SUBMERGED LANDS, PETALUMA CREEK, MARIN COUNTY, AUGUST OLSON.) August Olson, a single man past 65 years of age and living on California Old Age Pension benefits, occupies State lands under Lease P.R.C. 121.1. Rental payments have dropped into arrears because Mr. Olson was ill and in the hospital from time to time and without funds.

Mr. Olson has paid the rental for the year ending September 30, 1955, the last year of a five-year lease, but owes rental in the amount of \$150 which would, if paid, cover the period through September 30, 1954. The last payment received from him was \$5 in cash on February 15, 1954. There seems to be willingness on his part to pay what he can.