

"In discussing the patent to be issued to the Imperial Irrigation District, the Attorney General now suggests that the Commission make a specific finding in the words of the Statute that the exchange is 'in the best interest of the State for the improvement of navigation, aid in reclamation, and for flood control protection on the Colorado River, a navigable river,' rather than as was stated in the resolution of April 12, 1956, that the exchange was being made 'pursuant to Section 6307 of the Public Resources Code'."

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

THE RESOLUTION OF APRIL 12, 1956 (MINUTE PAGE 2629), IS REVISED TO READ AS FOLLOWS:

THE MINUTES OF NOVEMBER 30, 1955 (MINUTE ITEM NO. 3, MINUTE PAGES 2492-93), ARE CORRECTED TO READ: "THE EXECUTIVE OFFICER IS AUTHORIZED TO EXCHANGE, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS, AND FURTHER SUBJECT TO CONVEYANCE OF THE MINERALS TO THE UNITED STATES PURSUANT TO SECTION 6402 OF THE PUBLIC RESOURCES CODE, UPON NOTICE OF CONVEYANCE OF THE LAND THERETO, APPROXIMATELY 40 ACRES OF LANDS CLAIMED BY THE STATE TO BE SOVEREIGN LANDS, IN SECTIONS 25, 35, AND 36, T. 16 S., R. 21 E., S.B.M., AND TO RECEIVE THEREFOR FROM THE IMPERIAL IRRIGATION DISTRICT 40 ACRES OF LAND IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 14, T. 11 S., R. 13 E., S.B.M., PURSUANT TO SECTION 6307 OF THE PUBLIC RESOURCES CODE; FURTHER, THE COMMISSION FINDS (1) THAT THE LANDS TO BE RECEIVED BY THE STATE ARE OF EQUAL OR GREATER VALUE THAN THE LANDS TO BE PATENTED BY THE STATE TO THE IMPERIAL IRRIGATION DISTRICT, AND (2) THAT THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE, FOR THE IMPROVEMENT OF NAVIGATION, AID IN RECLAMATION, AND FOR FLOOD CONTROL PROTECTION ON THE COLORADO RIVER, A NAVIGABLE RIVER, AND FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE ATTORNEY GENERAL TO CONSUMMATE THE EXCHANGE AND ENTER INTO A STIPULATION TO COMPROMISE IMPERIAL COUNTY SUPERIOR COURT CASE NO. 29807."

16. (APPLICATION FOR REMOVAL OF BEACH SAND, SANTA BARBARA COUNTY, DIVISION OF HIGHWAYS - W. O. 2299.) The following report was presented to the Commission:

"The Division of Highways has requested that two parcels of tide and submerged lands in Santa Barbara County be set aside as borrow pits for sand to be used in freeway construction. These sites are at the mouth of Tajiguas Creek for the removal of 20,000 cubic yards, and at the mouth of Arroyo Quemado for the removal of 10,000 cubic yards, both sites being east of Gaviota and west (upcoast) from Refugio Beach State Park. Because of the possibility of an effect on the State Park and pursuant to Section 6818 of the Public Resources Code, the matter was referred to the Director of Natural Resources. Colonel Charles T. Leeds, Consulting Seacoast Engineer, was also requested to make a report on the possible effect on the State Beach. The Division of Beaches and Parks recommends a most vigorous opposition. Colonel Leeds reports that removal of sand at the two locations will probably adversely affect the State Beach Park and 'produce similar but lesser effects of the beaches eastward'."

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO REJECT THE DIVISION OF HIGHWAYS' APPLICATION FOR THE SETTING ASIDE OF AREAS OF TIDE AND SUBMERGED LANDS AT THE MOUTHS OF TAJIGUAS CREEK AND ARROYO QUEMADO IN SANTA BARBARA COUNTY FOR THE REMOVAL OF SAND FOR HIGHWAY CONSTRUCTION BECAUSE OF THE PROBABLE ADVERSE EFFECT ON THE REFUGIO BEACH STATE PARK, AND RETURN THE MAPS SUBMITTED BY THE DIVISION OF HIGHWAYS WITH THE NOTATION "NOT APPROVED".

17. (PROPOSED RESERVATION OF MINERALS, PARCEL 3, CHAPTER 7, STATUTES OF 1956, TUOLUMNE COUNTY; PORTION OF ATASCADERO COLONY, CHAPTER 783, STATUTES OF 1947, SAN LUIS OBISPO COUNTY; PARCELS 4, 5, AND 6, CHAPTER 979, STATUTES OF 1955, TULARE COUNTY - GEO.) The following report was presented to the Commission:

"Section 6404, Public Resources Code, provides in part that any State agency that sells any of the lands listed in Section 6403, Public Resources Code, (e.g., land acquired by the State for public use) may, with the approval of the State Lands Commission, reserve to the State any or all oil, gas, oil shale, coal, phosphate, gold, silver, or other mineral deposits therein, together with the right to prospect for, mine and remove such deposits, and to occupy and use so much of the surface of the land as may be necessary therefor. Pursuant to this provision the Director of Finance, through the Property Acquisition Division, has requested the recommendation of the Commission with respect to the reservation to the State of the mineral rights in proposed sales of the following surplus State property:

"Parcel 3 (Chap. 7, Statutes of 1956) consists of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, T. 2 N., R. 16 E., M.D.B. & M., containing 40 acres known as the Basin Creek Hatchery in the County of Tuolumne. Record review as to this land and mineral inspection by the State Lands Division has shown that there is no surface evidence of commercial minerals. However, the area is located near the mother lode gold belt and there is a possibility that the area might be a source of placer gold. Therefore, the mineral rights in this land should be retained because of the future development possibilities.

"Lots 4 and 15, Block 68, Atascadero Colony (Chap. 783, Statutes of 1947), containing 7.36 acres, are located near Atascadero State Hospital, San Luis Obispo County. Record review as to this land and mineral inspection by the State Lands Division has shown the area to be covered with a mantle of alkali soil with no surface rock outcroppings. No surface mineral deposits exist on or near the property and no mining activity is present in the surrounding areas. Therefore, it would appear preferable not to reserve the mineral rights in the subject parcel in any sale by the State.