

**Lunetta, Kim@SLC**

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**From:** Francis Coats [REDACTED]  
**Sent:** Sunday, December 13, 2020 9:29 AM  
**To:** CSLC CommissionMeetings  
**Subject:** Public Comment for December 17, 2020 CSLC Meeting; Persistence of the public right to fish upon transfer of state-owned land to a government agency.

**Attention:** This email originated from outside of SLC and should be treated with extra caution.

**Please treat this as a public comment on th December 17, 2020 meeting.**

To the Commission:

The State Lands Commission is obligated to reserve in the people the absolute right to fish when selling or transferring sovereign lands to a city, county or other local agency ( section 25 article I, Cal. Const.). Land once transferred to and held in the name of a city, county or other local agency is still state-owned land (Hall. v. City of Taft (1956) 47 Cal. 2d 177; Vagim v. Board of Supervisors (1964) 230 Cal. App. 2d 286; Santa Ana v. Board of Education (1967) 255 Cal. App. 2d 278). So tideland and submerged lands transferred by the State Lands Commission to a city, county, or port district is still state-owned land subject to the public right to fish and the obligation to reserve fishing rights upon sale or transfer (section 25 article I, Cal. Const.), whether or not a reservation of fishing rights appears in the grant from the state to the local agency.

It is unlikely that either the legislature or an administrative agency can free land from the public right to fish in the face of a constitutional amendment providing that "no land owned by the state shall ever be sold or transferred without reserving in the public the absolute right to fish, ..." .

In the event that the constitutionally required reservation is omitted from a grant, it will still be read into and incorporated in the document (Forestier v. Johnson; Boone v. Kingsbury), so both grants from CSLC to a local agency and grants by a city, county or other local agency to others will be subject to public fishing rights, even if not expressly reserved in the grant.

Although a county, city or other local agency including a port district may be able to prohibit public fishing while the property is being used for a governmental purpose incompatible with public fishing or for public safety purposes while the need persists, the public will have the right to fish when the need to exclude the public no longer exists.

Private parties holding title from the local agency will also be subject to the public right to fish.

Francis Coats; [REDACTED]

**Lunetta, Kim@SLC**

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**From:** Francis Coats < >  
**Sent:** Thursday, December 17, 2020 9:23 AM  
**To:** CSLC CommissionMeetings  
**Subject:** Disclosure of lands subject to section 25, article I, Cal. Const. Fishing rights

**Attention:** This email originated from outside of SLC and should be treated with extra caution.

The Commission is the trustee for the fishing rights reserved upon every sale or transfer of School lands since November 8, 1910, and the people of the state are the beneficiaries. The Commission has scheduleds of state school lands available for lease or sale, compiled beginning on September 1, 1915. The Commission has no excuse for not providing the public convenient access to these lists, and therefore to the lands either still owned by the state or transferred after November 8, 1910 and either way subject to the public right to fish.

Sincerely  
Francis Coats;