

An act to amend Sections 6826.1 and 6871.2 of the Public Resources Code and to amend Section 2 of Chapter 83 of the Statutes of 1923, relating to state lands.

[Approved by Governor September 17, 1970 Filed with
Secretary of State September 17, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6826.1 of the Public Resources Code is amended to read:

6826.1. The State Lands Commission shall not permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands described in subdivision (d) or (f) of Section 6871.2 or on tide or submerged lands of the state along the coast of the Pacific Ocean extending from the southerly boundary of the state to the northerly boundary of the City of Newport Beach in Orange County, and any permit issued by the commission for the conduct of geological or geophysical surveys on such lands shall contain a provision expressly prohibiting the taking of such cores or samples on or under such lands. The provisions of this section shall not apply to permit applications by the Department of Public Works for soil surveys or bridge foundation exploration studies; to the University of California and other accredited institutions of higher education which are engaged in oceanographic research and not engaged in an activity of commercial exploration or exploitation; to core drilling in connection with the location of nuclear plantsites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 1.5. Section 6826.1 of the Public Resources Code is amended to read:

6826.1. The State Lands Commission shall not permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands described in subdivision (c), (d), or (f) of Section 6871.2 or on tide or submerged lands of the state along the coast of the Pacific Ocean extending from the southerly boundary of the state to the northerly boundary of the City of Newport Beach in Orange County, and any permit issued by the commission for the conduct of geological or geophysical surveys on such lands shall contain a provision expressly prohibiting the taking of such cores or samples on or under such lands. The provisions of this section shall not apply to permit applications by the Department of Public Works for soil surveys or bridge foundation exploration studies; to the University of California and other accredited institutions of higher education which are engaged in oceanographic research and not engaged in an activity of commercial exploration or exploitation; to core drilling in connection with the location of nuclear plantsites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 2. Section 6871.2 of the Public Resources Code is amended to read:

6871.2. Except as provided in Sections 6872 and 6872.1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which leases are in effect on January 1, 1955, nor to prohibit renewals or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows:

Area No. 1: Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally

easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux., by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning.

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection of the ordinary high water mark of the Pacific Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high water mark of the Pacific Ocean to the point of beginning.

(d) All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Monterey and San Luis Obispo; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and the bay of Monterey to a point at the

intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Santa Cruz and San Mateo; thence southwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary line of the County of Santa Cruz; thence in a southerly and easterly direction along the westerly boundary of the Counties of Santa Cruz and Monterey to a point in the Pacific Ocean where said westerly boundary of the County of Monterey intersects with the common boundary between the Counties of Monterey and San Luis Obispo; thence due east to the point of beginning.

(e) All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to the intersection of said high water mark and the north line of Township 1 North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high water mark to a point due west from the point of beginning; thence due east to the point of beginning.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

SEC. 2.5. Section 6871.2 of the Public Resources Code is amended to read:

6871.2. Except as provided in Sections 6872 and 6872.1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which leases are in effect on January 1, 1955, nor to prohibit renewals or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows:

Area No. 1: Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark

to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux., by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning.

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Santa Barbara; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and San Luis Obispo Bay to a point at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Monterey; thence northwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary line of the County of San Luis Obispo; thence in a southerly and easterly direction along the westerly boundary of the County of San Luis Obispo to a point in the Pacific Ocean where said westerly boundary of the County of San Luis Obispo intersects with the common boundary between the Counties of San Luis Obispo and Santa Barbara; thence due east to the point of beginning.

(d) All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark

of the Pacific Ocean and the common boundary line between the Counties of Monterey and San Luis Obispo; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and the bay of Monterey to a point at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Santa Cruz and San Mateo; thence southwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary line of the County of Santa Cruz; thence in a southerly and easterly direction along the westerly boundary of the Counties of Santa Cruz and Monterey to a point in the Pacific Ocean where said westerly boundary of the County of Monterey intersects with the common boundary between the Counties of Monterey and San Luis Obispo; thence due east to the point of beginning.

(e) All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to the intersection of said high water mark and the north line of Township 1 North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high water mark to a point due west from the point of beginning; thence due east to the point of beginning.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

SEC. 3. Section 2 of Chapter 83 of the Statutes of 1923 is amended to read:

Sec. 2. (a) It is found and determined that the following described lands within the City of San Rafael, herein referred to as Parcel No. 1, lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries:

Parcel No. 1.

Beginning at Station 20 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 10.786 feet to the True Point of be-

ginning; thence, continuing North 24°42'21" West 319.210 feet to Station 21; thence, North 23°32'39" East 275.077 feet to a point; thence, crossing said Canal, South 39°15'00" East 70.681 feet to a point on the line between Stations 33 and 34 of said Canal; thence, along the Meanders of said Canal, South 23°47'39" West 195.653 feet to Station 34; thence, South 24°42'21" East 206.605 feet to a point; thence, across said Canal, South 13°19'40" West 124.062 feet to the True Point of Beginning.

(b) The City of San Rafael is hereby authorized to exchange Parcel No. 1, described above in subdivision (a) hereof, for the following parcel, herein referred to as Parcel No. 2:
Parcel No. 2.

Beginning at Station 35 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 96.995 feet; thence, leaving last said line, North 13°19'40" East 284.924 feet; thence, North 39°15'00" West 115.531 feet to a point on the line of said Canal between Stations 33 and 34; thence, along last said line, North 23°47'39" East 79.745 feet to a point; thence, leaving last said line, South 39°15'00" East 184.762 feet; thence, South 13°19'40" West 405.173 feet to a point on the line of the aforementioned Canal between Stations 35 and 36; thence, along last said line, North 38°57'21" West 12.272 feet to Station 35 and the Point of Beginning.

(c) Parcel No. 2, described in subdivision (b) hereof, shall be considered as a substitute area for the alignment of San Rafael Canal as described in Parcel No. 1, described in subdivision (a) hereof, and said substitute alignment of said San Rafael Canal shall be considered to be administered in the same manner and subject to the same trust, provisos, and reservations as apply to the lands granted to the city by Section 1 of this act.

(d) All lands subject to the trust under this act shall be subject to the following additional conditions:

(1) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the city to such lands.

(2) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to

the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(4) (i) The State Lands Commission shall, at the cost of the city, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Marin County. Notwithstanding this or any other provision of law, the requirement of a survey shall have no force or effect between the 61st day after the adjournment of the 1970 Regular Session and the 61st day after adjournment of the 1971 Regular Session.

(ii) The City of San Rafael and the State Lands Commission, on behalf of the state, are authorized to enter into boundary agreements with private parties to settle existing boundary disputes. Any such agreement shall not be a precedent for the determination of any subsequent boundary line dispute; however, any subsequent survey shall incorporate the boundary agreement entered into by the commission, the City of San Rafael, and a private party.

(5) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.

SEC. 4. It is the intent of the Legislature, if amendments to Section 6826.1 of the Public Resources Code proposed by this bill and S.B. 97 or S.B. 132, or both are enacted, that all amendments be given effect and incorporated in Section 6826.1 in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 97 or S.B. 132, or both, are enacted and amend Section 6826.1, Section 1.5 of this act shall become operative at the same time that Section 6826.1 as amended by S.B. 97 or S.B. 132, or both, becomes operative, and at that time, Section 6826.1 of the Public Resources Code as amended by Section 1 of this act is repealed.

SEC. 5. It is the intent of the Legislature, if amendments to Section 6871.2 of the Public Resources Code proposed by both this bill and S.B. 97 are enacted, that both amendments be given effect and incorporated in Section 6871.2 in the form set forth in Section 2.5 of this act. Therefore, in the event S.B. 97 is enacted and amends Section 6871.2, Section 2.5 of this act shall become operative at the same time that Section 6871.2

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as amended by S.B. 97 becomes operative, and at that time,
Section 6871.2 of the Public Resources Code as amended by
Section 2 of this act is repealed.
