

**Introduced by Committee on Natural Resources and Water  
(Senators Pavley (Chair), Benoit, Cogdill, Hollingsworth, Huff,  
Kehoe, Leno, Padilla, Simitian, Wiggins, and Wolk)**

April 15, 2009

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An act to amend Sections 2772.7, 5096.518, and 5097.98 of the Public Resources Code, to amend Sections 7 and 12 of Chapter 543 of the Statutes of 2004, and to amend Sections 1 and 15 of Chapter 660 of the Statutes of 2007, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, Committee on Natural Resources and Water. Natural resources: mining: conservation lands: Native American historical sites: tidelands and submerged lands.

(1) The Surface Mining and Reclamation Act of 1975 prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency. Existing law requires a lead agency, upon approval of a reclamation plan or an amendment to a reclamation plan, to record a "Notice of Reclamation Plan Approval" with the county recorder.

This bill would require that notice to include the name of the owner of record of the mine operation, the name of the lead agency, and the acknowledged signature of the lead agency representative.

(2) Under existing law, for a charitable contribution claimed by a seller on certain conservation lands acquired using state funds, the seller is required to attach to his or her personal income tax return a copy of an appraisal of the charitable contribution, as described.

This bill would, instead, require the seller to attach to his or her income tax return a copy of the appraisal of the charitable contribution relied on by the acquisition agency.

(3) Existing law establishes the Native American Heritage Commission. Existing law requires the commission, once it receives notification of Native American human remains from a county coroner, to notify the most likely descendants, and the descendants, with permission of the landowner, may inspect the site and recommend appropriate dignified disposition of the human remains and grave goods. Existing law requires, when the commission is unable to identify descendants, the descendants fail to make a recommendation, or other specified circumstances occur, that the landowner reinter the human remains, and perform at least one of 3 activities to protect the site, including record a document with the county in which the property is located.

This bill would require that the document be titled “Notice of Reinterment of Native American Remains” and include a legal description of the property, the name of the owner of the property, and the owner’s acknowledged signature.

(4) The Treasure Island Public Trust Exchange Act authorizes the State Lands Commission to approve an exchange of public trust lands within the Treasure Island Development Authority property, whereby certain trust lands on Treasure Island that meet specified criteria and are not useful for public trust purposes are freed from the public trust and may be conveyed into private ownership, and certain other lands on Yerba Buena Island that are not public trust lands and that are useful for public trust purposes are made subject to the public trust. Among other requirements for approval, the commission is required to find that sufficient building height limitations are in place to ensure that views from public areas at Yerba Buena Island are not obstructed.

This bill would instead require a finding that sufficient building height limitations are in place to ensure that development on Yerba Buena Island will not substantially interfere with existing views, as of January 1, 2010, from the proposed trust lands on the eastern and western hilltop public park areas on Yerba Buena Island.

The bill would also revise the diagram of lands that is part of the act.

(5) Existing law grants to the City and County of San Francisco the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes. Under existing law, the Burton Act and the Burton Act transfer agreement,

the interest of the state in and to the Harbor of San Francisco was transferred in trust to the City and County of San Francisco. The State Lands Commission has jurisdiction over tidelands and submerged lands of the state.

Existing law authorizes the City and County of San Francisco to lease, sell, or otherwise transfer all or any portion of certain tidelands and submerged lands constituting “paper streets” in the City and County of San Francisco to any person, as defined, free of the public trust and of any additional restrictions on use or transfer created by the Burton Act or Burton Act transfer agreement upon a finding and declaration of specified conditions by the State Lands Commission.

This bill would revise certain descriptions of those paper streets.

Existing law declares, until January 1, 2094, that certain parcels of real property denominated as the designated seawall lots, subject to certain specified conditions, are free from the use requirements of the public trust, the Burton Act trust, and the Burton Act transfer agreement. The San Francisco Port Commission is authorized to lease all or a portion of the designated seawall lots provided that specified conditions are met.

This bill would revise those provisions to include a map of those designated seawall lots.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 2772.7 of the Public Resources Code is  
2 amended to read:

3 2772.7. (a) A lead agency, upon approval of a reclamation  
4 plan or an amendment to a reclamation plan, shall record a “Notice  
5 of Reclamation Plan Approval” with the county recorder. The  
6 notice shall read: “Mining operations conducted on the hereinafter  
7 described real property are subject to a reclamation plan approved  
8 by the \_\_\_\_\_, (\_\_\_\_lead agency), a copy of which is on file with  
9 the \_\_\_\_\_.”

10 (b) *In addition to the information required by subdivision (a),*  
11 *the notice shall also include the name of the owner of record of*  
12 *the mine operation, the name of the lead agency, and the*  
13 *acknowledged signature of the lead agency representative.*

1 SEC. 2. Section 5096.518 of the Public Resources Code is  
2 amended to read:

3 5096.518. For a charitable contribution claimed by a seller that  
4 is over five thousand dollars (\$5,000) on conservation lands  
5 acquired using state funds, in order to substantiate the amount of  
6 the charitable contribution deduction claimed by the seller pursuant  
7 to Part 10 (commencing with Section 17001) or Part 11  
8 (commencing with Section 23001) of Division 2 of the Revenue  
9 and Taxation Code, both of the following requirements shall apply:

10 (a) The seller shall attach to his or her California ~~personal~~  
11 income tax return a copy of ~~an~~ *the* appraisal of the charitable  
12 contribution, ~~in accordance with subdivision (b)~~ *relied on by the*  
13 *acquisition agency.*

14 (b) The appraisal attached to the return shall be prepared by an  
15 appraiser licensed by the Office of Real Estate Appraisers pursuant  
16 to Part 3 (commencing with Section 11300) of Division 4 of the  
17 Business and Professions Code and shall comply with the  
18 applicable requirements of the Revenue and Taxation Code and  
19 the Internal Revenue Code for purposes of substantiating the  
20 amount of the contribution for California income and franchise  
21 tax purposes and federal income tax purposes.

22 SEC. 3. Section 5097.98 of the Public Resources Code is  
23 amended to read:

24 5097.98. (a) Whenever the commission receives notification  
25 of a discovery of Native American human remains from a county  
26 coroner pursuant to subdivision (c) of Section 7050.5 of the Health  
27 and Safety Code, it shall immediately notify those persons it  
28 believes to be most likely descended from the deceased Native  
29 American. The descendants may, with the permission of the owner  
30 of the land, or his or her authorized representative, inspect the site  
31 of the discovery of the Native American human remains and may  
32 recommend to the owner or the person responsible for the  
33 excavation work means for treatment or disposition, with  
34 appropriate dignity, of the human remains and any associated grave  
35 goods. The descendants shall complete their inspection and make  
36 recommendations or preferences for treatment within 48 hours of  
37 being granted access to the site.

38 (b) Upon the discovery of Native American remains, the  
39 landowner shall ensure that the immediate vicinity, according to  
40 generally accepted cultural or archaeological standards or practices,

1 where the Native American human remains are located, is not  
2 damaged or disturbed by further development activity until the  
3 landowner has discussed and conferred, as prescribed in this  
4 section, with the most likely descendants regarding their  
5 recommendations, if applicable, taking into account the possibility  
6 of multiple human remains. The landowner shall discuss and confer  
7 with the descendants all reasonable options regarding the  
8 descendants' preferences for treatment.

9 (1) The descendants' preferences for treatment may include the  
10 following:

11 (A) The nondestructive removal and analysis of human remains  
12 and items associated with Native American human remains.

13 (B) Preservation of Native American human remains and  
14 associated items in place.

15 (C) Relinquishment of Native American human remains and  
16 associated items to the descendants for treatment.

17 (D) Other culturally appropriate treatment.

18 (2) The parties may also mutually agree to extend discussions,  
19 taking into account the possibility that additional or multiple Native  
20 American human remains, as defined in this section, are located  
21 in the project area, providing a basis for additional treatment  
22 measures.

23 (c) For the purposes of this section, "conferral" or "discuss and  
24 confer" means the meaningful and timely discussion and careful  
25 consideration of the views of each party, in a manner that is  
26 cognizant of all parties' cultural values, and where feasible, seeking  
27 agreement. Each party shall recognize the other's needs and  
28 concerns for confidentiality of information provided to the other.

29 (d) (1) Human remains of a Native American may be an  
30 inhumation or cremation, and in any state of decomposition or  
31 skeletal completeness.

32 (2) Any items associated with the human remains that are placed  
33 or buried with the Native American human remains are to be treated  
34 in the same manner as the remains, but do not by themselves  
35 constitute human remains.

36 (e) Whenever the commission is unable to identify a descendant,  
37 or the descendants identified fail to make a recommendation, or  
38 the landowner or his or her authorized representative rejects the  
39 recommendation of the descendants and the mediation provided  
40 for in subdivision (k) of Section 5097.94, if invoked, fails to

1 provide measures acceptable to the landowner, the landowner or  
2 his or her authorized representative shall reinter the human remains  
3 and items associated with Native American human remains with  
4 appropriate dignity on the property in a location not subject to  
5 further and future subsurface disturbance. To protect these sites,  
6 the landowner shall do one or more of the following:

7 (1) Record the site with the commission or the appropriate  
8 Information Center.

9 (2) Utilize an open-space or conservation zoning designation  
10 or easement.

11 (3) Record a document with the county in which the property  
12 is located. *The document shall be titled "Notice of Reinterment of*  
13 *Native American Remains" and shall include a legal description*  
14 *of the property, the name of the owner of the property, and the*  
15 *owner's acknowledged signature, in addition to any other*  
16 *information required by this section. The document shall be indexed*  
17 *as a notice under the name of the owner.*

18 (f) Upon the discovery of multiple Native American human  
19 remains during a ground disturbing land development activity, the  
20 landowner may agree that additional conferral with the descendants  
21 is necessary to consider culturally appropriate treatment of multiple  
22 Native American human remains. Culturally appropriate treatment  
23 of ~~such a~~ *the* discovery may be ascertained from a review of the  
24 site utilizing cultural and archaeological standards. Where the  
25 parties are unable to agree on the appropriate treatment measures  
26 the human remains and items associated and buried with Native  
27 American human remains shall be reinterred with appropriate  
28 dignity, pursuant to subdivision (e).

29 (g) Notwithstanding ~~the provisions of~~ Section 5097.9, this  
30 section, including those actions taken by the landowner or his or  
31 her authorized representative to implement this section and any  
32 action taken to implement an agreement developed pursuant to  
33 subdivision (l) of Section 5097.94, shall be exempt from the  
34 requirements of the California Environmental Quality Act (Division  
35 13 (commencing with Section 21000)).

36 (h) Notwithstanding ~~the provisions of~~ Section 30244, this  
37 section, including those actions taken by the landowner or his or  
38 her authorized representative to implement this section; and any  
39 action taken to implement an agreement developed pursuant to  
40 subdivision (l) of Section 5097.94, shall be exempt from the

1 requirements of the California Coastal Act of 1976 (Division 20  
2 (commencing with Section 30000)).

3 SEC. 4. Section 7 of Chapter 543 of the Statutes of 2004, as  
4 amended by Section 20 of Chapter 660 of the Statutes of 2007, is  
5 amended to read:

6 Sec. 7. (a) The commission is authorized to approve an  
7 exchange of trust lands between Treasure Island and Yerba Buena  
8 Island that meets the requirements of this act. Pursuant to this  
9 authority, the commission shall establish appropriate procedures  
10 for effectuating the exchange. The procedures shall include  
11 provisions for ensuring that lands are not exchanged into the trust  
12 until either of the following have occurred:

13 (1) All remedial action necessary to protect human health and  
14 the environment with respect to hazardous substances on the land  
15 has been completed as determined by the United States  
16 Environmental Protection Agency, the California Department of  
17 Toxics Substances Control, and the Regional Water Quality Control  
18 Board, pursuant to the Federal Facilities Agreement for the Naval  
19 Station Treasure Island dated September 29, 1992, as amended,  
20 and the United States has provided a warranty in accordance with  
21 Section 9620(h)(3)(A) of Title 42 of the United States Code.

22 (2) The United States has obtained a warranty deferral, approved  
23 by the Governor in accordance with Section 9620(h)(3)(C) of Title  
24 42 of the United States Code, involving land for which the  
25 commission has determined to execute a certificate of acceptance  
26 of title. Prior to approving a warranty deferral, the Governor, the  
27 California Department of Toxics Substances Control, and the  
28 Regional Water Quality Control Board shall confer and consult  
29 with the commission to reasonably ensure that the terms of the  
30 warranty deferral and underlying documents and agreements  
31 provide sufficient standards and financial assurances to ensure that  
32 the remediation of any affected trust lands will be completed in a  
33 manner consistent with the intended public trust use of these lands  
34 and in a reasonable period of time.

35 (b) The commission shall not approve an exchange of trust lands  
36 pursuant to this act unless it finds all of the following:

37 (1) The configuration of trust lands upon completion of the  
38 exchange will do all of the following:

39 (A) Not differ significantly from the configuration shown on  
40 the diagram in Section 12 of this act.

1 (B) Include all lands within the TIDA property that are presently  
2 below the line of mean high tide and subject to tidal action.

3 (C) Consist of lands suitable to be impressed with the public  
4 trust.

5 (2) The final layout of streets within the TIDA property will  
6 provide access to the public trust lands and be consistent with the  
7 beneficial use of the public trust lands, including, but not limited  
8 to, roadway access to serve the public along the western shoreline  
9 of Treasure Island.

10 (3) The value of the lands to be exchanged into the trust is equal  
11 to or greater than the value of the lands to be exchanged out of the  
12 trust, as the exchange is finally configured and phased. The  
13 commission may take into consideration any uncertainties  
14 concerning whether the lands to be exchanged are currently subject  
15 to the public trust.

16 (4) The lands to be taken out of the trust have been filled and  
17 reclaimed, are cut off from access to navigable waters, are no  
18 longer needed or required for the promotion of the public trust,  
19 and constitute a relatively small portion of the tidelands granted  
20 by the state within the city, and the exchange will not result in  
21 substantial interference with trust uses and purposes.

22 (5) Sufficient building height limitations are in place to ensure  
23 ~~that views from public areas at Yerba Buena Island are not~~  
24 ~~obstructed~~ *development on Yerba Buena Island will not*  
25 *substantially interfere with existing views, as of January 1, 2010,*  
26 *from the proposed public trust lands on the eastern and western*  
27 *hilltop public park areas on Yerba Buena Island.*

28 (6) The trustee has approved the exchange and will hold fee  
29 title to all lands to be subject to the trust upon completion of the  
30 exchange.

31 (c) Any portion of the Job Corps parcel may be added to or  
32 removed from the trust, all at once or in phases, as part of the  
33 exchange authorized by this act, provided all of the following  
34 conditions are met:

35 (1) No Job Corps parcel lands are removed from the trust in  
36 advance of the exchange of lands authorized in subdivision (b) of  
37 this section.

38 (2) The commission finds all of the following:

39 (A) Any Job Corps parcel lands to be exchanged into the trust  
40 will enhance the configuration of trust lands on Treasure Island.

1 (B) Any Job Corps parcel lands to be exchanged out of the trust  
2 have been filled and reclaimed, are cut off from access to navigable  
3 waters, are no longer needed or required for the promotion of the  
4 public trust, and constitute a relatively small portion of the granted  
5 tidelands within the city.

6 (C) The inclusion of the Job Corps parcel lands in the exchange  
7 will not result in substantial interference with trust uses and  
8 purposes.

9 (D) Any Job Corps parcel lands to be subject to the trust are  
10 accessible from the streets as finally configured within the TIDA  
11 property, consistent with the beneficial use of those lands.

12 (E) The cumulative value of all of the TIDA property exchanged  
13 into the trust is equal to or greater than the cumulative value of all  
14 of the TIDA property exchanged out of the trust, after the Job  
15 Corps parcel lands are included in the exchange. The following  
16 shall apply to the determination of cumulative value by the  
17 commission:

18 (i) For purposes of calculating the value of any lands added to  
19 or removed from the trust in an earlier phase of the exchange, the  
20 commission shall utilize the value of those lands as determined by  
21 the commission at the time of the commission's approval of the  
22 earlier phase, adjusted to account for any apportionment of  
23 development costs pursuant to clause (ii) and adjusted for inflation  
24 in a manner approved by the commission.

25 (ii) For purposes of calculating value of the Job Corps parcel  
26 lands to be added to or removed from the trust, the commission  
27 shall apportion to those lands a prorated share of any direct or  
28 indirect development, project requirement, and other costs accepted  
29 by the commission in its valuation of any lands involved in an  
30 earlier phase of the exchange where such costs are for activities  
31 or improvements not borne by the United States that benefit the  
32 Job Corps parcel lands, including, but not limited to, the direct and  
33 indirect costs of shoreline stabilization, environmental remediation,  
34 infrastructure, transportation facilities, and open-space  
35 improvements, adjusted for inflation in a manner approved by the  
36 commission.

37 (iii) The commission may take into consideration any  
38 uncertainties concerning whether the Job Corps parcel lands are  
39 currently subject to the trust.

1 (F) The trustee will hold fee title to all lands to be subject to the  
2 trust upon completion of the exchange.

3 (3) The commission and the trustee have approved the addition  
4 of the Job Corps parcel lands to the exchange.

5 (d) The commission shall impose additional conditions on its  
6 approval of the exchange if the commission determines that these  
7 conditions are necessary for the protection of the public trust. These  
8 conditions may include a contribution to the Land Bank Fund,  
9 established pursuant to Division 7 (commencing with Section  
10 8600) of the Public Resources Code, or exchanging lands into the  
11 trust in addition to those on Yerba Buena Island, if the value of  
12 the land brought into the public trust does not equal or exceed the  
13 value of the land removed from the public trust.

14 (e) For purposes of effectuating the exchange authorized by this  
15 act, the commission is authorized to do all of the following:

16 (1) Receive and accept on behalf of the state any lands or interest  
17 in lands conveyed to the state by the trustee, including lands that  
18 are now and that will remain subject to the public trust and the  
19 statutory trust.

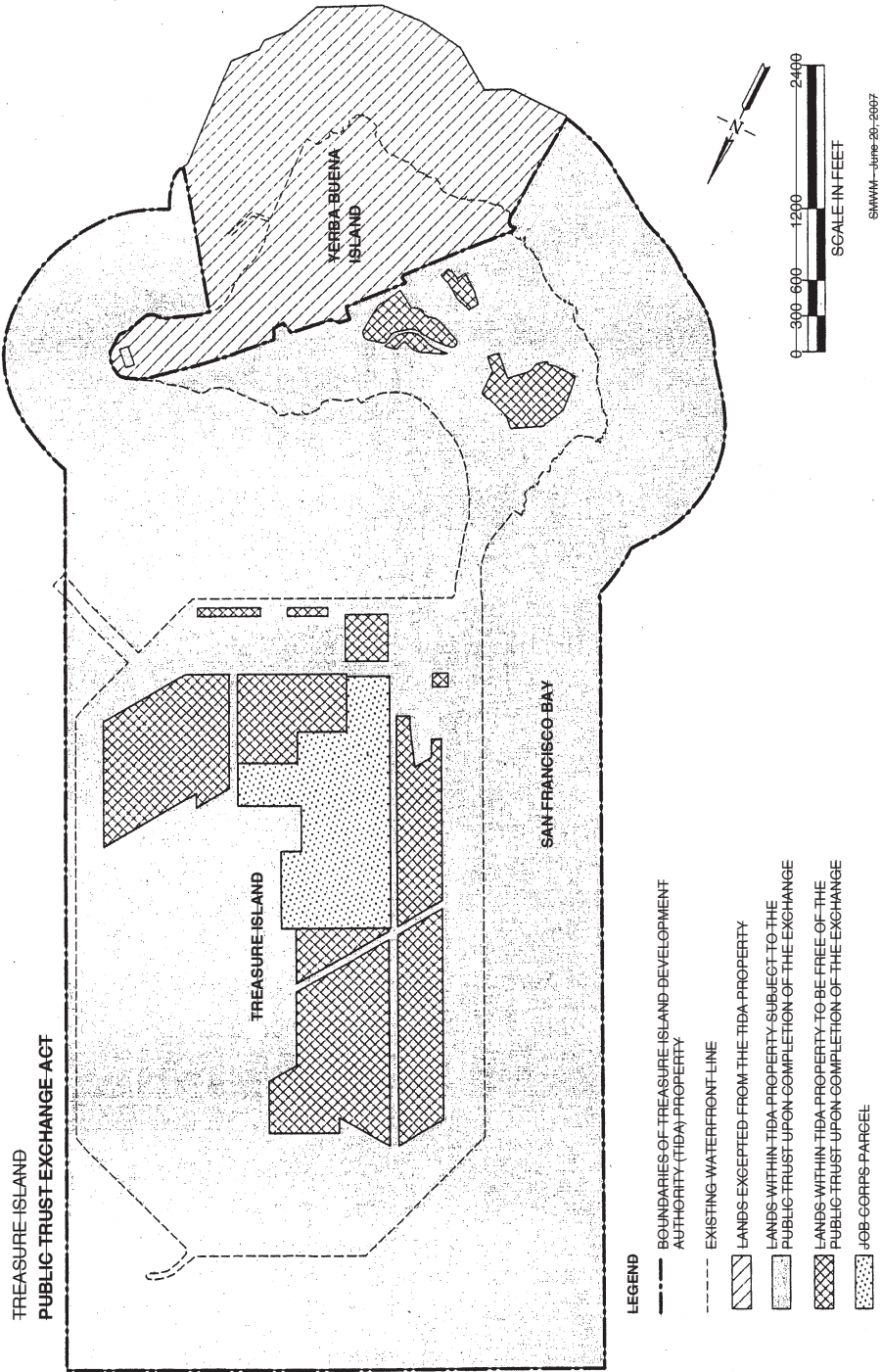
20 (2) Convey to the trustee by patent all of the right, title, and  
21 interest of the state in lands that are to be free of the public trust  
22 and the statutory trust upon completion of the exchange.

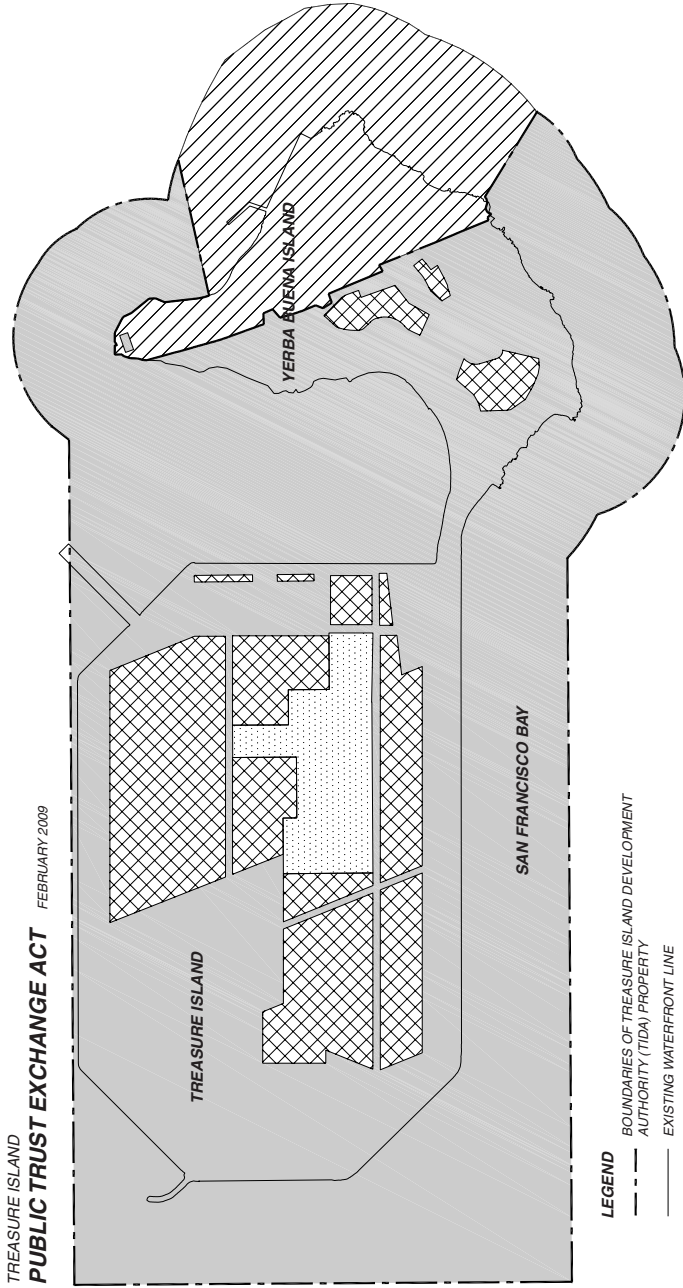
23 (3) Convey to the trustee by patent all of the right, title, and  
24 interest of the state in lands that are to be subject to the public trust  
25 and the statutory trust and the terms of this act upon completion  
26 of the trust exchange, subject to the terms, conditions, and  
27 reservations as the commission may determine are necessary to  
28 meet the requirements of this act.

29 (f) Following the completion of any phase of the trust exchange,  
30 the resulting configuration of trust lands within the TIDA property  
31 shall constitute the “trust property” for purposes of the conversion  
32 act, notwithstanding subdivision (b) of Section 4 of that act.

33 SEC. 5. Section 12 of Chapter 543 of the Statutes of 2004, as  
34 amended by Section 21 of Chapter 660 of the Statutes of 2007, is  
35 amended to read:

36 Sec. 12. The following diagram is a part of this act:





TREASURE ISLAND  
**PUBLIC TRUST EXCHANGE ACT**  
 FEBRUARY 2009

- LEGEND**
- BOUNDARIES OF TREASURE ISLAND DEVELOPMENT AUTHORITY (TIDA) PROPERTY
  - EXISTING WATERFRONT LINE
  - [Diagonal lines] LANDS EXCEPTED FROM THE TIDA PROPERTY
  - [Solid grey] LANDS WITHIN TIDA PROPERTY SUBJECT TO THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
  - [Cross-hatch] LANDS WITHIN TIDA PROPERTY TO BE FREE OF THE PUBLIC TRUST UPON COMPLETION OF THE EXCHANGE
  - [Dotted] JOB CORPUS PARCEL

EXHIBIT A  
**TICD**  
 FEBRUARY 8, 2009

0.5 MILES  
 0.25 MI  
 0.125 MI

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1 SEC. 6. Section 1 of Chapter 660 of the Statutes of 2007 is  
2 amended to read:

3 Sec. 1. As used in this act:

4 (a) “BCDC” means the San Francisco Bay Conservation and  
5 Development Commission established under Section 66620 of the  
6 Government Code.

7 (b) “Burton Act” means Chapter 1333 of the Statutes of 1968,  
8 as amended.

9 (c) “Burton Act lands” means those tidelands granted to the city  
10 by the Burton Act.

11 (d) “Burton Act Map” means that certain map entitled “MAP  
12 OF LANDS TRANSFERRED IN TRUST TO THE CITY AND  
13 COUNTY OF SAN FRANCISCO,” recorded in Book W of Maps,  
14 Page 66, of the City and County of San Francisco Recorder’s  
15 Office.

16 (e) “Burton Act transfer agreement” means that certain  
17 agreement dated January 24, 1969, between the state and the city,  
18 relating to the transfer of the Port of San Francisco from the state  
19 to the city, and any amendments to that agreement in accordance  
20 with its terms.

21 (f) “Burton Act trust” means the statutory trust imposed by the  
22 Burton Act, by which the state conveyed to the city, in trust and  
23 subject to certain terms, conditions, and reservations, the state’s  
24 interest in certain tidelands, including filled lands, and lands  
25 dedicated or acquired by the city as assets of the trust.

26 (g) “Capital plan” means the plan developed by the port dated  
27 February 2007, as may be amended from time to time, identifying  
28 projects to improve the infrastructure and buildings on trust lands  
29 on the San Francisco waterfront, including preservation of and  
30 structural repairs and improvements to historic piers, and the  
31 construction of public access within and around historic piers.

32 (h) “City” means the City and County of San Francisco, a charter  
33 city and county.

34 (i) “Commission” means the State Lands Commission.

35 (j) “Designated seawall lot” or “designated seawall lots” means  
36 any or all of the parcels of real property located in the city  
37 commonly known as seawall lots 328, 330, 337, and 347S,  
38 including a portion of Mission Rock Street, as shown on that certain  
39 map entitled “designated seawall lots,” which is reproduced in  
40 Section 15 and is on file with the commission and the port.

1 (k) “Harbor fund” means the separate fund in the treasury of  
2 the city established and maintained in accordance with Section  
3 B6.406 of the charter of the city and Section 4 of the Burton Act.

4 (l) “Historic pier” means any of the piers, marginal wharves,  
5 pier sheds, bulkhead buildings, and other buildings and structures  
6 in the San Francisco waterfront between and including Pier 48 and  
7 Pier 45 that have been included in the Port of San Francisco  
8 Embarcadero Historic District and that either are individually listed  
9 or eligible for listing on the National Register of Historic Places;  
10 or have been designated as, or meet the standards for, resources  
11 contributing to the historic significance of the Port of San Francisco  
12 Embarcadero Historic District under federal law.

13 (m) “Historic structure” means any building, structure, or other  
14 facility that is located on port property and either is individually  
15 listed or eligible for listing on the National Register of Historic  
16 Places; or has been designated as, or meets the standards for, a  
17 resource contributing to the historic significance of a national  
18 register listed or eligible for listing as a historic district under  
19 federal law.

20 (n) “Lease” means a ground lease or space lease of real property,  
21 license agreement for use of real property, temporary easement,  
22 right-of-way agreement, development agreement, or any other  
23 agreement granting to any person any right to use, occupy, or  
24 improve real property under the jurisdiction of the port.

25 (o) “McAteer-Petris Act” means Title 7.2 (commencing with  
26 Section 66000) of the Government Code.

27 (p) “Paper street” or “paper streets” means any or all of those  
28 areas of real property, located in the city, consisting of certain  
29 portions of lands designated as streets on the Burton Act Map, and  
30 more particularly described as follows:

31 (1) That portion of Daggett Street lying between the easterly  
32 prolongation of the northerly line of Sixteenth Street and the  
33 *southeasterly prolongation of the* southwesterly line of Seventh  
34 Street.

35 (2) That portion of Texas Street lying between the easterly  
36 prolongation of the southerly line of Sixteenth Street and the Pueblo  
37 Line of 1883, as shown on Sheet 4 of the Burton Act Map.

38 (3) That portion of Custer Avenue lying southerly of a line  
39 parallel with, and distant 100 feet landward, from the mean High  
40 Water Line of San Francisco Bay.

1 (4) That portion of Evans Avenue *adjacent to block 77 as shown*  
2 *on Sheet 6 of the Burton Act Map* lying easterly and northerly of  
3 the Line of Ordinary High Tide of 1868-1869 as shown on Sheet  
4 6 of the Burton Act Map, and westerly of a line parallel with, and  
5 distant 100 feet landward, from the mean High Water Line of San  
6 Francisco Bay.

7 (5) That portion of Davidson Avenue lying easterly of the Line  
8 of Ordinary High Tide of 1868-1869 as shown on Sheet 6 of the  
9 Burton Act Map, and westerly of a line parallel with, and distant  
10 100 feet landward, from the mean High Water Line of San  
11 Francisco Bay.

12 (6) That portion of Ingalls Street lying southerly of the westerly  
13 prolongation of the southerly line of Custer Avenue, northeasterly  
14 of the Ordinary High Tide Line of ~~1869~~ *1868-1869*, and  
15 southeasterly of a line parallel with, and distant 100 feet landward,  
16 from the mean High Water Line of San Francisco Bay.

17 (7) Subject to approval by the commission, any portion of former  
18 Arthur Avenue lying southwesterly of the southwesterly line of  
19 Cargo Way, as dedicated on November 10, 1978, by Resolution  
20 Number 834-78 of the Board of Supervisors of the city, and as  
21 shown on Map T-27-85 on file in the office of the County Surveyor  
22 of the city, lying easterly of the easterly line of Third Street,  
23 abutting Assessor Parcel Numbers 5203-023, 5203-025, 5203-038,  
24 5203-046, 5203-047, 5203-048, 5203-049, 5203-050, 5203-051,  
25 5203-052, 5203-053, 5203-054, 5203-055, 5203-056, and  
26 5203-057, inclusive, and Assessor Parcel Number 4570-019,  
27 excepting therefrom that portion thereof lying between the  
28 northeasterly prolongations of the northwesterly and southeasterly  
29 lines of Mendell Avenue; the foregoing shall include, without  
30 limitation, any portion of Arthur Avenue shown as lying outside  
31 of Parcel "A" as depicted on the Burton Act Map, provided that  
32 the commission finds and declares that there is uncertainty as to  
33 the nature or extent of the state's sovereign interest in these lands  
34 and that the public interest would be served by the resolution of  
35 that uncertainty by a settlement.

36 (q) "Person" means any private person, corporation, limited  
37 liability company, partnership, joint venture, business entity,  
38 business trust, association or other private organization or private  
39 entity, or any governmental entity or agency.

1 (r) “Port of San Francisco” or “port” means the city acting by  
2 and through the San Francisco Port Commission.

3 (s) “Preservation” means the rehabilitation, restoration, or  
4 preservation of historic piers or other historic structures in  
5 accordance with the Secretary of the Interior’s Standards for  
6 Rehabilitation. Preservation includes seismic retrofitting,  
7 substructure repair, and other structural and life-safety  
8 improvements, provided that the improvements are necessary for  
9 and in furtherance of the preservation of historic piers or other  
10 historic structures.

11 (t) “Public trust” or “trust” means the common law public trust  
12 for commerce, navigation, and fisheries.

13 (u) “San Francisco waterfront” means those lands placed by the  
14 city under the management, supervision, and control of the port.

15 (v) “Seaport plan” means the San Francisco Bay Area Seaport  
16 Plan, adopted by BCDC and the Metropolitan Transportation  
17 Commission, as amended in 2003, and as may be amended from  
18 time to time.

19 (w) “Special area plan” means the San Francisco Waterfront  
20 Special Area Plan, dated July 20, 2000, adopted by BCDC, as  
21 amended in 2002, and as may be amended from time to time.

22 (x) “State” means the State of California.

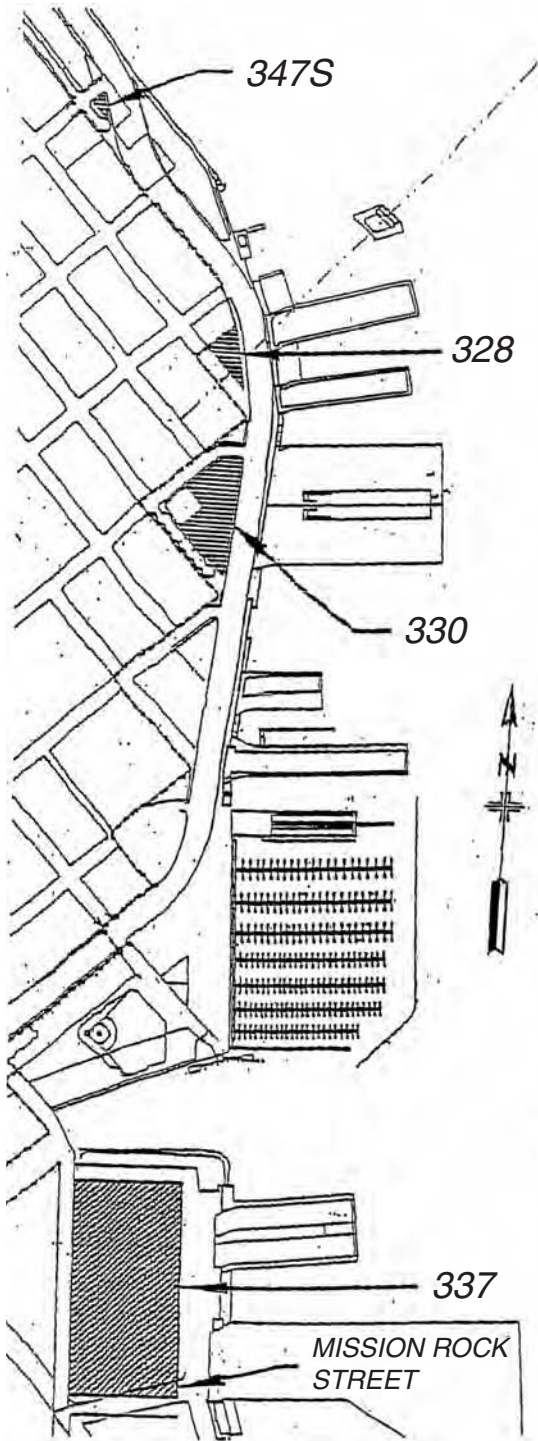
23 (y) “Subarea” or “subareas” means one or more of the waterfront  
24 subareas identified in the Waterfront land use plan, as may be  
25 amended from time to time, except as otherwise provided in this  
26 act.

27 (z) “Tidelands” means the lands lying below the elevation of  
28 ordinary high water, whether filled or unfilled, and includes  
29 submerged lands.

30 (aa) “Waterfront land use plan” means the Port of San Francisco  
31 Waterfront Land Use Plan, including, but not limited to, the  
32 waterfront design and access element, adopted by the port under  
33 Resolution No. 97-50, as may be amended from time to time.

34 SEC. 7. Section 15 of Chapter 660 of the Statutes of 2007 is  
35 amended to read:

36 Sec. 15. The following map is a part of this act: ~~[Map of~~  
37 ~~Designated Seawall Lots to be provided]~~



*DESIGNATED*  
 *SEAWALL*  
*LOTS*

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