

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cannella, Evans, Fuller, Kehoe,
La Malfa, Padilla, Simitian, and Wolk)**

February 18, 2011

An act to amend Section 11 of Chapter 203 of the Statutes of 2009, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 860, as introduced, Committee on Natural Resources and Water. Tidelands and submerged lands: City and County of San Francisco: Hunters Point Naval Shipyard and Candlestick Point: mineral rights.

Existing law vests in the San Francisco Redevelopment Agency all of the state's rights, title, and interest in Candlestick Point and the former Hunters Point Naval Shipyard trust lands, and upon conveyance by the federal government to the agency, in appurtenances located on Hunters Point submerged lands, subject to the public trust, as provided.

Existing law approves an exchange of public trust lands within the lands conveyed, whereby certain trust lands or interests in lands that meet specified criteria and are not useful for public trust purposes are freed from the public trust and authorized to be conveyed into private ownership. Existing law authorizes certain other lands or interests in lands that are not now public trust lands and that are useful for public trust purposes to be made subject to the public trust.

Existing law requires the state to reserve from the grants made to the agency, the state's interest or any portion of the state's interest, in any lands, all mineral and mineral rights in the lands, as provided.

This bill would clarify that the term lands, as used in this reservation by the state, refers to lands that are to be impressed with the public trust.

The bill would also clarify that if an agreement is entered into that provides for the quitclaim to the state by the other parties to that agreement of all mineral rights in the lands they own or may own that are to be impressed with the public trust, the state would be authorized to quitclaim all mineral rights in the lands that are to be freed of the public trust.

The bill would declare that these changes are declaratory of existing law.

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

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

1 SECTION 1. Section 11 of Chapter 203 of the Statutes of 2009
 2 is amended to read:
 3 SEC. 11. The state shall reserve from the grant made in Section
 4 6 of ~~this act~~ *Chapter 203 of the Statutes of 2009*, and from any
 5 other conveyance pursuant to ~~this act~~ *Chapter 203 of the Statutes*
 6 *of 2009* of the state’s interest, or any portion of the state’s interest,
 7 in any lands, all minerals and all mineral rights ~~in the~~ *those* lands
 8 *that are to be impressed with the public trust*, of every kind and
 9 character now known to exist or hereafter discovered, including,
 10 but not limited to, oil and gas and rights thereto, together with the
 11 sole, exclusive, and perpetual right to explore for, remove, and
 12 dispose of those minerals by any means or methods suitable to the
 13 state or to its successors and assignees, except that, notwithstanding
 14 the Burton Act or Section 6401 of the Public Resources Code, this
 15 reservation shall not include the right of the state or its successors
 16 or assignees in connection with any mineral exploration, removal,
 17 or disposal activity, to do either of the following:
 18 (a) Enter upon, use, or damage the surface of the lands or
 19 interfere with the use of the surface by a grantee or by the grantee’s
 20 successors or assignees. However, a lease, franchise, permit, or
 21 license of the property shall contain a provision specifying at least
 22 one point from which, and the manner in which, the right of ingress
 23 or egress to the subsurface deposits may be exercised, which point
 24 or points may be outside the area of the leasehold, franchise,
 25 permit, or license, as long as the point or points are adequate to
 26 permit the rights reserved to the state to be exercised.

1 (b) Conduct any mining activities of any nature whatsoever
 2 above a plane located 500 feet below the surface of the lands
 3 without the prior written permission of a grantee of the lands or
 4 the grantee’s successors or assignees.

5 (c) *If an agreement authorized by Chapter 203 of the Statutes*
 6 *of 2009 provides for the quitclaim to the state by the other parties*
 7 *to that agreement of all mineral rights in the lands they own or*
 8 *may own that are to be impressed with the public trust, the state*
 9 *may quitclaim all mineral rights in the lands that are to be freed*
 10 *of the public trust under the agreement.*

11 SEC. 2. The Legislature finds and declares that the amendments
 12 to Chapter 203 of the Statutes of 2009 made by this act do not
 13 constitute a change in, but are declaratory of, existing law.

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 16 **CORRECTIONS:**
 17 **Heading/Digest—Page 1.**
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