

AMENDED IN ASSEMBLY JUNE 20, 2011

SENATE BILL

No. 860

**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~~ *Section 1 of Chapter 594 of the Statutes of 1917, to amend Section 12 of Chapter 898 of the Statutes of 1997, to amend Section 5 of Chapter 734 of the Statutes of 2000, to amend Sections 2 and 9 of Chapter 543 of the Statutes of 2004, and to amend Sections 1 and 11 of Chapter 203 of the Statutes of 2009*, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 860, as amended, Committee on Natural Resources and Water. Tidelands and submerged lands: ~~City and County of San Francisco: Hunters Point Naval Shipyard and Candlestick Point: public trust lands:~~ 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 various redevelopment agencies or authorities all of the state's rights, title, and interest in certain described trust lands and conveys these lands subject to the public trust.~~

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~~ *each agency or authority*, 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.

This bill would also make changes regarding the reconveyance of the trust lands to a local entity, the boundary description of trust lands, and a hazardous materials remediation with respect to some trust lands.

The bill would declare that ~~these~~ *certain* 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 1 of Chapter 594 of the Statutes of 1917,*
2 *as amended by Section 2 of Chapter 734 of the Statutes of 2000,*
3 *is amended to read:*

4 ~~Sec. 1.~~

5 *SECTION 1.* There is hereby granted to the City of Alameda
6 (hereafter "city"), a municipal corporation of the State of
7 California, and to its successors, all the right, title, and interest of
8 the State of California, held by the state by virtue of its sovereignty,
9 in and to all the salt marsh, tide and submerged lands, whether
10 filled or unfilled, within the present boundaries of the city, and
11 situated below the line of mean high tide of the Pacific Ocean, or
12 of any harbor, estuary, bay, or inlet within the boundaries, to be
13 forever held by the city, and by its successors, in trust for the uses
14 and purposes, and upon the following express conditions:

1 (a) The city shall be the public trust administrator for all lands
2 granted to it pursuant to this act (hereafter “granted lands”), and
3 may use, conduct, operate, maintain, manage, administer, regulate,
4 improve, lease, and control the lands and do all things necessary
5 in connection with the lands that are in conformance with the terms
6 of this act and the public trust for commerce, navigation, and
7 fisheries.

8 (b) The granted lands shall be used by the city and its successors,
9 solely for the establishment, improvement, and conduct of a harbor,
10 and for the construction, maintenance, and operation thereon of
11 wharves, docks, piers, slips, quays, warehouses, factories,
12 storehouses, equipment, parking areas, streets, highways, bridges,
13 pedestrian ways, landscaped areas, public buildings, public
14 assembly and meeting places, convention centers, parks, museums,
15 playgrounds, public recreation facilities (including, without
16 limitation, public golf courses, marinas, restaurants, hotels,
17 commercial recreation facilities, entertainment facilities and
18 attractions), and any other utilities, structures, and appliances,
19 provided the facilities are incidental to, or necessary or convenient
20 for, the promotion, benefit, and accommodation of the purposes
21 of the public trust.

22 (c) The city, or its successors, may not grant, convey, give, or
23 alienate the granted lands, or any part thereof, to any individual,
24 firm, or corporation for any purpose, except as provided in this
25 section or otherwise provided by the Legislature. This subdivision
26 shall not be construed as prohibiting the conveyance of any lands
27 within the former Naval Air Station Alameda, including lands
28 previously granted to the city and subsequently transferred to the
29 United States, to the Alameda Reuse and Redevelopment Authority
30 (hereafter “ARRA”) by the United States or the city, or as
31 prohibiting the conveyance of any of those lands to the city by the
32 United States or the ARRA.

33 (d) Notwithstanding the foregoing restriction on alienation, the
34 city, or its successors, may grant franchises, permits, privileges,
35 licenses, easements, or leasehold interests (hereafter collectively
36 referred to as “leases”) in connection with the lands, or any part
37 thereof, for limited periods, for purposes consistent with the trusts
38 upon which the lands are held by the State of California and this
39 grant, for a term not exceeding 66 years. The city may establish
40 other terms, conditions, and reservations in the leases, including

1 a right to terminate with reversion to the city upon termination of
2 any and all improvements thereon, as long as the terms,
3 reservations, and conditions are consistent with the public trust
4 and this act. The leases may include reservations for streets, sewer
5 outlets, gas and oil mains, water systems, electric cables and wires,
6 and other municipal purposes and uses deemed necessary by the
7 city, upon compensation being made for the injury and damage
8 done to any improvement or structure thereon.

9 (e) All moneys collected by the city arising out of the use or
10 operation of any of the granted lands, including all revenues
11 derived from leases or other rights to use or occupy the lands, shall
12 be deposited into a special fund maintained by the city. The money
13 in or belonging to the fund may be used only for uses and purposes
14 consistent with the public trust for navigation, commerce, and
15 fisheries, and the requirements of this act.

16 (f) The State of California shall have the right, together with
17 the city if there is no lessee or licensee, or together with the lessee
18 or licensee, if there is a lessee or licensee, to use, without charge,
19 all wharves, docks, piers, slips, quays, or other improvements
20 constructed on the granted lands or any part thereof, for any vessel
21 or other watercraft, or railroad, owned or operated by the State of
22 California.

23 (g) No discrimination in rates, tolls, or charges for use or in
24 facilities for any use or service in connection with wharves, docks,
25 piers, slips, or quays, or property operated by the city, or property
26 leased, the use of which is dedicated by the lessee or licensee for
27 a public use, shall ever be made, authorized, or permitted.

28 (h) There is hereby reserved in the people of the State of
29 California the right to fish in the waters on which the lands may
30 front, with the right of convenient access to the waters over the
31 lands for that purpose. The enjoyment of access and right to fish
32 shall be regulated by ordinance of the city so as not to interfere,
33 obstruct, retard, or limit the right of navigation or the rights of
34 lessees or licensees under lease or license given.

35 (i) The state hereby reserves all subsurface mineral deposits,
36 including oil and gas deposits, together with the right of ingress
37 and egress on the granted lands for exploration, drilling, and
38 extraction of mineral, oil, and gas deposits. Those mineral rights,
39 including the right of ingress and egress, shall not be exercised in
40 a manner that would disturb or otherwise interfere with any lease

1 of or on the granted lands. However, any lease of property shall
2 contain a provision specifying at least one point from which, and
3 the manner in which, the right of ingress or egress to subsurface
4 deposits may be exercised, which point or points may be outside
5 the area of the lease, provided the point or points are adequate to
6 permit the rights reserved to the state to be exercised.
7 *Notwithstanding this subdivision, or Section 6401 of the Public*
8 *Resources Code, the reservation shall not include the right of the*
9 *state or its successors or assignees in connection with any mineral*
10 *exploration, removal, or disposal activity, to conduct any mining*
11 *activity of any nature whatsoever above a plane located 500 feet*
12 *below the surface of the lands without the prior written permission*
13 *of any grantee of the lands or the grantee's successors or*
14 *assignees. If a public trust exchange agreement authorized by*
15 *Chapter 734 of the Statutes of 2000, as amended, provides for the*
16 *quitclaim to the state of all mineral rights in the lands to be*
17 *impressed with the public trust under the agreement, the state may*
18 *quitclaim to ARRA or the city all mineral rights in the lands that*
19 *are to be freed of the public trust under the agreement.*

20 (j) Nothing in this act shall impair or affect any rights or
21 obligations arising from leases conferring the right to use, occupy,
22 or conduct operations upon or within the granted lands, provided
23 the leases were lawfully entered into, consistent with any applicable
24 public trust or other restrictions on use, prior to the effective date
25 of this act.

26 *SEC. 2. Section 12 of Chapter 898 of the Statutes of 1997 is*
27 *amended to read:*

28 *Sec. 12. (a) If the Authority is dissolved, by operation of law*
29 *or otherwise, ~~the Trust Property, together with all right, title, and~~*
30 *~~interest of the Authority in the property and any—and all~~*
31 *improvements thereon, ~~and shall, by operation of law, devolve~~*
32 *~~upon and vest in the City and County of San Francisco, and the~~*
33 *~~City and County of San Francisco shall assume the management,~~*
34 *~~conduct, and operation of and jurisdiction over the Trust Property,~~*
35 *~~shall revert and be conveyed to and vest in the City and county of~~*
36 *~~San Francisco, acting by and through its Port Commission, subject~~*
37 *~~to the public trust for commerce, navigation, and fisheries, and the~~*
38 *~~requirements of the Bunton Act (Chapter 1333 of the Statutes of~~*
39 *~~1968), and the remainder of the property shall be conveyed to the~~*

1 ~~City and County of San Francisco~~ *terms and conditions of this act,*
2 *as amended.*

3 (b) *The Authority may transfer to the City and County of San*
4 *Francisco some or all of the Trust Property if the State Lands*
5 *Commission has approved the transfer. All of the right, title, and*
6 *interest granted to the Authority under this act in any portion of*
7 *the Trust Property transferred under this subdivision shall, upon*
8 *transfer, be granted to and vest in the City and County of San*
9 *Francisco, to be held subject to the public trust and the terms and*
10 *conditions of this act.*

11 (c) *For purposes of this act, the City and County of San*
12 *Francisco includes, but is not limited to, the City and County of*
13 *San Francisco acting by and through its Port Commission.*

14 *SEC. 3. Section 5 of Chapter 734 of the Statutes of 2000 is*
15 *amended to read:*

16 Sec. 5. (a) The Legislature hereby approves an exchange of
17 public trust lands within the NAS property, whereby certain public
18 trust lands that are not now useful for public trust purposes are
19 conveyed free of the public trust and certain other lands that are
20 not now public trust lands and that are useful for public trust
21 purposes are made subject to the public trust, resulting in a
22 configuration of trust lands that is substantially similar to that
23 shown on the diagram in Section 11 of this act, provided the
24 exchange complies with the requirements of this act. The exchange
25 is consistent with, and furthers the purposes of, the public trust
26 and the granting act.

27 (b) The commission is authorized to carry out an exchange of
28 public trust lands within the NAS property, in accordance with the
29 requirements of this act. Pursuant to this authority, the commission
30 shall establish appropriate procedures for effectuating the exchange.
31 The procedures shall include procedures for ensuring that lands
32 are not exchanged into the trust until any necessary hazardous
33 materials remediation for those lands has been completed, and
34 may include, if appropriate, procedures for completing the
35 exchange in phases.

36 (c) The precise boundaries of the lands to be taken out of the
37 trust and the lands to be put into the trust pursuant to the exchange
38 shall be determined by the commission. The commission shall not
39 approve the exchange of any trust lands unless and until all of the
40 following occur:

1 (1) The commission finds that the configuration of trust lands
2 on the NAS property upon completion of the exchange will not
3 differ significantly from the configuration shown on the diagram
4 in Section 11 of this act, and includes all *existing tide and*
5 *submerged* lands within the NAS property *that are presently below*
6 *mean high tide, excepting those portions of the NAS property that*
7 *are to be retained by the federal government.*

8 (2) The commission finds that, with respect to the trust exchange
9 as finally configured and phased, the value of the lands to be
10 exchanged into the trust is equal to or greater than the value of the
11 lands to be exchanged out of the trust.

12 (3) The commission finds that, with respect to the trust exchange
13 as finally configured and phased, the lands to be taken out of the
14 trust have been filled and reclaimed, are cut off from access to
15 navigable waters, are no longer needed or required for the
16 promotion of the public trust, and constitute a relatively small
17 portion of the lands originally granted to the city, and that the
18 exchange will not result in substantial interference with trust uses
19 and purposes.

20 (4) The exchange is approved by the entity or entities that, under
21 the provisions of the granting act and this act, would be responsible
22 for administering the public trust with respect to the lands to be
23 exchanged into the trust, and those lands are accepted by such
24 entity or entities subject to the public trust and the requirements
25 of the granting act.

26 (d) The exchange authorized by this act is subject to additional
27 conditions that the commission determines are necessary for the
28 protection of the public trust. At a minimum, the commission shall
29 establish conditions to ensure all of the following:

30 (1) Streets and other transportation facilities located on trust
31 lands are designed to be compatible with the public trust.

32 (2) The north-south corridor described in subdivision (g) of
33 Section 4 of this act functions as a public access corridor.

34 (3) Lands are not exchanged into the trust until any necessary
35 hazardous materials remediation for those lands has been
36 completed.

37 (e) All former or existing tide or submerged lands within the
38 NAS property *that have been conveyed to the ARRA or the city*
39 *and for which the public trust has not been terminated, either by*
40 *express act of the Legislature or otherwise, and any lands*

1 exchanged into the trust pursuant to this act, shall be held, whether
2 by the ARRA or by the city, subject to the public trust and the
3 requirements of the granting act. Notwithstanding the provisions
4 of the granting act, during any period in which those lands are held
5 by the ARRA, the ARRA, rather than the city, shall be the public
6 trust administrator for the lands, and shall have the same powers,
7 and be subject to the same requirements, as would the city under
8 the granting act.

9 (f) Any lands exchanged out of the trust pursuant to this act
10 shall be deemed free of the public trust and the requirements of
11 the granting act.

12 (g) For purposes of effectuating the exchange authorized by this
13 act, the commission is authorized to do the following:

14 (1) Receive and accept on behalf of the state any lands or interest
15 in lands conveyed to the state by the ARRA or the city, including
16 lands that are now and that will remain subject to the public trust.

17 (2) Convey to the ARRA or the city by patent all of the right,
18 title, and interest of the state in lands that are to be free of the
19 public trust upon completion of an exchange of lands as authorized
20 by this act and as approved by the commission.

21 (3) Convey to the ARRA or the city by patent all of the right,
22 title, and interest of the state in lands that are to be subject to the
23 public trust, the terms of this act, and the granting act upon
24 completion of an exchange of lands as authorized by this act and
25 as approved by the commission, subject to the terms, conditions,
26 and reservations that the commission determines are necessary to
27 meet the requirements of subdivisions (d) and (e).

28 (h) *For purposes of this section, the requirement to complete*
29 *all necessary hazardous materials remediation shall be deemed*
30 *satisfied with respect to the land to be impressed with the trust if*
31 *either of the following occurs:*

32 (1) *All remedial action necessary to protect human health and*
33 *the environment with respect to the hazardous substances on the*
34 *land has been completed as determined in accordance with the*
35 *Federal Facility Agreement for Alameda Naval Air Station between*
36 *the United States Environmental Protection Agency, the United*
37 *States Department of the Navy, and the State of California, as that*
38 *agreement may be amended from time to time, and the United*
39 *States has provided a warranty in accordance with Section*
40 *9620(h)(3)(A) of Title 42 of the United States Code.*

1 (2) *The United States has obtained a warranty deferral,*
2 *approved by the Governor in accordance with Section*
3 *9620(h)(3)(C) of Title 42 of the United States Code, involving land*
4 *for which the commission has determined to execute a certificate*
5 *of acceptance of title, and the commission finds that sufficient*
6 *liability measures and implementation measures will be in place*
7 *upon the completion of the exchange. Prior to approving a*
8 *warranty deferral, the Governor and the Department of Toxic*
9 *Substances Control, the regional water quality control board, or*
10 *other appropriate state oversight agency with expertise in*
11 *hazardous materials remediation shall confer and consult with*
12 *the commission to reasonably ensure that the terms of the warranty*
13 *deferral and underlying documents and agreements provide*
14 *sufficient standards and financial assurances to ensure that the*
15 *remediation of any affected trust lands will be completed in a*
16 *manner consistent with the intended public trust use of these lands*
17 *and in a reasonable period of time.*

18 SEC. 4. *Section 2 of Chapter 543 of the Statutes of 2004 is*
19 *amended to read:*

20 Sec. 2. The following definitions apply for purposes of this
21 act:

22 (a) “Authority” or “TIDA” means the Treasure Island
23 Development Authority, a nonprofit public benefit corporation
24 established by the legislative body of the City and County of San
25 Francisco and the conversion act, or, if TIDA is dissolved, the City
26 and County of San Francisco, ~~acting by and through its Port~~
27 ~~Commission.~~

28 (b) “City” means the City and County of San Francisco.

29 (c) “Commission” means the State Lands Commission.

30 (d) “Conversion act” means the Treasure Island Conversion Act
31 of 1997 (Chapter 898 of the Statutes of 1997).

32 (e) “Public trust” or “trust” means the public trust for commerce,
33 navigation, and fisheries.

34 (f) “Statutory trust” means those requirements for and limitations
35 on the use, management, and disposition of trust lands imposed
36 by Sections 6 through 11, inclusive, of the conversion act.

37 (g) “TIDA property” means that property comprised of portions
38 of the lands commonly known as Treasure Island and Yerba Buena
39 Island lying within the City and County of San Francisco, State
40 of California and more particularly described as follows:

1 That portion of the lands described in that certain Presidential
2 Reservation of Goat Island (now Yerba Buena Island), dated
3 November 6, 1850, lying northwesterly of Parcel 57935-1 as
4 described in that certain Quitclaim Deed, recorded October 26,
5 2000, as Document Number 2000G855531, in the office of the
6 Recorder of the said City and County of San Francisco (hereinafter
7 referred to as Doc. 2000G855531), together with all of the
8 underlying fee to Parcel 57935-5 as described in said Quitclaim
9 Deed (Doc. 2000G855531), and also together with all of the
10 underlying fee to Parcel 57935-6 as described in said Quitclaim
11 Deed (Doc. 2000G855531), and also together with that portion of
12 the tide and submerged lands in San Francisco Bay, relinquished
13 to the United States of America by that certain act of the
14 Legislature of the State of California by Statutes of the State of
15 California of 1897, Chapter 81 (hereinafter referred to as Stat.
16 1897, Ch. 81), and also together with all of the Tidelands and
17 Submerged Lands in San Francisco Bay known as Treasure Island,
18 together with all improvements thereon and appurtenances thereto,
19 as described in that certain Final Judgment of Condemnation, filed
20 April 3, 1944, in the District Court of the United States in and for
21 the Northern District of California, Southern Division, Case
22 Number 22164-G (hereinafter referred to as Case 22164-G),
23 excepting therefrom, that portion of the said Tidelands and
24 Submerged Lands in San Francisco Bay known as Treasure Island
25 (Case 22164-G), commonly referred to as the Job Corps Center,
26 Treasure Island, which was transferred to the United States
27 Department of Labor by that certain document entitled “Transfer
28 and Acceptance of Military Real Property”, Dated March 3, 1998,
29 and also excepting therefrom, that portion of the said Tide and
30 Submerged Lands in San Francisco Bay, relinquished to the United
31 States of America (Stat. 1897, Ch. 81), within the “Army
32 Reservation, Occupied by U.S. Light House Service under Permit
33 from Secretary of War dated May 27, 1872” as shown and
34 described upon that certain map entitled “Plat of Army and Navy
35 reservations on Yerba Buena (Goat) Island, San Francisco Bay,
36 California”, and also excepting therefrom, that portion of the Tide
37 and Submerged Lands in San Francisco Bay, relinquished to the
38 United States of America (Stat. 1897, Ch. 81) which were
39 transferred to the United States Coast Guard by that certain

1 document entitled “Transfer and Acceptance of Military Real
2 Property”, Dated November 26, 2002.

3 (h) “Tidelands” means lands below the mean high tide line and
4 includes submerged lands.

5 (i) “Trust exchange” or “exchange” means the exchange of trust
6 lands on Treasure Island for lands on Yerba Buena Island not
7 presently subject to the trust, as authorized by this act.

8 (j) “Trust lands” means all lands, including, but not limited to,
9 tidelands, within the TIDA property that are presently subject to
10 the public trust or will be subject to the trust upon conveyance out
11 of federal ownership or following a trust exchange.

12 (k) “Trustee” means the authority and any successor agency
13 authorized under the conversion act and this act to administer the
14 trust over any or all of the trust lands.

15 *SEC. 5. Section 9 of Chapter 543 of the Statutes of 2004 is*
16 *amended to read:*

17 *Sec. 9. In any case where the state, pursuant to this act, conveys*
18 *tidelands and submerged lands, the state shall reserve all minerals*
19 *and all mineral rights in the lands of every kind and character now*
20 *known to exist or hereafter discovered, including, but not limited*
21 *to, oil and gas, and rights thereto, together with the sole, exclusive,*
22 *and perpetual right to explore for, remove, and dispose of those*
23 *minerals by any means or methods suitable to the state or to its*
24 *successors and assignees, except that, notwithstanding the*
25 *conversion act, or Section 6401 of the Public Resources Code, any*
26 *reservation shall not include the right of the state or its successors*
27 *or assignees in connection with any mineral exploration, removal,*
28 *or disposal activity, to do either of the following:*

29 (1) Enter upon, use, or damage the surface of the lands or
30 interfere with the use of the surface by any grantee or by the
31 grantee’s successors or assignees.

32 (2) Conduct any mining activity of any nature whatsoever above
33 a plane located 500 feet below the surface of the lands without the
34 prior written permission of any grantee of the lands or the grantee’s
35 successors or assignees.

36 *If an agreement authorized by this act provides for the quitclaim*
37 *to the state by TIDA of all mineral rights in the lands TIDA owns*
38 *or may own that are to be impressed with the public trust, the state*
39 *may quitclaim to TIDA all mineral rights in the lands that are to*
40 *be freed of the public trust under the agreement.*

1 *SEC. 6. Section 1 of Chapter 203 of the Statutes of 2009 is*
2 *amended to read:*

3 Section 1. The following definitions apply for purposes of this
4 act:

5 (a) “1958 Act” means Chapter 2 of the Statutes of 1958 of the
6 First Extraordinary Session.

7 (b) “Agency” means the San Francisco Redevelopment Agency,
8 or any successor ~~redevelopment agency~~ *entity* with jurisdiction
9 over the project area.

10 (c) “Applicable statutory trust” means either of the following:

11 (1) Where the agency is the trustee, the terms and conditions of
12 the state’s trust grant to the agency under this act.

13 (2) Where the city is the trustee, the Burton Act trust.

14 (d) “BCDC” means the San Francisco Bay Conservation and
15 Development Commission.

16 (e) “Burton Act” means Chapter 1333 of the Statutes of 1968,
17 as amended.

18 (f) “Burton Act lands” means all those lands within the project
19 area, or immediately adjacent to the project area, owned in fee by
20 the city and held subject to the Burton Act.

21 (g) “Burton Act transfer agreement” means that certain
22 agreement dated January 24, 1969, between the state and the city,
23 relating to the transfer of the Port of San Francisco from the state
24 to the city, and any amendments to that agreement in accordance
25 with its terms.

26 (h) “Burton Act trust” means the statutory trust imposed by the
27 Burton Act, and any additional restrictions on use and alienability
28 created by the Burton Act transfer agreement, by which the state
29 conveyed to the city, in trust and subject to certain terms,
30 conditions, and reservations, the state’s interest in certain tidelands,
31 including filled lands, and lands dedicated or acquired by the city
32 as assets of the trust. The Burton Act trust does not include the
33 requirements of Section 12 of the Burton Act.

34 (i) “Candlestick Point” means all that real property situate in
35 the City and County of San Francisco, State of California, described
36 as follows:

37 Beginning at the intersection of the northeasterly line of
38 Underwood Avenue (formerly 21st Avenue, 80 feet wide) with
39 the southeasterly line of Arelious Walker Drive (formerly F Street,
40 or Fitch Street, 64 feet wide); thence southwesterly along the

1 southeasterly line of said Arelious Walker Drive 1400 feet to a
2 point laying on the northeasterly line of Bancroft Avenue (formerly
3 26th Avenue, 80 feet wide), said point being also the most westerly
4 corner of the lands designated and shown as “Parcel 1” on that
5 certain map entitled “Record of Survey – Hunters Point Shipyard”
6 and filed in Book “Z” of Maps, at pages 135 through 147,
7 Document No. 2000-G845126 in the office of the City and County
8 of San Francisco Recorder; thence southeasterly along the
9 northeasterly line of said Bancroft Avenue 2592 feet to the
10 northeasterly extension of the northwesterly line of Boalt Street
11 (formerly B Street, 64 feet wide); thence southwesterly along said
12 extension and said northwesterly line of said Boalt Street 35 feet
13 to a point laying on the boundary of those certain lands commonly
14 known as “Candlestick Point State Recreation Area” and described
15 under Exhibit “1” in that certain Quitclaim Deed from the City
16 and County of San Francisco to the State of California, recorded
17 in the office of County Recorder of said county in Book D633 of
18 Official Records, at Image 1952; thence generally southwesterly,
19 southeasterly, southerly and westerly along said boundary of said
20 “Candlestick Point State Recreation Area”, in all of its courses, to
21 a point on the San Francisco – San Mateo County boundary line
22 as said line is shown on that certain Board of Tide Land
23 Commissioners map entitled “Map of the Salt Marsh and Tide
24 Lands and Lands Lying Under Water South of Second Street”, a
25 copy of which is filed in Map Book “W”, pages 46 and 47, in the
26 office of the City and County of San Francisco Recorder, from
27 which point the point of beginning of said boundary described in
28 said Exhibit “1” bears North 44°39’58” East 103.85 feet, more or
29 less; thence westerly along said county line 15 feet, more or less,
30 to the southeasterly line of Harney Way as shown on that certain
31 map entitled “Map Showing the Opening of Harney Way from
32 Jamestown Avenue to County Line”, filed January 28, 1965, in
33 Map Book “U” at pages 64 and 65, in the office of the City and
34 County of San Francisco Recorder; thence continuing westerly
35 along said county line 178.79 feet; thence leaving said county line
36 North 44°39’58” East 592.16 feet; thence North 45°36’16” East
37 300.04 feet; thence North 56°25’37” East 104.39 feet; thence North
38 61°40’38” East 137.37 feet; thence North 76°48’21” East 159.25
39 feet to a point laying at the westerly terminus of the course labeled
40 “North 86°19’02” West 87.60 feet” on the northerly line of Harney

1 Way as shown on that certain Final Map entitled “Map of San
2 Francisco Executive Park II”, filed in Map Book “X”, pages 8
3 through 11, Document No. D168468, in the office of the City and
4 County of San Francisco Recorder; thence easterly along the
5 northerly line of said Harney Way, in all of its courses, to the
6 southwesterly line of the lands of Leonoudakis as described in that
7 certain document filed in the office of the City and County of San
8 Francisco in Reel I751 of Official Records, at Image 599,
9 Document No. 2004-H839983, (Lot 008, Assessor’s Block 5023);
10 thence northwesterly along said southwesterly line to the
11 southeasterly line of the lands of Leonoudakis as described in that
12 certain document filed in the office of the City and County of San
13 Francisco in Reel I751 of Official Records, at Image 598,
14 Document No. 2004-H839982, (Lot 8, Assessor’s Block 4977);
15 thence southwesterly and northwesterly along the southeasterly
16 and southwesterly lines of said lands of Leonoudakis to the most
17 southerly corner of the lands of the City and County of San
18 Francisco designated and shown as Lot 6 on Assessor’s Block
19 4977; thence northwesterly and northeasterly along the
20 southeasterly and northwesterly lines of said lands of the City and
21 County of San Francisco to the southwesterly corner of Lot 276,
22 as shown on that certain Parcel Map filed in Parcel Map Book 45
23 at page 10, Document No. 2001-G962714, in the office of the City
24 and County of San Francisco Recorder; thence northwesterly along
25 the boundary of said Lot 276, in all of its courses, to the most
26 northerly corner of said lot, being also a point laying on the
27 southwesterly line of Jamestown Avenue; thence northwesterly
28 along the southwesterly line of Jamestown Avenue 135 feet, more
29 or less, to a point; thence northeasterly and perpendicular to the
30 last course 89 feet to the intersection of the southeasterly line of
31 Coronado Street with the northeasterly line of Jamestown Avenue
32 as shown on that certain map entitled “Map Showing the Widening
33 and Extension of Jamestown Avenue from Hunters Point
34 Expressway to Redondo Street” filed in Map Book “U” at pages
35 60 through 63, in the office of the City and County of San
36 Francisco Recorder; thence southeasterly along said northeasterly
37 line of Jamestown Avenue 725 feet, more or less, to a point; thence
38 northeasterly along a line laying parallel and 350 feet southeasterly
39 of the southeasterly line of Griffith Street (formerly G Street, 64
40 feet wide), 660 feet to the Line of Ordinary High Tide of 1869 as

1 said line is shown, but not labeled, on that Board of Tide Land
2 Commissioners Block Map No. 9 filed in Map Book “W” at pages
3 11 through 13, in the office of the City and County of San
4 Francisco Recorder; thence northeasterly along said line, in all of
5 its courses, to the southwesterly line of the lands of the San
6 Francisco Housing Authority designated and shown as Lot 20 on
7 Assessor’s Block 4884; thence northwesterly along a line laying
8 parallel with and distant 100 feet northeasterly of the northeasterly
9 line of Gilman Avenue (formerly 31st Avenue, 80 feet wide), being
10 also the southwesterly line of said lands of the San Francisco
11 Housing Authority, to the northwesterly line of Hawes Street
12 (formerly H Street, 64 feet wide); thence northeasterly along said
13 northwesterly line of Hawes Street 1020 feet to the northeasterly
14 line of Carroll Avenue (formerly 27th Avenue, 80 feet wide);
15 thence southeasterly along said northeasterly line of Carroll Avenue
16 728 feet to a point laying on the southeasterly line of Griffith Street
17 (formerly G Street, 64 feet wide), said point laying also at a
18 deflection in the northwesterly boundary of said “Candlestick Point
19 State Recreation Area”; thence in a general northerly and westerly
20 direction, along the boundary of said “Candlestick Point State
21 Recreation Area” as described under Exhibit “1” in said Quitclaim
22 Deed recorded in the office of the City and County of San
23 Francisco Recorder, in Book D633 of Official Records, at page
24 1952, the following courses: northeasterly along said southeasterly
25 line of Griffith Street 760 feet to the southwesterly line of Yosemite
26 Avenue (formerly 24th Avenue, 80 feet wide); thence northwesterly
27 along said southwesterly line of Yosemite Avenue to the point of
28 beginning of that parcel of land described in the Quitclaim Deed
29 from the United States of America to Julio and Anita Ricci,
30 recorded March 8, 1961 in Book A235, page 208 of Official
31 Records of the City and County of San Francisco; thence
32 northeasterly, parallel with the southeasterly line of Ingalls Street
33 (formerly I Street), 80 feet to a point laying on the northeasterly
34 line of Yosemite Avenue distant thereon southeasterly 205 feet
35 from said southeasterly line of Ingalls Street, said point being the
36 most westerly corner of that certain parcel of land described as
37 Parcel 3523 in the Grant Deed dated November 30, 1979 from
38 R.C. Scarver and Terese Scarver to the State of California recorded
39 February 8, 1980 as Document No. 73057 in Book C942, page
40 746 of Official Records of the City and County of San Francisco;

1 thence northeasterly along the northwesterly line of said parcel to
2 the most northerly corner of said parcel, said point laying in the
3 southwesterly line of Wallace Avenue (formerly 23rd Avenue, 80
4 feet wide); thence northeasterly, parallel with said southeasterly
5 line of Ingalls Street, 80 feet to the most westerly corner of the
6 land described as Parcel 3 in the deed from Hibernia Bank to Mike
7 Garza recorded December 20, 1977 in Book C488, page 303 of
8 Official Records of the City and County of San Francisco, said
9 point laying on the northeasterly line of Wallace Avenue, distant
10 thereon 205 feet southeasterly of said southeasterly line of Ingalls
11 Street; thence southeasterly along said northeasterly line of Wallace
12 Avenue to the southeasterly line of Hawes Street (formerly H
13 Street, 64 feet wide); thence northeasterly along said southeasterly
14 line of Hawes Street, 464 feet to the southwesterly line of
15 Underwood Avenue (formerly 21st Avenue, 80 feet wide); thence
16 leaving said “Candlestick Point State Recreation Area” boundary,
17 northeasterly 80 feet to the northeasterly line of said Underwood
18 Avenue; thence southeasterly along the northeasterly line of said
19 Underwood Avenue 75 feet to a point laying on said “Candlestick
20 Point State Recreation Area” boundary; thence along said
21 “Candlestick Point State Recreation Area” boundary the following
22 courses: northeasterly along a line parallel and distant 75 feet
23 southeasterly from said southeasterly line of Hawes Street, 200
24 feet to the southwesterly line of Thomas Avenue (formerly 20th
25 Avenue, 80 feet wide); thence southeasterly along said
26 southwesterly line of Thomas Avenue, to the northwesterly line
27 of Griffith Street (formerly G Street, 64 feet wide); thence
28 southwesterly along said northwesterly line of Griffith Street, 200
29 feet to the northeasterly line of Underwood Avenue (80 feet wide);
30 thence southeasterly along said northeasterly line of Underwood
31 Avenue 664 feet to the northwesterly line of said Arelious Walker
32 Drive; thence leaving said “Candlestick Point State Recreation
33 Area” boundary, northeasterly along said northwesterly line of
34 Arelious Walker Drive, 280 feet to the northeasterly line of said
35 Thomas Avenue; thence southeasterly along said northeasterly
36 line of Thomas Avenue, 64 feet to a point laying on the boundary
37 of said “Candlestick Point State Recreation Area”; thence
38 southwesterly along said boundary and the southeasterly line of
39 said Arelious Walker Drive, 280 feet to the Point of Beginning.

1 Excepting therefrom any portion lying outside said City and
2 County of San Francisco.

3 (j) “City” means the City and County of San Francisco, a charter
4 city and county, and includes the City and County of San Francisco
5 acting by and through its Port Commission.

6 (k) “Commission” means the State Lands Commission.

7 (l) “Community Redevelopment Law” means Part 1
8 (commencing with Section 33000) of Division 24 of the Health
9 and Safety Code.

10 (m) “Department” means the Department of Parks and
11 Recreation.

12 (n) “Director” means the Director of Parks and Recreation.

13 (o) “Hillside open space” means that area of land so designated
14 as depicted in the diagram in Section 25 of this act.

15 (p) “Hunters Point submerged lands” means all that real property
16 situate in the City and County of San Francisco, State of California,
17 described as follows:

18 Beginning at the intersection of the northeasterly prolongation
19 of the southeasterly line of Earl Street (64 feet wide) with the 1948
20 Bulkhead Line as shown on the map entitled “Real Estate Summary
21 Map NAVFAC Drawing No. 1045757” on file at the Department
22 of the Navy, WESTDIV, San Bruno, California; thence
23 southeasterly along said 1948 Bulkhead Line and the northeasterly
24 line of that certain property conveyed in declaration of taking,
25 Civil Action No. 22147 as shown on said summary map to a line
26 parallel with and 450 feet southeasterly of the southeasterly line
27 of Boalt Street (64 feet wide); thence southwesterly along said
28 parallel line to the northeasterly line of the land described in the
29 deed filed in Book 3677 of Official Records at page 349 in the
30 Office of the County Recorder of said county, said northeasterly
31 line being the arc of a curve, concave southwesterly and having a
32 radius of 1,800 feet; thence southeasterly and southerly along said
33 arc to the southeasterly prolongation of the northeasterly line of
34 Evans Avenue (80 feet wide); thence northwesterly along said
35 prolongation and said northeasterly line of Evans Avenue to the
36 1941 Bulkhead Line as shown on said summary map; thence
37 southerly along said 1941 Bulkhead Line to the northeasterly line
38 of that certain property conveyed in declaration of taking, Civil
39 Action No. 36272 as shown on said summary map; thence
40 southeasterly along said northeasterly line to said 1948 Bulkhead

1 Line as shown on said summary map; thence southerly along said
2 1948 Bulkhead Line to the line dividing the City and County of
3 San Francisco from the County of San Mateo; thence easterly along
4 said county line to the United States Pierhead Line as shown on
5 the map entitled “Hunters Point Naval Shipyard, General
6 Development Map, Key Map No. 1174922” on file at the
7 Department of the Navy, Western Division San Bruno, California;
8 thence northeasterly and northwesterly along said Pierhead Line
9 as shown on said General Development Map to said northeasterly
10 prolongation of the southeasterly line of said Earl Street (64 feet
11 wide); thence southwesterly along said prolongation of the
12 southeasterly line of said Earl Street to the said 1948 Bulkhead
13 Line and the point of beginning.

14 (q) “Project” means the integrated development of a combination
15 of uses on Candlestick Point and the shipyard, including, but not
16 limited to, residential, commercial, public trust, and recreational
17 uses, in accordance with the redevelopment plan.

18 (r) “Project area” means the shipyard, Hunters Point submerged
19 lands, and Candlestick Point.

20 (s) “Proposition G” means Proposition G, also known as the
21 “Mixed Use Development Project for Candlestick Point and
22 Hunters Point Shipyard,” approved by the voters of the city in June
23 2008.

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

26 (u) “Redevelopment plan” means the Hunters Point Shipyard
27 Redevelopment Plan, and those portions of the Bayview-Hunters
28 Point Redevelopment Plan pertaining to the redevelopment of
29 Candlestick Point, adopted by the agency pursuant to Chapter 4.5
30 (commencing with Section 33492) of the Community
31 Redevelopment Law, as those plans may be amended from time
32 to time.

33 (v) “Reserved street area” means a portion of the reserved
34 streets.

35 (w) “Reserved streets” means all those portions of the trust lands
36 that were reserved to the state for street purposes by the Board of
37 Tidelands Commissioners pursuant to the “Act to survey and
38 dispose of certain salt marsh and tide lands belonging to the State
39 of California,” Chapter 543 of the Statutes of 1868, as depicted
40 on the map entitled “Map of the Salt Marsh and Tide Lands and

1 Lands Lying Under Water South of Second Street and Situate in
2 the City and County of San Francisco” prepared by the Board of
3 Tide Land Commissioners and dated March 19, 1869.

4 (x) “Shipyard” or “Hunters Point Shipyard” means all that real
5 property situate in the City and County of San Francisco, State of
6 California, described as follows:

7 Beginning at the intersection of the southeasterly line of Fitch
8 Street (64 feet wide) with the northeasterly line of Palou Avenue
9 (80 feet wide), said intersection also being in the southerly line of
10 the Lands of Lowpensky as described in that document filed in
11 the Office of the County Recorder of said County in Book D238
12 Official Records at page 80; thence easterly along the southerly
13 line of said Lands of Lowpensky to the southeasterly corner of the
14 said Lands of Lowpensky being also the southwesterly corner of
15 the Lands of the Regents of University of California as described
16 in that document filed in the Office of the County Recorder of said
17 County in Book C562 Official Records at page 582; thence
18 easterly, northerly and northwesterly along the southerly, easterly
19 and northeasterly lines of said Lands of the Regents to the
20 northwesterly corner of said Lands of the Regents and also being
21 the northeasterly corner of said Lands of Lowpensky. Thence
22 northwesterly along the northeasterly line of said Lands of
23 Lowpensky to the most westerly corner of said Lands of
24 Lowpensky, being also a point in the northeasterly line of said
25 Palou Avenue; thence northwesterly along the northeasterly line
26 of said Palou Avenue to the southeasterly line of Griffith Street
27 (64 feet wide); thence northeasterly along the southeasterly line
28 of said Griffith Street 200 feet to the southwesterly line of Oakdale
29 Avenue (80.00 feet wide); thence northwesterly along the
30 southwesterly line of said Oakdale Avenue, 32 feet to the centerline
31 of said Griffith Street; thence northeasterly along the centerline of
32 said Griffith Street 600 feet to the centerline of McKinnon Avenue
33 (80 feet wide); thence southeasterly along the centerline of said
34 McKinnon Avenue 664 feet to the centerline of said Fitch Street
35 (64 feet wide); thence northeasterly along the centerline of said
36 Fitch Street 320 feet to the northeasterly line of La Salle Avenue
37 (80 feet wide); thence southeasterly along the northeasterly line
38 of said La Salle Avenue, 632 feet to the northwesterly line of Earl
39 Street (64 feet wide) and an angle point in the northwesterly
40 boundary of Inchon Village as shown on the “Map of Inchon

1 Village” filed in the Office of the County Recorder of said County
2 in Book 17 of Condominium Maps at pages 112 through 130;
3 thence southwesterly along the northwesterly boundary of said
4 Inchon Village to the centerline of McKinnon Avenue (80 feet
5 wide) and the most northerly corner of the Lands of Crisp Building,
6 Inc., described in that certain document filed in the Office of the
7 County Recorder of said County in Book D767 Official Records
8 at page 1051; thence southwesterly, southeasterly and northeasterly
9 along the northwesterly, southwesterly and southeasterly lines of
10 said Lands of Crisp Building, Inc. to the most easterly corner of
11 said Lands of Crisp Building, Inc., being also the most southerly
12 corner of the land shown on the “Parcel Map of Inchon and
13 Solomon Village” filed in the Office of the County Recorder of
14 said County in Book 17 of Parcel Maps at page 77 and the
15 centerline of said McKinnon Avenue; thence northeasterly along
16 the southeasterly line of said Inchon and Solomon Village to the
17 most easterly corner of said Inchon and Solomon village and the
18 southwesterly line of Innes Avenue (80.00 feet wide); thence
19 northwesterly along the southwesterly line of said Innes Avenue
20 641 feet to the centerline of said Earl Street (64 feet wide); thence
21 northeasterly along the centerline of said Earl Street 40 feet to the
22 centerline of said Innes Avenue; thence southeasterly along the
23 centerline of said Innes Avenue 32 feet to the southeasterly line
24 of said Earl Street; thence northeasterly along the southeasterly
25 line of said Earl Street and its prolongation 3,151 feet to the 1948
26 Bulkhead Line as shown on the map entitled “Real Estate Summary
27 Map NAVFAC Drawing No. 1045757” on file at the Department
28 of the Navy, WESTDIV, San Bruno, California; thence
29 southeasterly along said 1948 Bulkhead Line and the northeasterly
30 line of that certain property conveyed in declaration of taking,
31 Civil Action No. 22147 as shown on said summary map 2,553 feet
32 more or less to a point on a line parallel with and 450 feet
33 southeasterly of the southeasterly line of Boalt Street (64 feet
34 wide), thence southwesterly along said parallel line a distance of
35 52 feet more or less to the northeasterly line of the land described
36 in the deed filed in Book 3677 of Official Records at page 349 in
37 the Office of the County Recorder of said County, said
38 northeasterly line being the arc of a curve, concave southwesterly
39 and having a radius of 1,800 feet; thence southeasterly and
40 southerly along said arc to the southeasterly prolongation of the

1 northeasterly line of Evans Avenue (80 feet wide); thence
2 northwesterly along said prolongation and said northeasterly line
3 of Evans Avenue, to the 1941 Bulkhead Line as shown on said
4 summary map; thence southerly along said 1941 Bulkhead Line,
5 to the northeasterly line of that certain property conveyed in
6 declaration of taking, Civil Action No. 36272 as shown on said
7 summary map; thence southeasterly along said northeasterly line
8 to said 1948 Bulkhead Line as shown on said summary map; thence
9 southerly along said 1948 Bulkhead Line to the line dividing the
10 City and County of San Francisco from the County of San Mateo;
11 thence westerly along said county line 127 feet more or less to the
12 southeasterly prolongation of the northeasterly line of Bancroft
13 Avenue (80 feet wide); thence northwesterly along said
14 prolongation and said northeasterly line of said Bancroft Avenue
15 7,484 feet more or less to the southeasterly line of said Fitch Street
16 (64 feet wide); thence northeasterly along the southeasterly line
17 of said Fitch Street 2,800 feet to the point of beginning.

18 (y) “State” means the State of California.

19 (z) “State property” means the property or interests in property
20 owned by the state located within the project area, and includes
21 both proprietary land and sovereign land.

22 (aa) “State recreation area” means the Candlestick Point State
23 Recreation Area.

24 (ab) “Tidelands” means tide and submerged lands.

25 (ac) “Trustee” means the owner and trust administrator of trust
26 lands granted pursuant to this act or the Burton Act, and is either
27 the agency, with respect to lands owned by the agency, or the city,
28 with respect to lands owned by the city.

29 (ad) “Trust lands” means all lands, including tide and submerged
30 lands, within the project area that are presently, or upon conveyance
31 out of federal ownership will be, subject to the public trust.
32 Following a trust exchange, trust lands shall include all lands within
33 the project area that have been impressed with the trust pursuant
34 to the exchange, and shall not include any lands that have been
35 removed from the trust pursuant to the exchange.

36 **SECTION 1.**

37 *SEC. 7.* Section 11 of Chapter 203 of the Statutes of 2009 is
38 amended to read:

39 *SEC. 11.* The state shall reserve from the grant made in Section
40 6 of Chapter 203 of the Statutes of 2009, and from any other

1 conveyance pursuant to Chapter 203 of the Statutes of 2009 of the
2 state's interest, or any portion of the state's interest, in any lands,
3 all minerals and all mineral rights in those lands that are to be
4 impressed with the public trust, of every kind and character now
5 known to exist or hereafter discovered, including, but not limited
6 to, oil and gas and rights thereto, together with the sole, exclusive,
7 and perpetual right to explore for, remove, and dispose of those
8 minerals by any means or methods suitable to the state or to its
9 successors and assignees, except that, notwithstanding the Burton
10 Act or Section 6401 of the Public Resources Code, this reservation
11 shall not include the right of the state or its successors or assignees
12 in connection with any mineral exploration, removal, or disposal
13 activity, to do either of the following:

14 (a) Enter upon, use, or damage the surface of the lands or
15 interfere with the use of the surface by a grantee or by the grantee's
16 successors or assignees. However, a lease, franchise, permit, or
17 license of the property shall contain a provision specifying at least
18 one point from which, and the manner in which, the right of ingress
19 or egress to the subsurface deposits may be exercised, which point
20 or points may be outside the area of the leasehold, franchise,
21 permit, or license, as long as the point or points are adequate to
22 permit the rights reserved to the state to be exercised.

23 (b) Conduct any mining activities of any nature whatsoever
24 above a plane located 500 feet below the surface of the lands
25 without the prior written permission of a grantee of the lands or
26 the grantee's successors or assignees.

27 (c) If an agreement authorized by Chapter 203 of the Statutes
28 of 2009 provides for the quitclaim to the state by the other parties
29 to that agreement of all mineral rights in the lands they own or
30 may own that are to be impressed with the public trust, the state
31 may quitclaim all mineral rights in the lands that are to be freed
32 of the public trust under the agreement.

33 ~~SEC. 2.~~

34 *SEC. 8.* The Legislature finds and declares that the
35 amendments to Chapter 203 of the Statutes of 2009 made by *made*
36 *by Sections 5, 6, and 7 of this act* do not constitute a change in,
37 but are declaratory of, existing law.