

Senate Bill No. 860

Passed the Senate September 8, 2011

Secretary of the Senate

Passed the Assembly September 7, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend 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, Committee on Natural Resources and Water. Tidelands and submerged lands: public trust lands: mineral rights.

Existing law vests in 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 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 certain changes are declaratory of existing law.

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

SECTION 1. Section 1 of Chapter 594 of the Statutes of 1917, as amended by Section 2 of Chapter 734 of the Statutes of 2000, is amended to read:

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

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

(b) The granted lands shall be used by the city and its successors, solely for the establishment, improvement, and conduct of a harbor, and for the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, warehouses, factories, storehouses, equipment, parking areas, streets, highways, bridges, pedestrian ways, landscaped areas, public buildings, public assembly and meeting places, convention centers, parks, museums, playgrounds, public recreation facilities (including, without limitation, public golf courses, marinas, restaurants, hotels, commercial recreation facilities, entertainment facilities and attractions), and any other utilities, structures, and appliances,

provided the facilities are incidental to, or necessary or convenient for, the promotion, benefit, and accommodation of the purposes of the public trust.

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

(d) Notwithstanding the foregoing restriction on alienation, the city, or its successors, may grant franchises, permits, privileges, licenses, easements, or leasehold interests (hereafter collectively referred to as “leases”) in connection with the lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which the lands are held by the State of California and this grant, for a term not exceeding 66 years. The city may establish other terms, conditions, and reservations in the leases, including a right to terminate with reversion to the city upon termination of any and all improvements thereon, as long as the terms, reservations, and conditions are consistent with the public trust and this act. The leases may include reservations for streets, sewer outlets, gas and oil mains, water systems, electric cables and wires, and other municipal purposes and uses deemed necessary by the city, upon compensation being made for the injury and damage done to any improvement or structure thereon.

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

(f) The State of California shall have the right, together with the city if there is no lessee or licensee, or together with the lessee or licensee, if there is a lessee or licensee, to use, without charge,

all wharves, docks, piers, slips, quays, or other improvements constructed on the granted lands or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California.

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

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

(i) The state hereby reserves all subsurface mineral deposits, including oil and gas deposits, together with the right of ingress and egress on the granted lands for exploration, drilling, and extraction of mineral, oil, and gas deposits. Those mineral rights, including the right of ingress and egress, shall not be exercised in a manner that would disturb or otherwise interfere with any lease of or on the granted lands. However, any lease of property shall contain a provision specifying at least one point from which, and the manner in which, the right of ingress or egress to subsurface deposits may be exercised, which point or points may be outside the area of the lease, provided the point or points are adequate to permit the rights reserved to the state to be exercised. Notwithstanding this subdivision, or Section 6401 of the Public Resources Code, the reservation shall not include the right of the state or its successors or assignees in connection with any mineral exploration, removal, or disposal activity, to conduct any mining activity of any nature whatsoever above a plane located 500 feet below the surface of the lands without the prior written permission of any grantee of the lands or the grantee's successors or assignees. If a public trust exchange agreement authorized by Chapter 734 of the Statutes of 2000, as amended, provides for the quitclaim to the state of all mineral rights in the lands to be impressed with the public trust under the agreement, the state may quitclaim to ARRA

or the city all mineral rights in the lands that are to be freed of the public trust under the agreement.

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

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

Sec. 12. (a) If the Authority is dissolved, by operation of law or otherwise, all right, title, and interest of the Authority in the property and any improvements thereon, shall, by operation of law, devolve upon and vest in the City and County of San Francisco, and the City and County of San Francisco shall assume the management, conduct, and operation of and jurisdiction over the Trust Property, subject to the public trust for commerce, navigation, and fisheries, and the terms and conditions of this act, as amended.

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

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

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

Sec. 5. (a) The Legislature hereby approves an exchange of public trust lands within the NAS property, whereby certain public trust lands that are not now useful for public trust purposes are conveyed free of the public trust and certain other lands that are not now public trust lands and that are useful for public trust purposes are made subject to the public trust, resulting in a configuration of trust lands that is substantially similar to that shown on the diagram in Section 11 of this act, provided the

exchange complies with the requirements of this act. The exchange is consistent with, and furthers the purposes of, the public trust and the granting act.

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

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

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

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

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

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

entity or entities subject to the public trust and the requirements of the granting act.

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

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

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

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

(e) All former or existing tide or submerged lands within the NAS property that have been conveyed to the ARRA or the city and for which the public trust has not been terminated, either by express act of the Legislature, exchange, or otherwise, and any lands exchanged into the trust pursuant to this act, shall be held, whether by the ARRA or by the city, subject to the public trust and the requirements of the granting act. Notwithstanding the provisions of the granting act, during any period in which those lands are held by the ARRA, the ARRA, rather than the city, shall be the public trust administrator for the lands, and shall have the same powers, and be subject to the same requirements, as would the city under the granting act.

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

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

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

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

(3) Convey to the ARRA or the city by patent all of the right, title, and interest of the state in lands that are to be subject to the public trust, the terms of this act, and the granting act upon

completion of an exchange of lands as authorized by this act and as approved by the commission, subject to the terms, conditions, and reservations that the commission determines are necessary to meet the requirements of subdivisions (d) and (e).

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

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

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

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

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

(a) “Authority” or “TIDA” means the Treasure Island Development Authority, a nonprofit public benefit corporation established by the legislative body of the City and County of San

Francisco and the conversion act, or, if TIDA is dissolved, the City and County of San Francisco.

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

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

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

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

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

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

That portion of the lands described in that certain Presidential Reservation of Goat Island (now Yerba Buena Island), dated November 6, 1850, lying northwesterly of Parcel 57935-1 as described in that certain Quitclaim Deed, recorded October 26, 2000, as Document Number 2000G855531, in the office of the Recorder of the said City and County of San Francisco (hereinafter referred to as Doc. 2000G855531), together with all of the underlying fee to Parcel 57935-5 as described in said Quitclaim Deed (Doc. 2000G855531), and also together with all of the underlying fee to Parcel 57935-6 as described in said Quitclaim Deed (Doc. 2000G855531), and also together with that portion of the tide and submerged lands in San Francisco Bay, relinquished to the United States of America by that certain act of the Legislature of the State of California by Statutes of the State of California of 1897, Chapter 81 (hereinafter referred to as Stat. 1897, Ch. 81), and also together with all of the Tidelands and Submerged Lands in San Francisco Bay known as Treasure Island, together with all improvements thereon and appurtenances thereto, as described in that certain Final Judgment of Condemnation, filed April 3, 1944, in the District Court of the United States in and for the Northern District of California, Southern Division, Case Number 22164-G (hereinafter referred to as Case 22164-G), excepting therefrom, that portion of the said Tidelands and Submerged Lands in San Francisco Bay known as Treasure Island (Case 22164-G), commonly referred to as the Job Corps Center,

Treasure Island, which was transferred to the United States Department of Labor by that certain document entitled “Transfer and Acceptance of Military Real Property”, Dated March 3, 1998, and also excepting therefrom, that portion of the said Tide and Submerged Lands in San Francisco Bay, relinquished to the United States of America (Stat. 1897, Ch. 81), within the “Army Reservation, Occupied by U.S. Light House Service under Permit from Secretary of War dated May 27, 1872” as shown and described upon that certain map entitled “Plat of Army and Navy reservations on Yerba Buena (Goat) Island, San Francisco Bay, California”, and also excepting therefrom, that portion of the Tide and Submerged Lands in San Francisco Bay, relinquished to the United States of America (Stat. 1897, Ch. 81) which were transferred to the United States Coast Guard by that certain document entitled “Transfer and Acceptance of Military Real Property”, Dated November 26, 2002.

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

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

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

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

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

Sec. 9. In any case where the state, pursuant to this act, conveys tidelands and submerged lands, the state shall reserve all minerals and all mineral rights in the lands of every kind and character now known to exist or hereafter discovered, including, but not limited to, oil and gas, and rights thereto, together with the sole, exclusive, and perpetual right to explore for, remove, and dispose of those minerals by any means or methods suitable to the state or to its successors and assignees, except that, notwithstanding the conversion act, or Section 6401 of the Public Resources Code, any reservation shall not include the right of the state or its successors

or assignees in connection with any mineral exploration, removal, or disposal activity, to do either of the following:

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

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

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

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

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

(a) "1958 Act" means Chapter 2 of the Statutes of 1958 of the First Extraordinary Session.

(b) "Agency" means the San Francisco Redevelopment Agency, or any successor entity with jurisdiction over the project area.

(c) "Applicable statutory trust" means either of the following:

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

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

(d) "BCDC" means the San Francisco Bay Conservation and Development Commission.

(e) "Burton Act" means Chapter 1333 of the Statutes of 1968, as amended.

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

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

(h) "Burton Act trust" means the statutory trust imposed by the Burton Act, and any additional restrictions on use and alienability

created by the Burton Act transfer agreement, by which the state conveyed to the city, in trust and subject to certain terms, conditions, and reservations, the state's interest in certain tidelands, including filled lands, and lands dedicated or acquired by the city as assets of the trust. The Burton Act trust does not include the requirements of Section 12 of the Burton Act.

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

Beginning at the intersection of the northeasterly line of Underwood Avenue (formerly 21st Avenue, 80 feet wide) with the southeasterly line of Arelious Walker Drive (formerly F Street, or Fitch Street, 64 feet wide); thence southwesterly along the southeasterly line of said Arelious Walker Drive 1400 feet to a point laying on the northeasterly line of Bancroft Avenue (formerly 26th Avenue, 80 feet wide), said point being also the most westerly corner of the lands designated and shown as "Parcel 1" on that certain map entitled "Record of Survey – Hunters Point Shipyard" and filed in Book "Z" of Maps, at pages 135 through 147, Document No. 2000-G845126 in the office of the City and County of San Francisco Recorder; thence southeasterly along the northeasterly line of said Bancroft Avenue 2592 feet to the northeasterly extension of the northwesterly line of Boalt Street (formerly B Street, 64 feet wide); thence southwesterly along said extension and said northwesterly line of said Boalt Street 35 feet to a point laying on the boundary of those certain lands commonly known as "Candlestick Point State Recreation Area" and described under Exhibit "1" in that certain Quitclaim Deed from the City and County of San Francisco to the State of California, recorded in the office of County Recorder of said county in Book D633 of Official Records, at Image 1952; thence generally southwesterly, southeasterly, southerly and westerly along said boundary of said "Candlestick Point State Recreation Area", in all of its courses, to a point on the San Francisco – San Mateo County boundary line as said line is shown on that certain Board of Tide Land Commissioners map entitled "Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street", a copy of which is filed in Map Book "W", pages 46 and 47, in the office of the City and County of San Francisco Recorder, from which point the point of beginning of said boundary described in

said Exhibit “1” bears North 44°39’58” East 103.85 feet, more or less; thence westerly along said county line 15 feet, more or less, to the southeasterly line of Harney Way as shown on that certain map entitled “Map Showing the Opening of Harney Way from Jamestown Avenue to County Line”, filed January 28, 1965, in Map Book “U” at pages 64 and 65, in the office of the City and County of San Francisco Recorder; thence continuing westerly along said county line 178.79 feet; thence leaving said county line North 44°39’58” East 592.16 feet; thence North 45°36’16” East 300.04 feet; thence North 56°25’37” East 104.39 feet; thence North 61°40’38” East 137.37 feet; thence North 76°48’21” East 159.25 feet to a point laying at the westerly terminus of the course labeled “North 86°19’02” West 87.60 feet” on the northerly line of Harney Way as shown on that certain Final Map entitled “Map of San Francisco Executive Park II”, filed in Map Book “X”, pages 8 through 11, Document No. D168468, in the office of the City and County of San Francisco Recorder; thence easterly along the northerly line of said Harney Way, in all of its courses, to the southwesterly line of the lands of Leonoudakis as described in that certain document filed in the office of the City and County of San Francisco in Reel I751 of Official Records, at Image 599, Document No. 2004-H839983, (Lot 008, Assessor’s Block 5023); thence northwesterly along said southwesterly line to the southeasterly line of the lands of Leonoudakis as described in that certain document filed in the office of the City and County of San Francisco in Reel I751 of Official Records, at Image 598, Document No. 2004-H839982, (Lot 8, Assessor’s Block 4977); thence southwesterly and northwesterly along the southeasterly and southwesterly lines of said lands of Leonoudakis to the most southerly corner of the lands of the City and County of San Francisco designated and shown as Lot 6 on Assessor’s Block 4977; thence northwesterly and northeasterly along the southeasterly and northwesterly lines of said lands of the City and County of San Francisco to the southwesterly corner of Lot 276, as shown on that certain Parcel Map filed in Parcel Map Book 45 at page 10, Document No. 2001-G962714, in the office of the City and County of San Francisco Recorder; thence northwesterly along the boundary of said Lot 276, in all of its courses, to the most northerly corner of said lot, being also a point laying on the southwesterly line of Jamestown Avenue; thence northwesterly

along the southwesterly line of Jamestown Avenue 135 feet, more or less, to a point; thence northeasterly and perpendicular to the last course 89 feet to the intersection of the southeasterly line of Coronado Street with the northeasterly line of Jamestown Avenue as shown on that certain map entitled “Map Showing the Widening and Extension of Jamestown Avenue from Hunters Point Expressway to Redondo Street” filed in Map Book “U” at pages 60 through 63, in the office of the City and County of San Francisco Recorder; thence southeasterly along said northeasterly line of Jamestown Avenue 725 feet, more or less, to a point; thence northeasterly along a line laying parallel and 350 feet southeasterly of the southeasterly line of Griffith Street (formerly G Street, 64 feet wide), 660 feet to the Line of Ordinary High Tide of 1869 as said line is shown, but not labeled, on that Board of Tide Land Commissioners Block Map No. 9 filed in Map Book “W” at pages 11 through 13, in the office of the City and County of San Francisco Recorder; thence northeasterly along said line, in all of its courses, to the southwesterly line of the lands of the San Francisco Housing Authority designated and shown as Lot 20 on Assessor’s Block 4884; thence northwesterly along a line laying parallel with and distant 100 feet northeasterly of the northeasterly line of Gilman Avenue (formerly 31st Avenue, 80 feet wide), being also the southwesterly line of said lands of the San Francisco Housing Authority, to the northwesterly line of Hawes Street (formerly H Street, 64 feet wide); thence northeasterly along said northwesterly line of Hawes Street 1020 feet to the northeasterly line of Carroll Avenue (formerly 27th Avenue, 80 feet wide); thence southeasterly along said northeasterly line of Carroll Avenue 728 feet to a point laying on the southeasterly line of Griffith Street (formerly G Street, 64 feet wide), said point laying also at a deflection in the northwesterly boundary of said “Candlestick Point State Recreation Area”; thence in a general northerly and westerly direction, along the boundary of said “Candlestick Point State Recreation Area” as described under Exhibit “1” in said Quitclaim Deed recorded in the office of the City and County of San Francisco Recorder, in Book D633 of Official Records, at page 1952, the following courses: northeasterly along said southeasterly line of Griffith Street 760 feet to the southwesterly line of Yosemite Avenue (formerly 24th Avenue, 80 feet wide); thence northwesterly along said southwesterly line of Yosemite Avenue to the point of

beginning of that parcel of land described in the Quitclaim Deed from the United States of America to Julio and Anita Ricci, recorded March 8, 1961 in Book A235, page 208 of Official Records of the City and County of San Francisco; thence northeasterly, parallel with the southeasterly line of Ingalls Street (formerly I Street), 80 feet to a point laying on the northeasterly line of Yosemite Avenue distant thereon southeasterly 205 feet from said southeasterly line of Ingalls Street, said point being the most westerly corner of that certain parcel of land described as Parcel 3523 in the Grant Deed dated November 30, 1979 from R.C. Scarver and Terese Scarver to the State of California recorded February 8, 1980 as Document No. 73057 in Book C942, page 746 of Official Records of the City and County of San Francisco; thence northeasterly along the northwesterly line of said parcel to the most northerly corner of said parcel, said point laying in the southwesterly line of Wallace Avenue (formerly 23rd Avenue, 80 feet wide); thence northeasterly, parallel with said southeasterly line of Ingalls Street, 80 feet to the most westerly corner of the land described as Parcel 3 in the deed from Hibernia Bank to Mike Garza recorded December 20, 1977 in Book C488, page 303 of Official Records of the City and County of San Francisco, said point laying on the northeasterly line of Wallace Avenue, distant thereon 205 feet southeasterly of said southeasterly line of Ingalls Street; thence southeasterly along said northeasterly line of Wallace Avenue to the southeasterly line of Hawes Street (formerly H Street, 64 feet wide); thence northeasterly along said southeasterly line of Hawes Street, 464 feet to the southwesterly line of Underwood Avenue (formerly 21st Avenue, 80 feet wide); thence leaving said “Candlestick Point State Recreation Area” boundary, northeasterly 80 feet to the northeasterly line of said Underwood Avenue; thence southeasterly along the northeasterly line of said Underwood Avenue 75 feet to a point laying on said “Candlestick Point State Recreation Area” boundary; thence along said “Candlestick Point State Recreation Area” boundary the following courses: northeasterly along a line parallel and distant 75 feet southeasterly from said southeasterly line of Hawes Street, 200 feet to the southwesterly line of Thomas Avenue (formerly 20th Avenue, 80 feet wide); thence southeasterly along said southwesterly line of Thomas Avenue, to the northwesterly line of Griffith Street (formerly G Street, 64 feet wide); thence

southwesterly along said northwesterly line of Griffith Street, 200 feet to the northeasterly line of Underwood Avenue (80 feet wide); thence southeasterly along said northeasterly line of Underwood Avenue 664 feet to the northwesterly line of said Arelious Walker Drive; thence leaving said “Candlestick Point State Recreation Area” boundary, northeasterly along said northwesterly line of Arelious Walker Drive, 280 feet to the northeasterly line of said Thomas Avenue; thence southeasterly along said northeasterly line of Thomas Avenue, 64 feet to a point laying on the boundary of said “Candlestick Point State Recreation Area”; thence southwesterly along said boundary and the southeasterly line of said Arelious Walker Drive, 280 feet to the Point of Beginning.

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

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

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

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

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

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

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

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

Beginning at the intersection of the northeasterly prolongation of the southeasterly line of Earl Street (64 feet wide) with the 1948 Bulkhead Line as shown on the map entitled “Real Estate Summary Map NAVFAC Drawing No. 1045757” on file at the Department of the Navy, WESTDIV, San Bruno, California; thence southeasterly along said 1948 Bulkhead Line and the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 22147 as shown on said summary map to a line parallel with and 450 feet southeasterly of the southeasterly line of Boalt Street (64 feet wide); thence southwesterly along said parallel line to the northeasterly line of the land described in the

deed filed in Book 3677 of Official Records at page 349 in the Office of the County Recorder of said county, said northeasterly line being the arc of a curve, concave southwesterly and having a radius of 1,800 feet; thence southeasterly and southerly along said arc to the southeasterly prolongation of the northeasterly line of Evans Avenue (80 feet wide); thence northwesterly along said prolongation and said northeasterly line of Evans Avenue to the 1941 Bulkhead Line as shown on said summary map; thence southerly along said 1941 Bulkhead Line to the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 36272 as shown on said summary map; thence southeasterly along said northeasterly line to said 1948 Bulkhead Line as shown on said summary map; thence southerly along said 1948 Bulkhead Line to the line dividing the City and County of San Francisco from the County of San Mateo; thence easterly along said county line to the United States Pierhead Line as shown on the map entitled “Hunters Point Naval Shipyard, General Development Map, Key Map No. 1174922” on file at the Department of the Navy, Western Division San Bruno, California; thence northeasterly and northwesterly along said Pierhead Line as shown on said General Development Map to said northeasterly prolongation of the southeasterly line of said Earl Street (64 feet wide); thence southwesterly along said prolongation of the southeasterly line of said Earl Street to the said 1948 Bulkhead Line and the point of beginning.

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

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

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

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

(u) “Redevelopment plan” means the Hunters Point Shipyard Redevelopment Plan, and those portions of the Bayview-Hunters Point Redevelopment Plan pertaining to the redevelopment of

Candlestick Point, adopted by the agency pursuant to Chapter 4.5 (commencing with Section 33492) of the Community Redevelopment Law, as those plans may be amended from time to time.

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

(w) “Reserved streets” means all those portions of the trust lands that were reserved to the state for street purposes by the Board of Tidelands Commissioners pursuant to the “Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,” Chapter 543 of the Statutes of 1868, as depicted on the map entitled “Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street and Situate in the City and County of San Francisco” prepared by the Board of Tide Land Commissioners and dated March 19, 1869.

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

Beginning at the intersection of the southeasterly line of Fitch Street (64 feet wide) with the northeasterly line of Palou Avenue (80 feet wide), said intersection also being in the southerly line of the Lands of Lowpensky as described in that document filed in the Office of the County Recorder of said County in Book D238 Official Records at page 80; thence easterly along the southerly line of said Lands of Lowpensky to the southeasterly corner of the said Lands of Lowpensky being also the southwest corner of the Lands of the Regents of University of California as described in that document filed in the Office of the County Recorder of said County in Book C562 Official Records at page 582; thence easterly, northerly and northwesterly along the southerly, easterly and northeasterly lines of said Lands of the Regents to the northwesterly corner of said Lands of the Regents and also being the northeasterly corner of said Lands of Lowpensky. Thence northwesterly along the northeasterly line of said Lands of Lowpensky to the most westerly corner of said Lands of Lowpensky, being also a point in the northeasterly line of said Palou Avenue; thence northwesterly along the northeasterly line of said Palou Avenue to the southeasterly line of Griffith Street (64 feet wide); thence northeasterly along the southeasterly line of said Griffith Street 200 feet to the southwest corner of said Griffith Street

Avenue (80.00 feet wide); thence northwesterly along the southwesterly line of said Oakdale Avenue, 32 feet to the centerline of said Griffith Street; thence northeasterly along the centerline of said Griffith Street 600 feet to the centerline of McKinnon Avenue (80 feet wide); thence southeasterly along the centerline of said McKinnon Avenue 664 feet to the centerline of said Fitch Street (64 feet wide); thence northeasterly along the centerline of said Fitch Street 320 feet to the northeasterly line of La Salle Avenue (80 feet wide); thence southeasterly along the northeasterly line of said La Salle Avenue, 632 feet to the northwesterly line of Earl Street (64 feet wide) and an angle point in the northwesterly boundary of Inchon Village as shown on the “Map of Inchon Village” filed in the Office of the County Recorder of said County in Book 17 of Condominium Maps at pages 112 through 130; thence southwesterly along the northwesterly boundary of said Inchon Village to the centerline of McKinnon Avenue (80 feet wide) and the most northerly corner of the Lands of Crisp Building, Inc., described in that certain document filed in the Office of the County Recorder of said County in Book D767 Official Records at page 1051; thence southwesterly, southeasterly and northeasterly along the northwesterly, southwesterly and southeasterly lines of said Lands of Crisp Building, Inc. to the most easterly corner of said Lands of Crisp Building, Inc., being also the most southerly corner of the land shown on the “Parcel Map of Inchon and Solomon Village” filed in the Office of the County Recorder of said County in Book 17 of Parcel Maps at page 77 and the centerline of said McKinnon Avenue; thence northeasterly along the southeasterly line of said Inchon and Solomon Village to the most easterly corner of said Inchon and Solomon village and the southwesterly line of Innes Avenue (80.00 feet wide); thence northwesterly along the southwesterly line of said Innes Avenue 641 feet to the centerline of said Earl Street (64 feet wide); thence northeasterly along the centerline of said Earl Street 40 feet to the centerline of said Innes Avenue; thence southeasterly along the centerline of said Innes Avenue 32 feet to the southeasterly line of said Earl Street; thence northeasterly along the southeasterly line of said Earl Street and its prolongation 3,151 feet to the 1948 Bulkhead Line as shown on the map entitled “Real Estate Summary Map NAVFAC Drawing No. 1045757” on file at the Department of the Navy, WESTDIV, San Bruno, California; thence

southeasterly along said 1948 Bulkhead Line and the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 22147 as shown on said summary map 2,553 feet more or less to a point on a line parallel with and 450 feet southeasterly of the southeasterly line of Boalt Street (64 feet wide), thence southwesterly along said parallel line a distance of 52 feet more or less to the northeasterly line of the land described in the deed filed in Book 3677 of Official Records at page 349 in the Office of the County Recorder of said County, said northeasterly line being the arc of a curve, concave southwesterly and having a radius of 1,800 feet; thence southeasterly and southerly along said arc to the southeasterly prolongation of the northeasterly line of Evans Avenue (80 feet wide); thence northwesterly along said prolongation and said northeasterly line of Evans Avenue, to the 1941 Bulkhead Line as shown on said summary map; thence southerly along said 1941 Bulkhead Line, to the northeasterly line of that certain property conveyed in declaration of taking, Civil Action No. 36272 as shown on said summary map; thence southeasterly along said northeasterly line to said 1948 Bulkhead Line as shown on said summary map; thence southerly along said 1948 Bulkhead Line to the line dividing the City and County of San Francisco from the County of San Mateo; thence westerly along said county line 127 feet more or less to the southeasterly prolongation of the northeasterly line of Bancroft Avenue (80 feet wide); thence northwesterly along said prolongation and said northeasterly line of said Bancroft Avenue 7,484 feet more or less to the southeasterly line of said Fitch Street (64 feet wide); thence northeasterly along the southeasterly line of said Fitch Street 2,800 feet to the point of beginning.

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

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

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

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

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

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

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

Sec. 11. The state shall reserve from the grant made in Section 6 of this act, and from any other conveyance pursuant to this act of the state’s interest, or any portion of the state’s interest, in any lands, all minerals and all mineral rights in those lands that are to be impressed with the public trust, of every kind and character now known to exist or hereafter discovered, including, but not limited to, oil and gas and rights thereto, together with the sole, exclusive, and perpetual right to explore for, remove, and dispose of those minerals by any means or methods suitable to the state or to its successors and assignees, except that, notwithstanding the Burton Act or Section 6401 of the Public Resources Code, this reservation shall not include the right of the state or its successors or assignees in connection with any mineral exploration, removal, or disposal activity, to do either of the following:

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

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

(c) If an agreement authorized by this act 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 may quitclaim all mineral

rights in the lands that are to be freed of the public trust under the agreement.

SEC. 8. The Legislature finds and declares that the amendments made by Sections 5, 6, and 7 of this act do not constitute a change in, but are declaratory of, existing law.

Approved _____, 2011

Governor