

State of California
WILDLIFE CONSERVATION BOARD
Minutes, Meeting of April 5, 1956

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Pursuant to the call of the Chairman, the Wildlife Conservation Board met briefly in Room 4, Sacramento Hotel, Sacramento, California, on April 5, 1956. The meeting was called to order by Acting Chairman Seth Gordon at 8:30 p.m.

Fish and Game Commissioners Harley Knox of San Diego, Wm. J. Silva of Modesto, Andy Kelly of Los Angeles, and Weldon Oxley of Redding were present.

1. Roll Call

<u>PRESENT:</u>	Harley Knox	Chairman
	Seth Gordon	Member of the Board
	Senator Johnson	Joint Interim Committee
	Senator Brown	" " "
	Assemblyman Lowrey	" " "
	E. E. Horn	Coordinator

<u>ABSENT:</u>	*John M. Peirce	Member of the Board
	Senator Hulse	Joint Interim Committee
	Assemblyman Erwin	" " "
	Assemblyman Belotti	" " "

OTHERS PRESENT:

Wm. J. Silva	Fish & Game Commissioner
Andy Kelly	" " "
Weldon Oxley	" " "
Wm. J. Harp	Assistant to F&G Commission

*Mr. Peirce had to be out of the city but indicated an affirmative vote in writing on Items 3, 4, and 5 of the Minutes.

2. Change of Chairman

IT WAS MOVED BY SENATOR JOHNSON, SECONDED BY ASSEMBLYMAN LOWREY, AS A JOINT MOTION, THAT, IN ACCORDANCE WITH THE POLICY HERETOFORE ESTABLISHED BY THE BOARD, THE ELECTION OF HON. HARLEY KNOX (WHO BECAME PRESIDENT OF THE FISH AND GAME COMMISSION AT ITS JANUARY MEETING) AS CHAIRMAN OF THE BOARD EFFECTIVE AS OF JANUARY 6, 1956, BE CONFIRMED AND RECORDED ON THE OFFICIAL MINUTES.

PASSED UNANIMOUSLY.

The Interim Legislative Committee then unanimously re-elected Senator Brown, Chairman, and Assemblyman Lowrey, Vice Chairman, of the Interim Legislative Committee of the Wildlife Conservation Board.

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3. Authority to Request Withdrawal of Goat Island for Public Fishing Purposes

The Coordinator reported that the Federal Government owns an unsurveyed island in the Sacramento River in Shasta County described as "an unsurveyed island in Sections 3 and 10, T. 29 N. R. 3 W., M.D.B.&M., containing 40 to 60 acres". This parcel is now under jurisdiction of the Bureau of Reclamation and is available for withdrawal for administration by the Department of Fish and Game.

This parcel of land is ideally situated to provide access to Sacramento River fishing and recreational facilities for this segment of Shasta County.

The Shasta County Board of Supervisors have passed a resolution stating County will cooperate in project and assume cost of operation and maintenance when completed. Present lessee (of grazing rights) would grant to State a right of way across his property for access road for continuing of such grazing rights as can be granted. The Fish and Game Commission authorized the Department of Fish and Game to request withdrawal of this parcel April 5, 1956, at about 4:00 p.m.

This is a good project and it was recommended by the Coordinator that authority be granted to negotiate withdrawal.

IT WAS MOVED BY SENATOR JOHNSON, SECONDED BY ASSEMBLYMAN LOWREY, THAT THE JOINT INTERIM COMMITTEE RECOMMEND TO THE VOTING MEMBERS OF THE BOARD THAT THE WILDLIFE CONSERVATION BOARD AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO REQUEST WITHDRAWAL OF AN UNSURVEYED ISLAND IN THE SACRAMENTO RIVER FROM THE PUBLIC DOMAIN FOR USE BY AND ADMINISTRATION OF THE DEPARTMENT OF FISH AND GAME AS A PUBLIC FISHING AREA. THIS PARCEL, KNOWN AS GOAT ISLAND, IS DESCRIBED BY THE BUREAU OF RECLAMATION AS "AN UNSURVEYED ISLAND IN SECTIONS 3 AND 10 OF T. 29 N. R. 3 W., M.D.B.&M." AND INDICATED ON A MAP DISPLAYED AT THIS MEETING. THIS ACTION IS CONTINGENT UPON SHASTA COUNTY UNDERTAKING THE OPERATION AND MAINTENANCE OF THE AREA WHEN COMPLETED.

PASSED UNANIMOUSLY.

Messrs. Knox and Gordon, after considering Mr. Peirce's written approval of this request, unanimously passed the following motion.

IT WAS REGULARLY MOVED AND SECONDED THAT THE WILDLIFE CONSERVATION BOARD AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO REQUEST WITHDRAWAL OF AN UNSURVEYED ISLAND IN THE SACRAMENTO RIVER FROM THE PUBLIC DOMAIN FOR USE BY AND ADMINISTRATION OF THE DEPARTMENT OF FISH AND GAME AS A PUBLIC FISHING AREA. THIS PARCEL, KNOWN AS GOAT ISLAND, IS DESCRIBED BY THE BUREAU OF RECLAMATION AS "AN UNSURVEYED ISLAND IN SECTIONS 3 AND 10

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OF T. 29 N. R. 3 W., M.D.B.&M." AND INDICATED ON A MAP DISPLAYED AT THIS MEETING. THIS ACTION IS CONTINGENT UPON SHASTA COUNTY UNDERTAKING THE OPERATION AND MAINTENANCE OF THE AREA WHEN COMPLETED.

PASSED UNANIMOUSLY.

4. Authority for Department of Fish and Game to Negotiate Purchase of Government Owned Land in Shasta County Known as Ball's Ferry Site. Inland Angling Access Program, Project No. 1013.

The Coordinator reported that the Bureau of Reclamation acquired a parcel of about $4\frac{1}{2}$ acres on the east side of the Sacramento River, known as "Ball's Ferry Site", and described as a parcel of land on the east side of the Sacramento River in the fractional NW $\frac{1}{4}$ of Section 34, T. 30 N. R. 3 W. of M.D.B.&M., containing $4\frac{1}{2}$ acres more or less about 6 miles southeast of Anderson, 6 miles northeast of Cottonwood, and about 16 miles southeast of Redding in Shasta County. This parcel is no longer required by the Bureau of Reclamation and is now available for purchase.

Before the Wildlife Conservation Board became interested in access to fishing areas on the Sacramento River, Shasta County started negotiations to acquire this tract. Now the County requests Fish and Game to acquire the tract, develop it and the County will then undertake the operation and maintenance of this and all other access properties acquired by the State in Shasta County.

While this tract is close to Goat Island, it would be a very good acquisition and fully justified.

It was recommended that the Department of Fish and Game be authorized to acquire this site and that \$2,500 be allocated from the unallocated balance of the Wildlife Restoration Fund for this purpose.

IT WAS MOVED BY SENATOR JOHNSON, SECONDED BY SENATOR BROWN, THAT THE JOINT INTERIM COMMITTEE RECOMMEND THAT THE WILDLIFE CONSERVATION BOARD AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO NEGOTIATE FOR THE PURCHASE OF A TRACT OF LAND CONTAINING ABOUT $4\frac{1}{2}$ ACRES OWNED BY THE FEDERAL GOVERNMENT, KNOWN AS BALL'S FERRY SITE AND DESCRIBED AS: "A PARCEL OF LAND ON THE EAST SIDE OF THE SACRAMENTO RIVER IN THE FRACTIONAL NW $\frac{1}{4}$ OF SEC. 34, T. 30 N. R. 3 W., M.D.B.&M., CONTAINING $4\frac{1}{2}$ ACRES, MORE OR LESS", FOR USE AS A PUBLIC FISHING AND ACCESS SITE, AND ALLOCATE \$2,500 FROM THE UNALLOCATED BALANCE OF THE WILDLIFE RESTORATION FUND FOR THE INLAND ANGLING ACCESS PROGRAM, PROJECT NO. 1013. FURTHER, THAT THIS PURCHASE BY THE DEPARTMENT OF FISH AND GAME BE IN ACCORDANCE WITH AN AGREEMENT WITH THE COUNTY OF SHASTA, SAID COUNTY HAVING CARRIED ON NEGOTIATIONS WITH THE BUREAU OF RECLAMATION FOR PURCHASE OF SAID SITE, AND NOW REQUEST STATE ACQUIRE THE PROPERTY. THIS ACTION IS CONTINGENT UPON SHASTA COUNTY UNDERTAKING OPERATION AND MAINTENANCE OF THE PROJECT WHEN COMPLETED.

PASSED UNANIMOUSLY.

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Messrs. Knox and Gordon, after considering Mr. Peirce's written affirmative vote and approval, unanimously passed the following motion.

IT WAS REGULARLY MOVED AND SECONDED THAT THE WILDLIFE CONSERVATION BOARD AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO NEGOTIATE FOR THE PURCHASE OF A TRACT OF LAND CONTAINING ABOUT $4\frac{1}{2}$ ACRES OWNED BY THE FEDERAL GOVERNMENT, KNOWN AS BALL'S FERRY SITE AND DESCRIBED AS: "A PARCEL OF LAND ON THE EAST SIDE OF THE SACRAMENTO RIVER IN THE FRACTIONAL NW $\frac{1}{4}$ OF SEC. 34, T. 30 N. R. 3 W., M.D.B.&M., CONTAINING $4\frac{1}{2}$ ACRES, MORE OR LESS", FOR USE AS A PUBLIC FISHING AND ACCESS SITE, AND ALLOCATE \$2,500 FROM THE UNALLOCATED BALANCE OF THE WILDLIFE RESTORATION FUND FOR THE INLAND ANGLING ACCESS PROGRAM, PROJECT NO. 1013. FURTHER, THAT THIS PURCHASE BY THE DEPARTMENT OF FISH AND GAME BE IN ACCORDANCE WITH AN AGREEMENT WITH THE COUNTY OF SHASTA, SAID COUNTY HAVING CARRIED ON NEGOTIATIONS WITH THE BUREAU OF RECLAMATION FOR PURCHASE OF SAID SITE, AND NOW REQUEST STATE ACQUIRE THE PROPERTY. THIS ACTION IS CONTINGENT UPON SHASTA COUNTY UNDERTAKING OPERATION AND MAINTENANCE OF THE PROJECT WHEN COMPLETED.

PASSED UNANIMOUSLY.

5. Approval of Agreement with City of San Diego for Public Fishing in City Reservoirs, WCB Project No. 113.

The Wildlife Conservation Board on March 24, 1955, approved project and allocated \$100,000 for development.

Later, City of San Diego insisted this should be an outright grant, the fund to be turned over to the City. After several conferences between State and City attorneys and others, an agreement was drawn up on mutually agreeable terms and submitted to the Administrative Adviser, Department of Finance. Mr. Heinzer requested this agreement be presented to the Wildlife Conservation Board and Director, Department of Fish and Game, for approval. Copies were sent all Board members on March 28, 1956, per instructions from Chairman Knox.

Mr. Knox stated the agreement appeared satisfactory. Mr. Horn explained that engineers from the Department of Fish and Game and City of San Diego had conferred upon the life expectancy of the facilities to be constructed and agreed that 10 years was a realistic period such facilities would last.

IT WAS MOVED BY ASSEMBLYMAN LOWREY, SECONDED BY SENATOR JOHNSON, AS A JOINT MOTION, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE AGREEMENT BETWEEN THE DEPARTMENT OF FISH AND GAME AND THE CITY OF SAN DIEGO STIPULATING A 10 YEAR LEASE PERIOD AND GRANTING CITY PRIVILEGE OF CANCELLING BY REPAYMENT TO WILDLIFE CONSERVATION BOARD OF 10% OF THE \$100,000 FUND FOR EACH UNEXPIRED YEAR OF THE CONTRACT.

PASSED UNANIMOUSLY.

(Mr. Peirce had voted affirmatively in writing.)

I, E. E. Horn, Coordinator of the Wildlife Conservation Board, hereby certify that the foregoing is a true and correct copy

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6. Other Business

a. Attorney Fees Awarded C. Ray Robinson, State vs. Westover Co.

Mr. Gordon called the Board's attention to the status of the suit, State vs. Westover Company, and the trial court award of \$152,275.40 to C. Ray Robinson, attorney for Westover Company.

At the time this award was made, the Board, acting upon the advice of the Attorney General, thought that an appeal should be made to the Third District Court of Appeal, set up a reserve of \$162,500 for payment of attorney fees plus such expenses as might be incurred in making the appeal.

Under date of April 5, 1956, Mr. Raymond H. Williamson, Deputy Attorney General, in a letter to the Honorable John M. Peirce, advised that the Third District Court of Appeal had denied the State's appeal from the judgment and further stated that interest was accruing at the rate of 7% per annum and, "We have roughly estimated that this interest computed to July 1, 1956, will amount to \$31,977.83."

The Attorney General further advises, "The remaining legal remedy is to petition the District Court of Appeal for rehearing, if deemed advisable, and to petition the Supreme Court for hearing on the matter thereafter. We don't anticipate the delay that the State experienced in the District Court of Appeal (over a year) will occur again in the Supreme Court by reason of the fact that the Supreme Court must either grant or deny the petition for hearing within 40 days after the decision of the District Court of Appeal. If the Supreme Court denies our petition for hearing, then the decision of the District Court of Appeal will become final."

During the afternoon of April 5, 1956, the Coordinator at the request of Mr. Gordon discussed this matter with Mr. Peirce who advised that he was strongly in favor of carrying the matter to the Supreme Court. After considerable discussion, the Board at this meeting of April 5, 1956, agreed that this would be the better course to follow.

There being no further business, the meeting adjourned at 9:15 p.m.