

February 17, 2004

Dr. Ward
Oakland Unified School District
1025 Second Avenue
Oakland, Ca 94606

Dear Dr. Ward:

This letter is in response to a number of articles in the local press regarding sale of Oakland School District properties. Of particular note is the location of the administration building, adjacent to the Lake Merritt Channel. This property may be part of the Public Trust lands which fall under the jurisdiction of the State Lands Commission.

Several principles that determine Public Trust lands and their used are noted below (source: www.slc.gov/):

I. Lands under the ocean and under navigable streams are owned by the public and held in trust for the people by government. These are referred to as public trust lands, and include filled lands formerly under water. Public trust lands cannot be bought and sold like other state-owned lands.

II. Uses of trust lands, whether granted to a local agency or administered by the State directly, are generally limited to those that are water dependent or related, and include commerce, fisheries, and navigation, environmental preservation and recreation. Public trust uses include, among others, ports, marinas, docks and wharves, buoys, hunting, commercial and sport fishing, bathing, swimming, and boating. Public trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or open space...Uses that are generally not permitted on public trust lands are those that are not trust use related, do not serve a public purpose, and can be located on non-waterfront property, such as residential and non-maritime related commercial and office uses. While trust lands cannot generally be alienated from public ownership, uses of trust lands can be carried out by public or private entities by lease from this Commission or a local agency grantee.

III. Because public trust lands are held in trust for all citizens of California, they must be used to serve statewide, as opposed to purely local, public purposes.

We urge the district to analyze these aspects before moving toward any potential sale, transfer or reuse of property.

Sincerely,

Sandra Threlfall
Executive Director

cc: Chancellor Elihu Harris, Peralta Community College District
Mayor Jerry Brown
Grace Kato, State Lands Commission