

MINUTE ITEM

5. AUTHORIZATION FOR EXTRACTION OF MATERIAL, SOVEREIGN LANDS, STANISLAUS COUNTY, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS - W.O. 3895, P.R.C. 2733.9.

After consideration of Calendar Item 12 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, THE MAPS SUBMITTED BY THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, DESCRIBING THE AREA OF SOVEREIGN LANDS IN THE TUOLUMNE RIVER SITUATE IN SECTION 32, T. 3 S., R. 9 E., M.D.B. & M., STANISLAUS COUNTY, FROM WHICH IT IS PROPOSED TO EXTRACT MATERIAL FOR USE IN THE CONSTRUCTION OF STATE HIGHWAY ROUTE X-STA-4-B, SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS OF SECTION 13054 OF THE STATE WATER CODE.

Attachment

Calendar Item 12 (2 pages)

CALENDAR ITEM

12.

AUTHORIZATION FOR EXTRACTION OF MATERIAL, SOVEREIGN LANDS, STANISLAUS COUNTY, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS - W.O. 3895.

An application has been received from the Department of Public Works, Division of Highways, to extract material from an island located in the Tuolumne River in Stanislaus County, situate in Section 32, T. 3 S., R. 9 E., M.D.B. & M. It is proposed to use this material in the construction of State Highway Route X-Sta-4-B. (Refer to Exhibits "A" & "B" attached.)

Section 101.5 of the Streets and Highways Code provides in part:

"The Department may file for record with the Division of State Lands of the Department of Finance such maps as are necessary to furnish an accurate description of any ungranted . . . bed of any navigable channel . . . or other sovereign lands of the State of California which, in the opinion of the Department are needed . . . as a source of materials for the construction, maintenance or improvement of any such highway. Upon the approval of such map by the Chief of said Division of State Lands, the lands described therein are reserved for such use by the Department and the Department is thereupon authorized to enter upon, occupy and use such lands for such purpose or purposes. Any subsequent grant or permission to use such lands shall be subordinate to such reservation. Any such reservation may be released by the written certificate of the Director filed with said Division of State Lands."

The required maps have been submitted by the Division of Highways.

There is no evidence of any present claim of private ownership to the island and no taxes have ever been assessed. There is a sufficient probability that the island formed naturally in the bed of a navigable river to warrant claim of ownership by the State under Section 1016 of the Civil Code which provides as follows: "Islands and accumulations of land, formed in the beds of streams which are navigable, belong to the State, if there is no title of prescription to the contrary."

The office of the Department of Fish and Game in Fresno has advised that they have no objection to the compliance with the provisions of Section 101.5, Streets and Highways Code.

The Regional Water Pollution Control Board has notified that waste discharge requirements to cover sand and gravel operations have been established along the Tuolumne River. An operator along the river is required to file reports in accordance with Section 13054 of the State Water Code.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, THE MAPS SUBMITTED BY THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, DESCRIBING THE AREA OF SOVEREIGN LANDS IN THE TUOLUMNE RIVER

CALENDAR ITEM 12. (CONTD.)

SITUATE IN SECTION 32, T. 3 S., R. 9 E., M.D.B. & M., STANISLAUS COUNTY,
FROM WHICH IT IS PROPOSED TO EXTRACT MATERIAL FOR USE IN THE CONSTRUCTION
OF STATE HIGHWAY ROUTE X-STA-4-B, SUBJECT TO COMPLIANCE WITH THE REQUIRE-
MENTS OF SECTION 13054 OF THE STATE WATER CODE.