

MINUTE ITEM

This Calendar Item No. 39
was approved as Minute Item
No. 39 by the State Lands
Commission by a vote of 2
to 0 at its 4/28/83
meeting.

CALENDAR ITEM

39

4/28/83
WP 4193
Louie
Sekelsky

AUTHORIZATION TO DETERMINE BOUNDARY AND
SETTLE TITLE DISPUTE THROUGH LITIGATION OR AGREEMENT

BACKGROUND:

In the process of renewal negotiations for a permit to maintain four mooring buoys in connection with a quarry operation at Jewfish Point, Santa Catalina Island, it was discovered that a considerable parcel of filled tidelands and submerged lands had built up in that vicinity. This fill constitutes an unauthorized use of State-owned lands. Initial studies indicate that additional fill parcels may exist at Empire Landing, and may also extend from Jewfish Point through Pebbly Beach. The Santa Catalina Island Company, owners of uplands adjacent to the filled tidelands and submerged lands, have disputed Staff's initial estimates of the extent of the fill.

Further study of the location of the ordinary high water mark is necessary to more accurately define the extent of filled tidelands and submerged lands at Santa Catalina Island. This determination is necessary in order to settle title disputes and assure the State an equitable return for the use of its land.

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Commission staff and staff in the Attorney General's Office have had discussions with the Santa Catalina Island Company with regard to settlement of these title issues, but without any substantial progress. In order to protect the State's position it appears to be desirable to file an action to resolve these title issues at this time. Such action would not in any way preclude continuation of meaningful negotiations with the Santa Catalina Island Company or other holders of interest claiming ownership of the parcels.

Preliminary staff studies indicate that parties who may be affected by any settlement of title issues in this case include, but are not limited to, the Santa Catalina Island Company, Santa Catalina Island Conservancy, Jack Fennie, Southern California Edison Company, and Connolly-Pacific Corporation.

AB 884:

N/A.

IT IS THEREFORE RECOMMENDED THAT:

THE COMMISSION AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO SETTLE QUESTIONS OF TITLE REGARDING FILLED TIDELANDS AND SUBMERGED LANDS ADJACENT TO SANTA CATALINA ISLAND, IN THE AREAS OF JEWFISH POINT THROUGH PEBBLY BEACH, AND EMPIRE LANDING.