

MINUTE ITEM

This Calendar Item No. 43
is approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/83
meeting.

CALENDAR ITEM

. 43 ~~41~~

8/25/83
W 503.1153
J. Sekelsky

AUTHORIZATION TO FILE A DISCLAIMER IN
JENNIFER ALVES, ET AL. v.
PACIFIC GAS AND ELECTRIC COMPANY, ET AL.,
CASE NUMBER 767374, IN THE SUPERIOR COURT OF
THE STATE OF CALIFORNIA, IN AND FOR
THE COUNTY OF SAN FRANCISCO

The State of California has been named as a defendant in this wrongful death action, wherein it is alleged that defendants have caused the Russian River, in the vicinity of the site of the accident, to be in a dangerous and unnatural condition, resulting in the drowning death of Plaintiffs' deceased.

After examination of the Commission's records pertinent to the area, staff has concluded that there is no basis for a determination that the Russian River at the subject location was susceptible to navigation under the federal test for title as of September 9, 1850. The river may, however, be suitable for rafting or other recreational activities under certain seasonal conditions. Staff therefore recommends that the Commission disclaim any ownership interest in the bed of the Russian River at the subject site, provided, however, that such disclaimer does not constitute a disclaimer or waiver of public trust easement rights over the river.

AB 884: N/A.

EXHIBIT: A. Site Map.

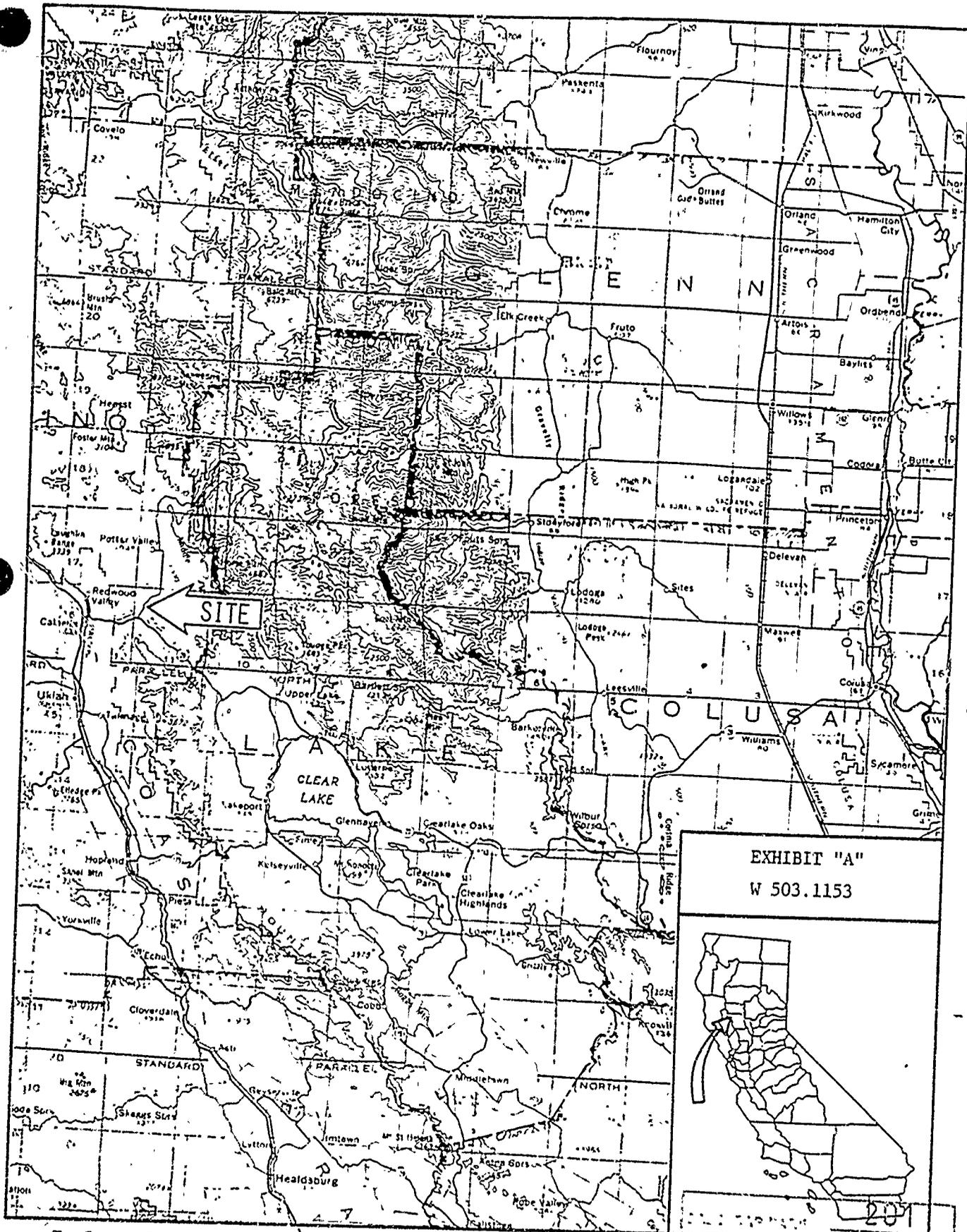
A 2

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IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF OWNERSHIP OF THE BED OF THE RUSSIAN RIVER IN THE VICINITY OF THE SITE OF THE SUBJECT DROWNING, PROVIDED, HOWEVER, THAT SUCH DISCLAIMER DOES NOT CONSTITUTE A DISCLAIMER OR WAIVER OF THE PUBLIC'S TRUST RIGHTS IN AND OVER THE RIVER, ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF JENNIFER ALVES, ET AL. v. PACIFIC GAS AND ELECTRIC COMPANY, ET AL., CASE NUMBER 767374, IN THE SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN FRANCISCO.



SITE

EXHIBIT "A"
W 503.1153



To Santa Rosa 15 Miles

SCALE BAR

201
1974