

MINUTE ITEM

This Calendar Item No. 29
was approved as Minute Item
to 29 by the State Lands
Commission by a vote of 3
to 0 at its 5/24/84
meeting.

CALENDAR ITEM

29 A

05/24/84
W 503.1208
Stevenson/
Judson
SLL 128

REQUEST FOR AUTHORIZATION TO
SETTLE NUMEROUS CONDEMNATION ACTIONS ALONG
STANISLAUS RIVER BY AGREEMENT TO
REVEST SOVEREIGN TITLE IN STATE AND FOR
STATE TO WAIVE COMPENSATION;
CALAVERAS, STANISLAUS, SAN JOAQUIN, AND
TUOLUMNE COUNTIES

In the years 1981, 1982 and 1983, numerous condemnation actions were brought by the federal government to acquire interests in land along the Stanislaus River between New Melones Dam and the confluence with the San Joaquin River. Although a few of these actions were to acquire a fee interest, the vast majority were for the purpose of securing easements for recreation access and water overflow.

The State of California was named in all of these condemnation lawsuits. The primary purpose of naming the State was to clear out any proprietary State interest, particularly that derived from transfers to the State due to private party failure to pay taxes. Since the descriptions in these condemnations included the bed of the Stanislaus River, a secondary effect of them may have been to take the sovereign interest of the State of California in the bed of the River. Federal representatives have informed the staff of the Commission that they had no desire to acquire State sovereign interests. A proposed settlement has been reached to avoid that possible consequence.

The staff of the State Lands Commission, the Office of the Attorney General, and representatives of the United States Army Corps of Engineers have agreed in principle to a settlement of all of these cases which would preserve the condition of title which existed before the condemnations were filed. The settlement as proposed has two operative parts:

(NON-SUBSTANTIVE REVISION 03/27/85)

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1. The United States will revert in the State of California any sovereign interests the United States may have taken by the filing of these condemnation actions; and
2. The State Lands Commission will disclaim any right to compensation for the federal acquisition of interests in those parts of the parcels which lie outside the sovereign bed of the Stanislaus River. In each of the cases, the staff of the State Lands Commission has verified that no proprietary interests such as those derived from school lands exist in the parcels to be taken.

The staff supports this settlement of all these cases in the manner described above. The settlements will maintain the State's title as it existed before the condemnations were filed and will enable the federal government to expeditiously proceed with the acquisition of public access easements along the river so that the public may enjoy the Stanislaus River downstream of New Melones Dam.

A list of the cases within the purview of this Calendar Item is attached as Exhibit "A". The list is intended to be comprehensive. However, the staff requests the Commission to grant authority to settle all similar cases along the Stanislaus (even those which may not be in the list in Exhibit "A") according to the terms set forth above.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: PRC 21080.11.

EXHIBITS:

1. Exhibit "A" - A list of condemnation actions along the Stanislaus River affected by this Calendar Item.
2. Exhibit "B" - Site Map of the stretch of the Stanislaus River involved.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO SETTLE THOSE CASES LISTED IN EXHIBIT "A" AND ANY OTHER SIMILAR CASES ALONG THE STANISLAUS RIVER USING AN AGREEMENT WHICH WOULD REVEST SOVEREIGN TITLE IN THE STATE OF CALIFORNIA AND CALL FOR THE STATE LANDS COMMISSION TO DISCLAIM COMPENSATION TO UPLANDS PROPERTIES WHERE NO PROPRIETARY RIGHTS SUCH AS DERIVED FROM SCHOOL LANDS EXISTS.

WORK ORDER NUMBER	ABBREVIATED CASE NAME (U.S. V. ACRES	COUNTY OF SITE
W503.1193	145.17 ac.	Stanislaus
W503.1194	0.16 ac.	Stanislaus
W503.1196	92.66 ac.	Stanislaus
W503.1201	10.00 ac.	San Joaquin Stanislaus
W503.1202	10.29 ac.	Stanislaus
W503.1203	20.00 ac.	San Joaquin Stanislaus
W503.1205	8.13 ac.	Stanislaus
W503.1207	1.57 ac.	Stanislaus
W503.1208	25.56 ac.	Stanislaus
W503.1210	17.75 ac.	Stanislaus
W503.1211	17.0 ac.	Stanislaus
W503.1212	2.0 ac.	Stanislaus
W503.1214	5.87 ac.	Stanislaus
W503.1215	79.16 ac.	Stanislaus
W503.1216	1.53 ac.	Stanislaus
W503.1217	1.21 ac.	Stanislaus
W503.1218	1.76 ac.	Stanislaus
W503.1219	6.23 ac.	Stanislaus
W503.1220	1.74 ac.	Stanislaus
W503.1222	1.13 ac.	Stanislaus
W503.1223	10.22 ac.	Stanislaus
W503.1224	5.17 ac.	Stanislaus
W503.1225	1.96 ac.	Stanislaus
W503.1226	0.15 ac.	Stanislaus
W503.1227	106.85 ac.	San Joaquin
W503.1228	1.43 ac.	Stanislaus
W503.1229	13.82 ac.	Stanislaus
W502.1230	0.17 ac.	Stanislaus

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WORK ORDER NUMBER	ABBREVIATED CASE NAME (U.S. V. ACRES	COUNTY OF SITE
W503.1231	49.61 ac.	Stanislaus
W503.1232	14.04 ac.	Stanislaus
W503.1240	17.80 ac.	Stanislaus
W503.1241	2.56 ac.	Stanislaus
W503.1242	101.60 ac.	Stanislaus
W503.1243	85.84 ac.	Stanislaus
W503.1244	7.42 ac.	Stanislaus
W503.1246	36.43 ac.	San Joaquin
W503.1247	87.48 ac.	Stanislaus
W503.1248	75.53 ac.	Stanislaus Tuolumne
W503.1249	8.8 ac.	Stanislaus
W503.1250	13.87 ac.	San Joaquin
W503.1251	4.24 ac.	Stanislaus
W503.1252	21.0 ac.	Stanislaus
W503.1253	18.23 ac.	Stanislaus
W503.1254	3.48 ac.	Stanislaus
W503.1255	3.5 ac.	Stanislaus
W503.1256	11.14 ac.	Stanislaus
W503.1257	2.24 ac.	Stanislaus
W503.1260	0.14 ac.	Stanislaus
W503.1261	0.14 ac.	Stanislaus
W503.1265	42.80 ac.	San Joaquin
W503.1275	0.28 ac.	San Joaquin
W503.1291	6.87 ac.	Stanislaus
W503.1298	48.72 ac.	Stanislaus
W503.1299	62.49 ac.	Stanislaus
W503.1300	0.30 ac.	Calaveras

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WORK ORDER NUMBER	ABBREVIATED CASE NAME (U.S. V. ACRES	COUNTY OF SITE
W503.1302	4.78 ac.	Stanislaus
W503.1306	17.545 ac.	Stanislaus
W503.1307	57.86 ac.	Stanislaus
W503.1308	9.09 ac.	Stanislaus
W503.1315	124.379 ac.	San Joaquin Stanislaus
W503.1316	88.89 ac.	Calaveras Tuolumne
W503.1317	2.64 ac.	San Joaquin
W503.1320	2.68 ac.	San Joaquin

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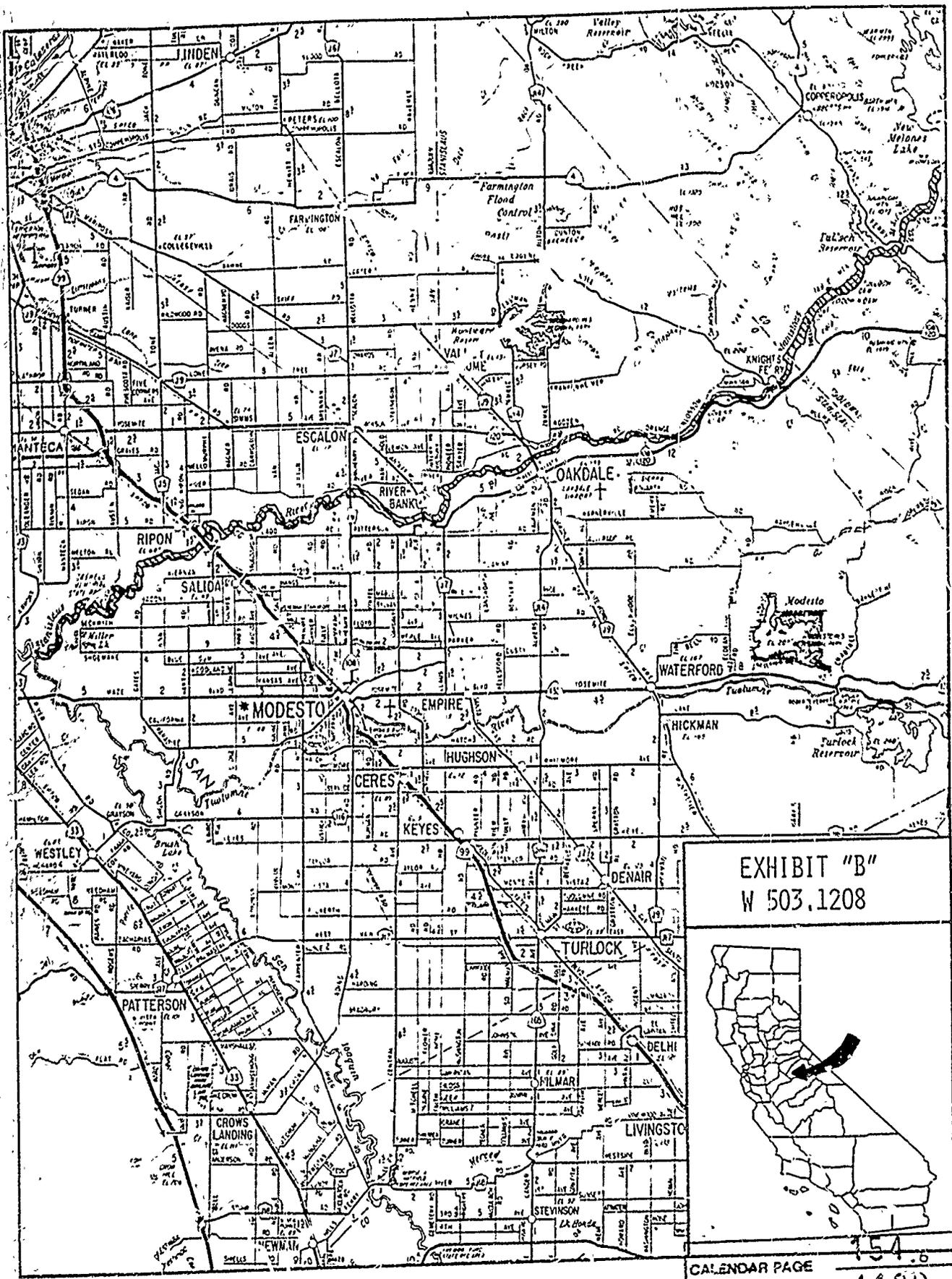


EXHIBIT "B"
W 503.1208



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