MINUTE ITEM
This Calendar Item No. 49
was approved as Minute Item
No. 49 by the State Lands
Commission by a vote of 3
to 0 at its 4-12-88
meeting.

CALENDAR ITEM

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AUTHORIZATION FOR LITIGATION
FOR EJECTMENT AND DAMAGES
FOR UNAUTHORIZED OCCUPATION
OF STATE-OWNED LAND

APPLICANT: Stockton Yacht Club Inc.
3235 River Drive
Stockton, California 95204

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in the last natural bed of the Old Calaveras River, Stockton, San Joaquin County.

UNAUTHORIZED USE:

1. Nature of use - existing yacht club facilities.

2. Appropriate authorization - General Permit - Recreational Use.

3. Duration of use - from approximately September 1982, to present.

BACKGROUND:

Stockton Yacht Club facilities, including the club house and other improvements are located within the last natural bed of the Old Calaveras River which are claimed by the State as sovereign tide and submerged lands. Staff has contacted representatives of the Club on numerous occasions, by letter and phone, and made repeated attempts to bring the club and its facilities under lease. In the most recent contact by staff in early March, staff was informed by a club representative that the club would not enter a lease unless ordered to do so by a court.

The Commission staff has diligently attempted to bring the club under lease for the use of State Lands, but as noted, have been unsuccessful to date.

AB 884: N/A.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTION IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15601, BECAUSE THE ACTION IS NOT A PROJECT AS DEFINED BY P.R.C. 21065, AND 14 CAL. ADM. CODE 15378.

2. AUTHORIZE STAFF COUNSEL AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING UNAUTHORIZED OCCUPATION OF STATE OWNED TIDE AND SUBMERGED LANDS IN THE LAST NATURAL BED OF THE OLD CALAVERAS RIVER, STOCKTON, SAN JOAQUIN COUNTY BY THE STOCKTON YACHT CLUB, INC. AND ANY OTHER NECESSARY PARTIES AND TO COLLECT REASONABLE COMPENSATION FOR THE USE OF SUCH LANDS AND FOR WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

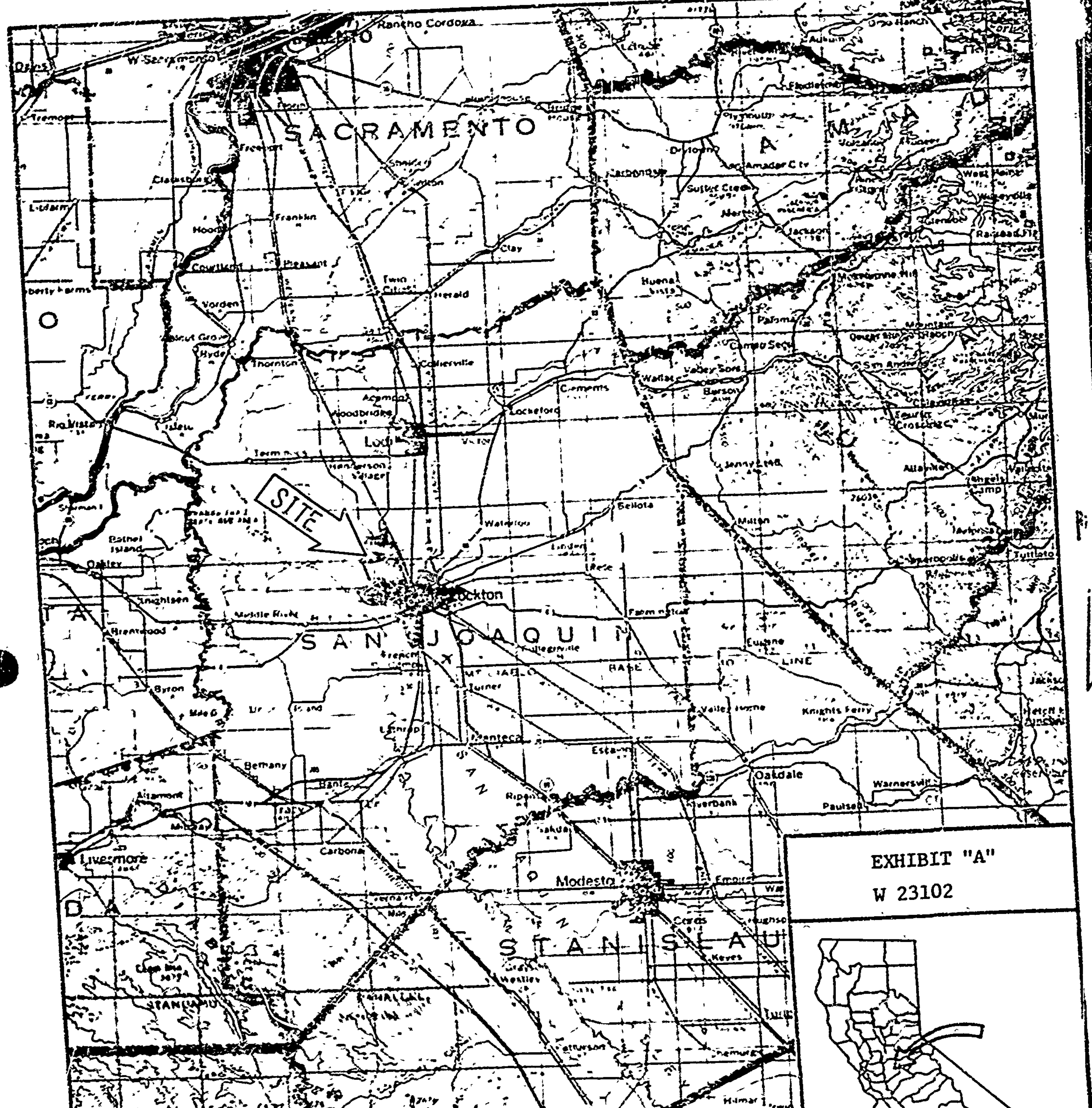

EXHIBIT "A"

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