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CALENDAR ITEM

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AUTHORIZATION TO FILE DISCLAIMER OF COMPENSATION RE:
UNITED STATES OF AMERICA V. 1.37 ACRES OF LAND,
MORE OR LESS, ET AL., UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. S-85-276-MLS,
SISKIYOU COUNTY

The State Lands Commission is a party to a United States condemnation action brought by the United States Attorney entitled, United States of America v. 1.37 Acres of Land, More or Less, etc., et al., filed in the United States, Civil No. S-83-276-MLS involving land in Siskiyou County to be used for a road.

Upon examination of the Commission's records pertinent to the area, it was ascertained that the property subject to this action includes a segment of Indian Creek, an intermittent stream. It was further determined that extensive preparation and research would be required to determine possible state ownership of the bed of this portion of Indian Creek; that even if the ownership claim of the State could be proven to the satisfaction of the court, compensation to the State for the parcel would be \$360 or less and that the costs of such proof far outweigh any possible compensation the State might receive in the condemnation award.

In order to preserve any interest the State may have in the parcel without requiring the necessity of adjudicating the ownership claim, the staff of the Commission and the Attorney General's office recommend the filing of a limited disclaimer of the right of compensation but not of ownership of any State interest in the property subject to this action.

(REVISED 10/22/85)

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OTHER PERTINENT INFORMATION:

1. 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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT: A. Location Map.

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF COMPENSATION BUT NOT INTEREST ON BEHALF OF THE STATE LANDS COMMISSION AS TRUSTEE OF THE STATE'S NAVIGABLE WATERS IN THE CASE OF UNITED STATES OF AMERICA v 1 37 ACRES OF LAND, MORE OR LESS, ETC., ET AL, SISKIYOU COUNTY, CIVIL NO. S-83-276-MLS, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA.

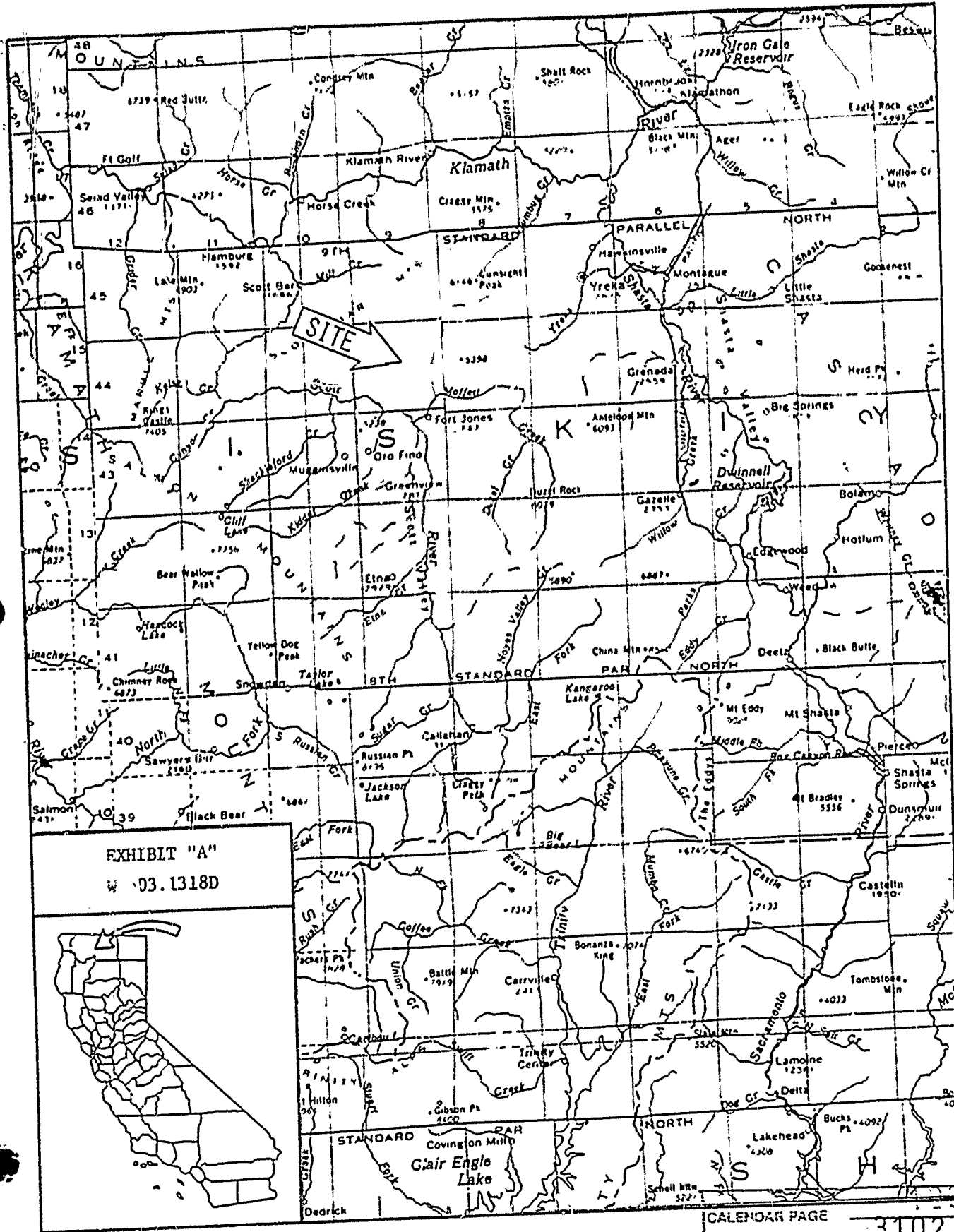


EXHIBIT "A"
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