

MINUTE ITEM

This Calendar Item No. 54
was approved as Minute Item
No. 54 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

54

A 10
S 6

03/27/90
W 503.1605
Stevenson
Crow

AUTHORIZATION TO PERFORM SCIENTIFIC ANALYSIS
OF SOIL AT CHICORY BEND, SACRAMENTO RIVER, SACRAMENTO COUNTY

The State Lands Commission is being sued by Richard Lovelace, Starla Lovelace, and River Garden Association, a limited partnership, to quiet title to approximately twelve acres land between the levee and the present channel of the Sacramento River at Chicory Bend, which is located in the City of Sacramento near Seamas Avenue. The private parties contend the area is upland or is natural accretion to the bed of the river which, by law, belongs to the owners of the upland. The State, acting by and through the State Lands Commission, claims that the area was formed in the bed of the river by artificial causes, such as hydraulic mining debris, wing dams, dredging, and levee construction. The State does not lose title when lands form in the beds of navigable waters due to artificial causes.

As part of preparation for trial, experts working on behalf of the Attorney General's Office and the staff of the Commission need to examine the stratigraphy of the soil on the land in dispute. The testing will consist of the digging of a trench approximately 150 feet long, five feet wide, and ten feet deep. It will be no closer that thirty feet to the waterward toe of the levee, and no closer than five feet to the present top of bank confining the present river channel. The trench will be filled in and compacted using the material that was excavated, and it will be dug on an existing disturbed site so that vegetation will not be disturbed. The project will last no longer than two days.

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AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Trenching and Backfilling Where the Surface is Restored, 14 Cal. Code Regs. 15304(f), and Class 6, Information Collection, which does not result in a serious or major disturbance to an environmental resource, 14 Cal. Code Regs. 15306.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR TRENCHING AND BACKFILLING WHERE THE SURFACE IS RESTORED, 14 CAL CODE REGS 15304(f), AND CLASS 6, INFORMATION COLLECTION, WHICH DOES NOT RESULT IN A SERIOUS OR MAJOR DISTURBANCE TO AN ENVIRONMENTAL RESOURCE, 14 CAL CODE REGS 15306.
2. APPROVE TRENCHING IN THE AREA BETWEEN THE LEVEE AND THE PRESENT RIVER CHANNEL AT CHICORY BEND, WHICH WILL BE APPROXIMATELY 150 FEET LONG, FIVE FEET WIDE, AND TEN FEET DEEP FOR THE PURPOSE OF THE STRATIGRAPHY OF THE SOIL.