

MINUTE ITEM

This Calendar Item No. 43
 was approved as Minute Item
 No. 43 by the State Lands
 Commission by a vote of 2
 to 0 at its 5/23/85
 meeting.

CALENDAR ITEM

A 74

43

S 38

05/23/85
 W 503.1363
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AUTHORIZATION TO FILE DISCLAIMER RE: CITY OF OCEANSIDE V. W. C. LUSARDI, ET AL. SAN DIEGO SUPERIOR COURT NO. N 24540

The State Lands Commission is a party to a condemnation action brought by the City of Oceanside. The action concerns lands in and adjacent to the bed of the San Luis Rey River within the city and northeast of the Interstate 5 bridge. The lands secured by the City under the subject action are needed for a flood protection and environmental enhancement project to be constructed pursuant to a cooperative agreement between the City and the Federal Government.

The City of Oceanside holds tide and submerged lands within its City limits including "the sovereign interests of the State of California in lagoons, estuaries and rivers" pursuant to a local grant (Chapter 84 of California Statutes of 1979). The State holds a reversionary interest in the grant and was brought into the subject action as a necessary party based on P.R.C. Section 6308.

The staff has examined available evidence regarding the parcels subject to the condemnation action and has inspected the parcels themselves and has determined that the subject parcels contain no tide or submerged lands and that the City and State have no right, title or interest in the parcels based on their being tide and submerged lands.

Based on staff's investigation and study, it is recommended that a disclaimer be filed by the Attorney General's Office on behalf of the State Lands Commission denying any compensable right, title or interest in the subject parcels. It should be emphasized that any disclaimer should be limited to the subject case parcels only and should not be construed to affect any other areas of the San Luis Rey River that may contain sovereign tide and submerged lands.

CALENDAR ITEM NO. 43 (CONT'D)

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.

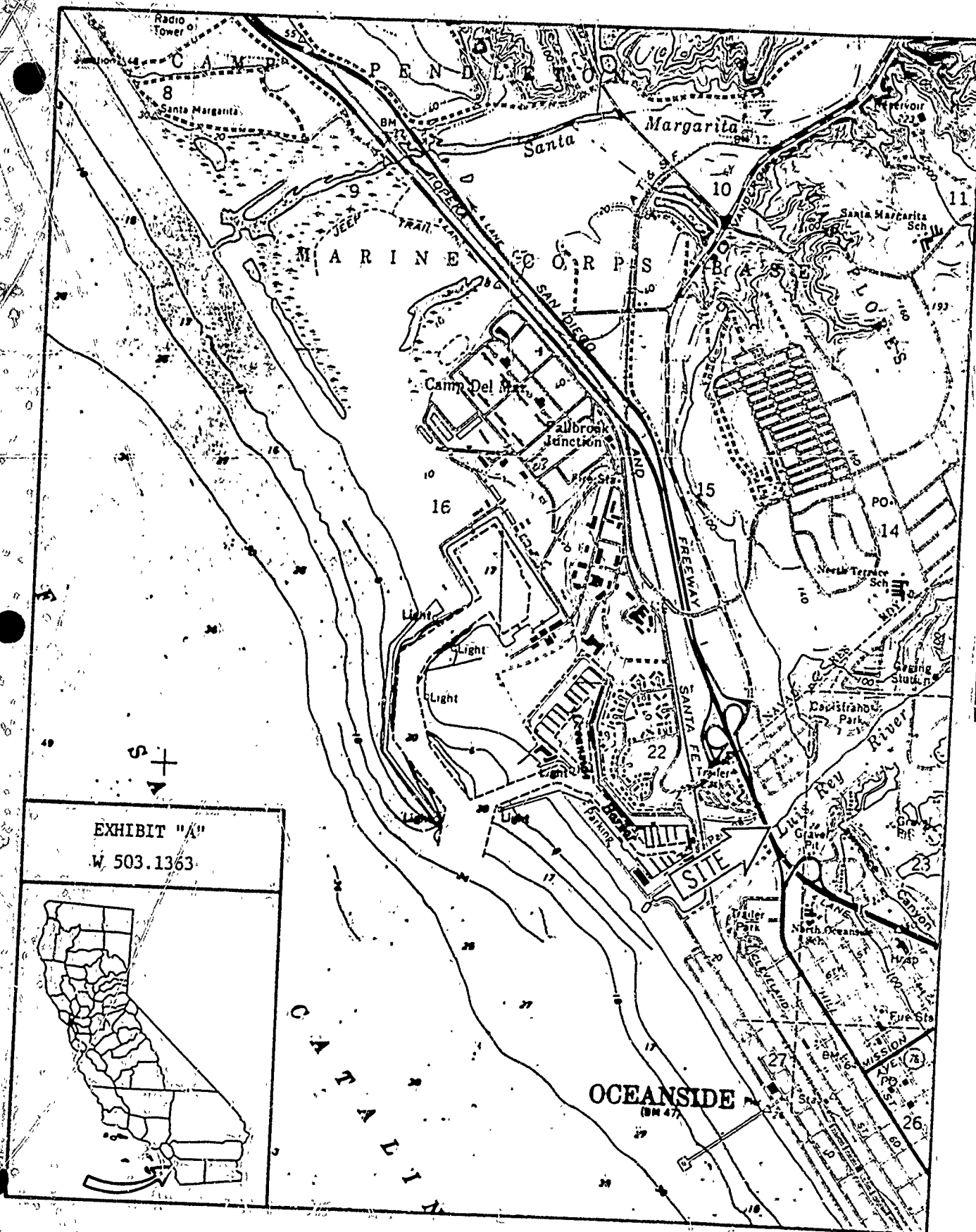
Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

AB 884: N/A.

EXHIBIT: A. Site 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 ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF CITY OF OCEANSIDE V. W.H.C. LUSARDI, ET AL., SAN DIEGO SUPERIOR COURT NO. N 24540.



CALENDAR PAGE 148.2
MINUTE PAGE 171.2