

MINUTE ITEM

This Calendar Item No. 30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-76 CALENDAR ITEM
meeting 30

4/76
W 21039
DR

AUTHORIZATION TO INSTITUTE LITIGATION

The Department of Fish and Game has recently received numerous complaints from the public about the closing to the public of certain lands on the Sacramento River near the mouth of Battle Creek, Tehama County.

These lands have provided access to one of the most popular and productive steelhead and salmon fishing areas on the Sacramento River, and have been freely used by the public for many years. They also support a diversity of wildlife species.

According to Division records, a substantial portion of the land is sovereign land of the State of California. However, Charles A. Orwick and Ethelyn M. Orwick have claimed title to the land. Besides closing the land to public use the Orwicks have begun extensive land clearing operations. Many large trees have been felled and the understory destroyed. It appears that the land is being developed for commercial purposes.

The loss of public access to the river, land clearing and destruction of wildlife habitat warrants immediate action by the State Lands Commission to refute the claim of Charles A. Orwick and Ethelyn M. Orwick and establish the claim of the State of California.

Therefore, it is recommended that legal action be taken to protect any state interest within the described lands.

EXHIBIT: A, Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO PERFECT AND PROTECT ANY SOVEREIGN TITLE NEAR THE MOUTH OF BATTLE CREEK, TEHAMA COUNTY.

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