

MINUTE ITEM

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

CALENDAR ITEM

25 4.

11/29/82
W 503.357
PRC 5879
Grimes
McKown
Flushman

ACCEPTANCE OF A DONATION
OF INTERESTS IN
LAKE EARL AND LAKE TALAWA,
DEL NORTE COUNTY

In 1960, litigation was commenced against the State by certain plaintiffs seeking to quiet title to certain land in Del Norte County which, in essence comprised portions of the beds of two coastal lakes, Lakes Earl and Talawa. Although that litigation was not pursued, by substitution of plaintiff's Loren C. Bliss, et al. ("Bliss") became plaintiff. After a considerable period of time Bliss entered into settlement negotiations with the State. Those negotiations resulted in an agreement approved by the Commission on August 23, 1979, by which Bliss agreed, ultimately, to donate all of his record interest in the beds of Lakes Earl and Talawa to the State Lands Commission. Bliss held one hundred percent record interest in a portion of the lake beds and a four-fifths record interest in an additional portion, which when combined amounted to most of the total area of the two lakes. Two-thirds of the remaining one-fifth record interest in the area that Bliss donated the four-fifths record interest in, is held by Bruce Gause, Richard Gause and Gretchen Fox, ("Gause family").

The Gause family contends, as Bliss did, that the lakes were patented to the State as swamp and overflowed by the

A 2

S 2

CALENDAR PAGE	128
MINUTE PAGE	3113

CALENDAR ITEM NO. 25 (CONTD)

United States; and by operation of P.R.C. Section 7552, the State's interest in the beds of Lakes Earl and Talawa was terminated. It is certain that other contentions would be made concerning the State's ability to now assert title to Lakes Earl and Talawa. On the other hand, the State's position has been that no authority ever existed to sell the submerged beds of Lakes Earl and Talawa, that the State is not precluded from asserting this claim and that the State owns the beds of Lakes Earl and Talawa as its sovereign lands.

Since about 1974 the California Department of Parks and Recreation and the Wildlife Conservation Board have been interested in acquiring the upland holdings of Bliss which surrounded Lakes Earl and Talawa. In 1979, these uplands, including seven miles of coastline, were acquired. The purpose of the acquisition was the preservation of the valuable wetland and coastal dune habitat, cultural and ecological resources and the provision of compatible outdoor recreational and educational opportunities. Lakes Earl and Talawa are an integral part of the acquisition comprising a substantial recreational, ecological and educational resource. The lakes were excluded from the scope of the acquisition because of the title controversy between Bliss and the Commission. To accomplish the purpose of the acquisition and to allow the State and Bliss to clarify their title interest in Lakes Earl and Talawa, the Bliss settlement was approved by the Commission. The Commission also approved a lease of the beds of Lake Earl and Talawa to the Department of Fish and Game (PRC 5878.9).

Members of the Gause family now also wish to donate their record interest in the beds of Lake Earl and Talawa to the State. The donation is to be accomplished by a donation agreement which grants by quitclaim the record interest of the Gause family to the State to be held as State sovereign tide and submerged lands.

The donation agreement will resolve outstanding title claims adverse to the State's interest without the expenditure of any funds or the risk of litigation. The interests acquired from the Gause family were not excluded from the Department of Fish and Game lease, so lease PRC 5879.9 need not be amended, but the Commission's intent in issuing that lease needs to be noted in this action. The Office of the Attorney General has reviewed and approved this transaction. This transaction is exempt from the requirements of CEQA.

CALENDAR ITEM NO. 25 (CONTD)

AB 884: N/A.

EXHIBIT: A. Description of Lands.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ACCEPT THE DONATION OF THE GAUSE FAMILIES RECORD INTERESTS TO THE BEDS OF LAKES EARL AND TALAWA.
2. APPROVE THE DONATION AGREEMENT AND AUTHORIZE ACCEPTANCE OF THE AGREEMENT PURSUANT TO P.R.C. SECTION 6219 AND TO RECORD THE QUITCLAIM TO LAKES EARL AND TALAWA AS DESCRIBED IN EXHIBIT "A", FROM THE GAUS FAMILY TO THE STATE PURSUANT TO THE DONATION AGREEMENT.
3. FIND THAT THE INTERESTS ACQUIRED BY THE DONATION AGREEMENT WERE INTENDED TO BE LEASED AND WERE IN FACT LEASED TO THE STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME, PURSUANT TO LEASE PRC 5879.9.
4. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL OR THE STATE LANDS COMMISSION'S STAFF TO TAKE ALL SUCH FURTHER ACTIONS THAT MAY BE NECESSARY OR CONVENIENT TO CARRY OUT SAID DONATION.
5. FIND THAT THIS DONATION IS EXEMPT FROM THE PROVISIONS OF CEQA.

CALENDAR PAGE	130
MINUTE PAGE	3120

EXHIBIT "A"

DESCRIPTION:

That real property in the County of Del Norte, State of California, described as follows:

PARCEL ONE

Beginning at a point 4.00 chains north and 20.00 chains east of the United States meander corner on the section line between Sections twenty-eight and twenty-nine, Township seventeen north, Range one west, Humboldt Meridian, said point of beginning being on the north line of Swamp and Overflowed Land Survey 94, Del Norte County; thence east, along the north line of said survey 94, 55.00 chains to the northeast corner thereof, on the west line of Swamp and Overflowed Land Survey 85, Del Norte County; thence north, along the west line of said survey 85, 10.00 chains to the northwest corner thereof; thence east, along the north line of said survey 85, 5.00 chains to the northeast corner thereof, on the west line of Swamp and Overflowed Land Survey 52, Del Norte County; thence north, along the west line of said survey 52, 15.00 chains to the southeast corner of Swamp and Overflowed Land Survey 75, Del Norte County (Location 2935); thence N. 45° W. along the line of said survey 75, 21.21 chains to the northwest corner thereof, on the south line of Swamp and Overflowed Land Survey 13, Del Norte County; thence west, along the south line of said survey 13, 5.00 chains to the southwest corner thereof and the southeast corner of Swamp and Overflowed Land Survey 78, Del Norte County (Location 3734); thence along the line of said survey 78, N. 70° 45' W. 21.22 chains; N. 34° 45' W. 15.83 chains; N. 11° 30' E. 9.98 chains to the northwest corner of said survey 78 and the southwest corner of Lot 1, Lake Land Survey 1, Del Norte County (Location 332) thence along the line of said Lot 1, N. 21° 30' W. 2.50 chains; N. 57° 30' E. 5.00 chains; N. 14° W. 5.40 chains to the northwest corner of said Lot 1, on the south line of Swamp and Overflowed Land Survey 12, Del Norte County; thence west, along the south line of said survey 12, 14.95 chains to the southwest corner thereof; thence north, along the west line of said survey 12, 3.09 chains to the southeast corner of Lot 2 of said Lake Land Survey 1, Del Norte County; thence along the line of said Lot 2, N. 71° W. 3.12 chains; N. 5° E. 4.00 chains; N. 65° W. 2.00 chains; N. 11° W. 10.50 chains; N. 76° W. 3.08 chains to the northwest corner of said Lot 2, on the south line of Swamp and Overflowed Land Survey 35, Del Norte County; thence west, along the south line of said survey 35, 4.99 chains to the northeast corner of Swamp and Overflowed Land Survey 60, Del Norte County; thence S. 4° 51' E. along the east line of said survey 60, 40.15 chains to the southeast corner thereof, on the center line of section twenty-one, Township seventeen north, Range one west, Humboldt Meridian; thence east,

CALENDAR PAGE	137
MINUTE PAGE	317

along the center line of said section 21, 11.00 chains to the northeast corner of the west half of the southwest quarter of said section 21 thence south, along the east line of said west half of the southwest quarter of said section 21, and the east line of the northwest quarter of the northwest quarter of aforesaid section 28, 60.00 chains to the place of beginning, being portions of Sections twenty-one and twenty-eight, Township seventeen north, Range one west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 96, Del Norte County, Location 4004, run by the true meridian, magnetic variation 19° 10' east.

PARCEL TWO

Beginning at a point on the section line, 4.00 chains north of the United States meander corner between Sections twenty-eight (28) and twenty-nine (29), Township seventeen (17) north, Range one (1) west, Humboldt Meridian; thence south to and along the east line of Swamp and Overflowed Land Survey 7, Del Norte County, 80.00 chains to the north line of Swamp and Overflowed Land Survey 93, Del Norte County; thence east, along the north line of said survey 93, 75.00 chains to the northeast corner thereof, and the west line of Swamp and Overflowed Land Survey 86, Del Norte County; thence north, along the west line of said survey 86, Swamp and Overflowed Land Survey 81, Del Norte County (Location 3790), and Swamp and Overflowed Land Survey 85, Del Norte County, 80.00 chains; thence west 75.00 chains to the place of beginning, being portions of Sections twenty-eight (28) and thirty-three (33), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 94, Del Norte County, Location 4007, run by the true meridian, magnetic variation 19° 10' east.

PARCEL THREE

Beginning at a point on the section line 4.00 chains north of the United States meander corner between Sections twenty-eight (28) and twenty-nine (29), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, said point of beginning being the northwest corner of Swamp and Overflowed Land Survey 94, Del Norte County; thence west 20.00 chains to the northeast corner of Swamp and Overflowed Land Survey 9, Del Norte County; thence south, along the east line of said survey 9, 22.60 chains to the northwest corner of Swamp and Overflowed Land Survey 63, Del Norte County, (Location 641); thence along the line of said survey 63, S. 32° 30' E. 13.16 chains; S. 6° 30' E. 1.65 chains; S. 20° W. 5.00 chains to the southeast corner of said survey 63, on the north line of Swamp and Overflowed Land Survey 7, Del Norte County; thence east, along the north line of said survey 7, 14.43 chains to the northeast corner thereof, on the west line of aforesaid survey 94; thence north, along the west line of said survey 94, 40.00 chains to the place of beginning, being a portion of Section twenty-nine (29), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 95, Location 4001, run by the true meridian, magnetic variation 19° 10' east.

CALENDAR PAGE	132
MINUTE PAGE	3122

PARCEL FOUR

Beginning at a point set for the common corner to Sections twenty-nine (29), thirty (30), thirty-one (31) and thirty-two (32), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, 80.00 chains north of the southeast corner of said section thirty-one (31), said point of beginning being on the west line of Swamp and Overflowed Land Survey 82, Del Norte County (Location 3969); thence north, along the west line of said survey 82, 20.00 chains to the northwest corner thereof; thence east, along the north line of said survey 82, 20.00 chains to the northeast corner thereof and the southwest corner of Swamp and Overflowed Land Survey 9, Del Norte County; thence north, along the west line of said survey 9, 40.00 chains to the northwest corner thereof, on the south line of Swamp and Overflowed Land Survey 80, Del Norte County (Location 3788); thence along the line of said survey 80, west 15.00 chains; south 20.00 chains; west 15.00 chains; south 20.00 chains; west 26.64 chains to the southwest corner of said survey 80, on the United States meander line of the Pacific Ocean; thence along said meander line, S. 15° 30' W. 62.25 chains to the center of aforesaid section 31; thence east, along the center line of said section 31, 13.26 chains to the southwest corner of Swamp and Overflowed Land Survey 62, Del Norte County; thence N. 71° 52' E., along the line of said survey 62, 21.05 chains to the west line of the southeast quarter of the northeast quarter of said section 31; thence north, along the west line of the southeast quarter of the northeast quarter, 13.45 chains to the northwest corner thereof; thence east, along the north line of said southeast quarter of the northeast quarter, 13.75 chains to the southwest corner of Swamp and Overflowed Land Survey 61, Del Norte County; thence along the line of said survey 61, N. 50° E. 2.54 chains; N. 13° E. 5.17 chains; N. 53° 30' E. 3.04 chains; N. 79° E. 0.73 chains to the southwest corner of aforesaid survey 82; thence north, along the west line of said survey 82, 11.37 chains to the place of beginning, being portions of Sections twenty-nine (29), thirty (30) and thirty-one (31), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 89, Del Norte County, Location 4005, run by the true meridian, magnetic variation 19° 10' east.

PARCEL FIVE

Beginning at a point 20.00 chains east of the quarter section corner on the south line of Section thirty-two (32), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, said point of beginning being the southeast corner of Swamp and Overflowed Land Survey 88, Del Norte County (Location 3971), on the north line of Swamp and Overflowed Land Survey 92, Del Norte County; thence N. 89° 50' E., along the north line of said survey 92, 100.00 chains to the southwest corner of Swamp and Overflowed Land Survey 48, Del Norte County; thence north, along the west line of said survey 48, 2.60 chains to the southeast corner of Swamp and Overflowed Land Survey 77, Del Norte County (Location 3727); thence along the line of said survey 77, N. 22° W. 10.20 chains;

CALENDAR PAGE	133
MINUTE PAGE	3123

N. 9° 30' W. 8.11 chains to the northwest corner of said survey 77 and the southwest corner of Swamp and Overflowed Land Survey 50, Del Norte County; thence N. 6° W., along the west line of said survey 50, 20.11 chains to the northwest corner thereof; thence east, along the north line of said survey 50, 2.10 chains to the southwest corner of Swamp and Overflowed Land Survey 86, Del Norte County; thence north, along the west line of said survey 86, 20.00 chains; thence west 95.00 chains to and along the line of Swamp and Overflowed Land Survey 7, Del Norte County; thence south, along the line of said survey 7 and the east line of said survey 88, 60.29 chains to the place of beginning, being portions of Sections thirty-two (32) and thirty-three (33), Township seventeen (17) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 93, Del Norte County, Location 4006, run by the true meridian, magnetic variation 19° 10' east.

PARCEL SIX

Beginning at a point N. 89° 50' E. 14.00 chains from the quarter section corner on the north line of Section five (5), Township sixteen (16) north, Range one (1) west, Humboldt Meridian, said point of beginning being the northeast corner of Swamp and Overflowed Land Survey 79, Del Norte County, (Location 3764) on the south line of Swamp and Overflowed Land Survey 88, Del Norte County, (Location 3971); thence south, along the east line of said survey 79, 37.83 chains to the southeast corner thereof, on the north line of Swamp and Overflowed Land Survey 91, Del Norte County; thence east, along the north line of said survey 91, 46.00 chains to the northeast corner thereof and the southwest corner of Swamp and Overflowed Land Survey 84, Del Norte County; thence along the line of said survey 84, north 10.00 chains; east 10.00 chains; north 20.00 chains; east 30.00 chains; south 10.00 chains; to the southeast corner of said survey 84 and the southwest corner of Swamp and Overflowed Land Survey 49, Del Norte County, on the north line of Swamp and Overflowed Land Survey 25, Del Norte County; thence along the line of said survey 49, N. 61° E. 23.74 chains; N. 15° E. 6.86 chains to the northwest corner of said survey 49 on the south line of Swamp and Overflowed Land Survey 48, Del Norte County; thence S. 89° 50' W. to and along the south line of Swamp and Overflowed Land Survey 88, Del Norte County, (Location 3971) 108.50 chains to the place of beginning, being a portion of Sections three (3), four (4) and five (5), Township sixteen (16) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 92, Del Norte County, Location 4002, run by the true meridian, magnetic variation 19° 10' east.

PARCEL SEVEN

Beginning at a point 22.20 chains east of the common corner to Sections five (5), six (6), seven (7) and eight (8), Township sixteen (16) north, Range one (1) west, Humboldt Meridian, said point of beginning being the southeast corner of Swamp and Overflowed Land Survey _____

CALENDAR PAGE	134
MINUTE PAGE	3124

65, Del Norte County, (Location 958) on the north line of Swamp and Overflowed Land Survey 87, Del Norte County; thence east, along the north line of said survey 87, 15.30 chains to the southwest corner of Swamp and Overflowed Land Survey 83, Del Norte County; thence along the line of said survey 83, north 19.50 chains; east 10.00 chains; north 5.50 chains; east 22.50 chains; north 5.00 chains; east 10.00 chains; south 5.02 chains to the northwest corner of Swamp and Overflowed Land Location 2034, on the east line of said survey 83; thence along the line of said location 2034, N. 58° E. 17.78 chains; N. 83° E. 4.97 chains to the northeast corner of said location 2034 on the west line of Swamp and Overflowed Land Survey 36, Del Norte County; thence north, along the west line of said survey 36, 5.00 chains to the northwest corner thereof and the southwest corner of Swamp and Overflowed Land Survey 84, Del Norte County; thence west, to and along the south line of Swamp and Overflowed Land Survey 79, Del Norte County (Location 3764), 58.83 chains to the northeast corner of aforesaid survey 65; thence along the line of said survey 65, S. 40° E. 6.43 chains; S. 30° 45' E. 3.20 chains; S. 25° 30' E. 4.08 chains; S. 41° E. 1.67 chains; S. 6° W. 0.79 chains; N. 33° 30' W. 2.70 chains; N. 44° W. 4.42 chains; N. 47° 30' W. 4.18 chains; N. 42° W. 1.33 chains; S. 81° 30' W. 5.63 chains; S. 9° E. 11.00 chains; S. 60° W. 2.50 chains; S. 20° 30' E. 5.50 chains; S. 25° W. 4.40 chains; S. 62° 30' W. 9.00 chains; S. 25° 30' W. 10.75 chains to the place of beginning, being portions of Sections four (4) and five (5), Township sixteen (16) north, Range one (1) west, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey 91, Del Norte County, Location 4009, run by the true meridian, magnetic variation 19° 10' east.

PARCEL EIGHT

BEGINNING at the southwest corner of the northeast quarter of Section 8, Township 16 North, Range 1 West, Humboldt Meridian, said point of beginning being the northwest corner of Swamp and Overflowed Land Survey No. 34, and the southeast corner of Swamp and Overflowed Land Survey No. 46; and running thence along the east line of said survey No. 46, north 13.59 chains to the westerly line of Swamp and Overflowed Survey No. 54; thence along the westerly line of said survey No. 54, south 19 degrees east, 14.37 chains to the north line and said survey No. 34; thence along the north line of said survey No. 34 west 4.68 chains to the place of beginning, and being a portion of Section 8, Township 16 North, Range 1 West, Humboldt Meridian, embraced in Swamp and Overflowed Land Survey No. 90.

CALENDAR PAGE	135
MINUTE PAGE	3125