MINUTE ITEM

This Calendar Item No. 30
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 3
0 at its 7/19/78
meeting.

MINUTE ITEM 7/78
Crow

30. AUTHORIZATION FOR LITIGATION - YUBA RIVER SAND COMPANY - W 9769

During consideration of Calendar Item 30, attached, Chairman Kenneth Cory instructed staff in all similar types of litigation to seek punitive, as well as actual, damages resulting from trespasses.

Upon motion duly made and carried, the resolution as presented in Calendar Item 30 was adopted by a vote of 3-0.

Attachment: Calendar Item 30

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CALENDAR ITEM

30.

7/78
W 9769
Crow

AUTHORIZATION FOR LITIGATION

Yuba River Sand Company operates a sand and gravel extraction business on the banks of the Yuba River within the city limits of Marysville, approximately one-half mile upstream from where the Yuba River flows into the Feather River. Much of the sand and gravel is extracted from the bed of the Yuba River.

Although the Commission's staff has proposed to Yuba River Sand Company that it obtain a permit from the Commission in order to continue its dredging from the river, the company has balked at doing so, denying that the State has any leaseable ownership interest in the Yuba River.

The means by which the Yuba River Sand Company extracts sand from the river bed is by a floating suction dredge, a pontoon supported pipe, and a barge. The Commission's staff has received or has been made aware of a number of complaints from members of the public who navigate the Yuba River in small boats for recreational puposes, such as fishing and rafting, that the Company's equipment at times completely blocks navigation on the river.

Due to the substantial public rights threatened by Yuba River Sand Company's maintenance of dredging equipment on the Yuba River, staff is requesting authorization to take whatever steps necessary, including litigation, to protect the public's right, title and interest in the Yuba River.

EXHIBITS: A. Site 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 PROTECT ANY AND ALL INTERESTS UNDER THE JURISDICTION OF THE COMMISSION IN THE YUBA RIVER AND TO REMEDY THE UNLAWFUL OBSTRUCTION OF PUBLIC NAVIGATION BY YUBA RIVER SAND COMPANY.

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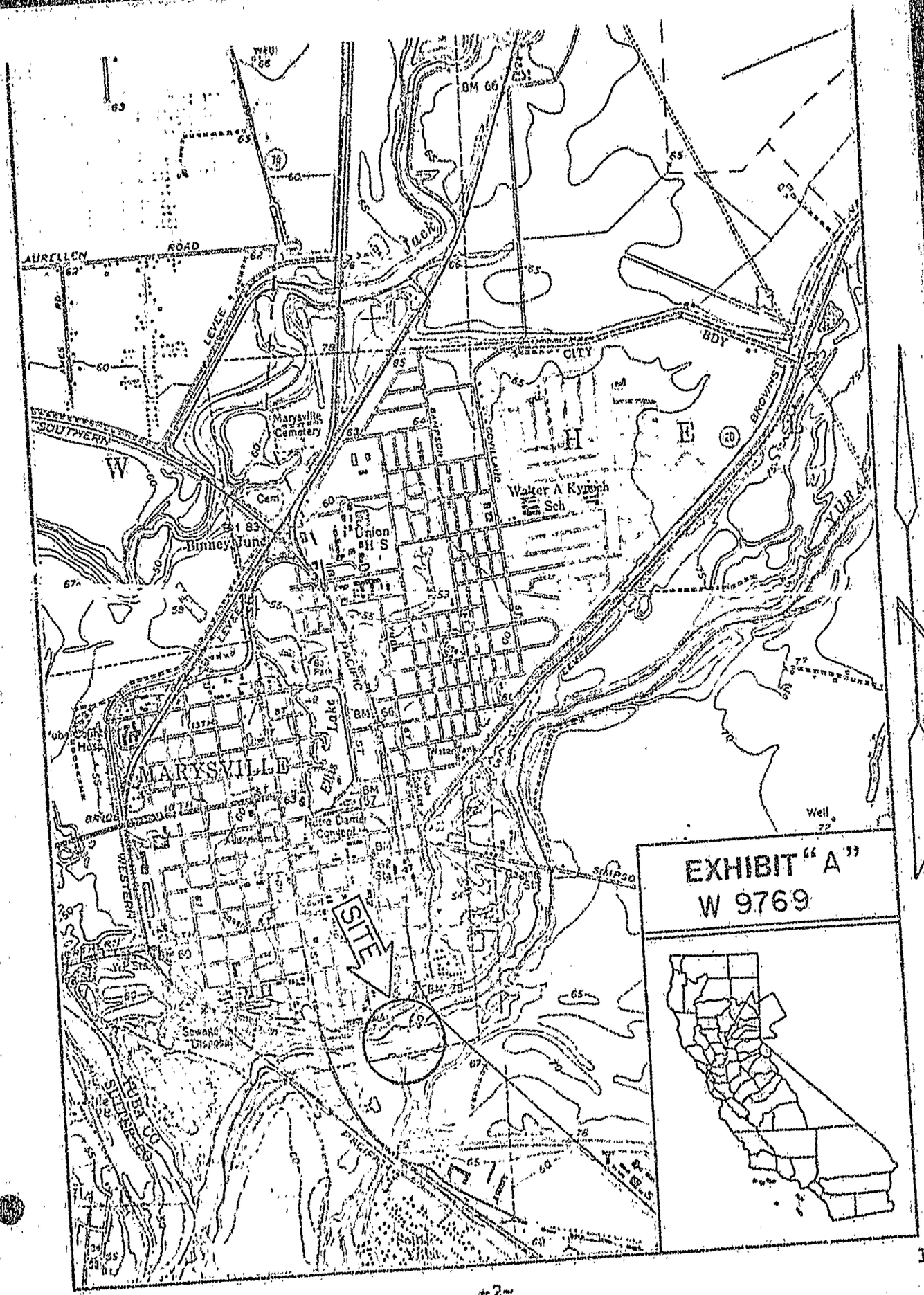
EXHIBIT "A"
W 9769
MARYSVILLE
SITE
Marysville Cemetery
Binney Junc
Union H S
Walter A Kynoch Sch
Ellis Lake
Notre Dame Convent
Sewage Disposal
AURELLEN ROAD
SOUTHERN
LEVEE
CITY
BDY
BROWNS
YUBA
SIMPSON
WESTERN
PACIFIC
Well

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