

MINUTE ITEM

8/26/65

35. AUTHORIZATION FOR THE EXECUTIVE OFFICER TO REFER TO THE ATTORNEY GENERAL FOR APPROPRIATE LEGAL ACTION THE MATTER OF THE TRESPASS OF MOE SAND AND GRAVEL COMPANY DREDGING IN SAN FRANCISCO BAY WITHOUT A PERMIT - W.O. 2875.34.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REFER TO THE ATTORNEY GENERAL, FOR WHATEVER ACTION THE ATTORNEY GENERAL DEEMS APPROPRIATE, THE PROBLEM OF ENJOINING FURTHER TRESPASSES BY MOE SAND AND GRAVEL COMPANY IN THE SAN FRANCISCO BAY AREA, AND FOR REQUIRING ACCOUNTING TO THE STATE FOR THE REASONABLE VALUE OF ANY AND ALL SAND TAKEN WITHOUT A PERMIT AND WITHOUT THE PAYMENT OF A ROYALTY.

Attachment

Calendar Item 28 (1 page)

AUTHORIZATION FOR THE EXECUTIVE OFFICER TO REFER TO THE ATTORNEY GENERAL FOR APPROPRIATE LEGAL ACTION THE MATTER OF THE TRESPASS OF MOE SAND AND GRAVEL COMPANY DREDGING IN SAN FRANCISCO BAY WITHOUT A PERMIT - W.O. 2875.34.

Moe Sand and Gravel Company, State's lessees under Mineral Extraction Lease P.R.C. 2036.1, have recently attempted to acquire additional sand leases in the San Francisco Bay area, but have not been the successful bidder. They have been seen dredging in areas where they have no lease, and have sold sand of a type which could not have been acquired from their existing lease. Their sales have been over two million cubic yards from 1957-1964, which may represent a considerable royalty loss to the State.

Other operators are paying the State a royalty for sand dredged, and the State's royalty requirements must be made to apply to all operators in the area. Action is necessary to restrain further unauthorized dredging of sand, and to recover the reasonable value of sand previously taken. John Peterson, an owner of Moe Sand and Gravel Company, recently passed away, and prompt action is necessary so that a claim against his estate can be filed. The Moe Sand and Gravel Company dredge has been reported as still operating since Mr. Peterson's death.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO REFER TO THE ATTORNEY GENERAL, FOR WHATEVER ACTION THE ATTORNEY GENERAL DEEMS APPROPRIATE, THE PROBLEM OF ENJOINING FURTHER TRESPASSES BY MOE SAND AND GRAVEL COMPANY IN THE SAN FRANCISCO BAY AREA, AND FOR REQUIRING ACCOUNTING TO THE STATE FOR THE REASONABLE VALUE OF ANY AND ALL SAND TAKEN WITHOUT A PERMIT AND WITHOUT THE PAYMENT OF A ROYALTY.