

MINUTE ITEM

This Calendar Item No. 52
was approved by the State Lands
Commission by a vote of 3
to 0 at its 11/27/78
meeting.

CALENDAR ITEM

52.

11/78
W 21879
Rusconi

AUTHORIZATION FOR LITIGATION

POTENTIAL DEFENDANT:

North Coast Paving and Rock
P. O. Box 144
Crescent City, California

AREA, TYPE LAND AND LOCATION:

Tide and submerged land located approximately
100-200 yards upstream from Highway 101
Bridge, in the bed of the Smith River,
Del Norte County.

BACKGROUND:

On August 24 and 25, 1978, the State Lands
Commission's staff conducted an inspection
of the Smith River, Del Norte County. During
this inspection, a front-end loader was
observed removing gravel from the bed of
the river at a point near the Highway 101
Bridge. It is estimated that approximately
1700 cubic yards per day were being taken.
At the time of the observation, the gravel
was being removed from above the seasonal
low water mark, however, there was ample
evidence that gravel had been removed from
below the seasonal low water mark.

The staff contacted North Coast Paving
and Rock and requested that they enter
into a lease with the State Lands Commission
or halt their gravel removal from the Smith
River. Pursuant to a request from counsel
for North Coast Paving and Rock, a summary
of the legal authority for the State of
California's claim to ownership of the
beds of navigable and/or tidal lakes and
streams was forwarded.

No response has been forthcoming from North
Coast Paving and Rock since the request
for legal authority some seven weeks ago
despite renewed contact by the staff.

EXHIBIT:

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 HALT THE CONTINUING TRESPASS
AND CONVERSION OF STATE-OWNED MINERALS FROM THE BED OF
THE SMITH RIVER, DEL NORTE COUNTY.

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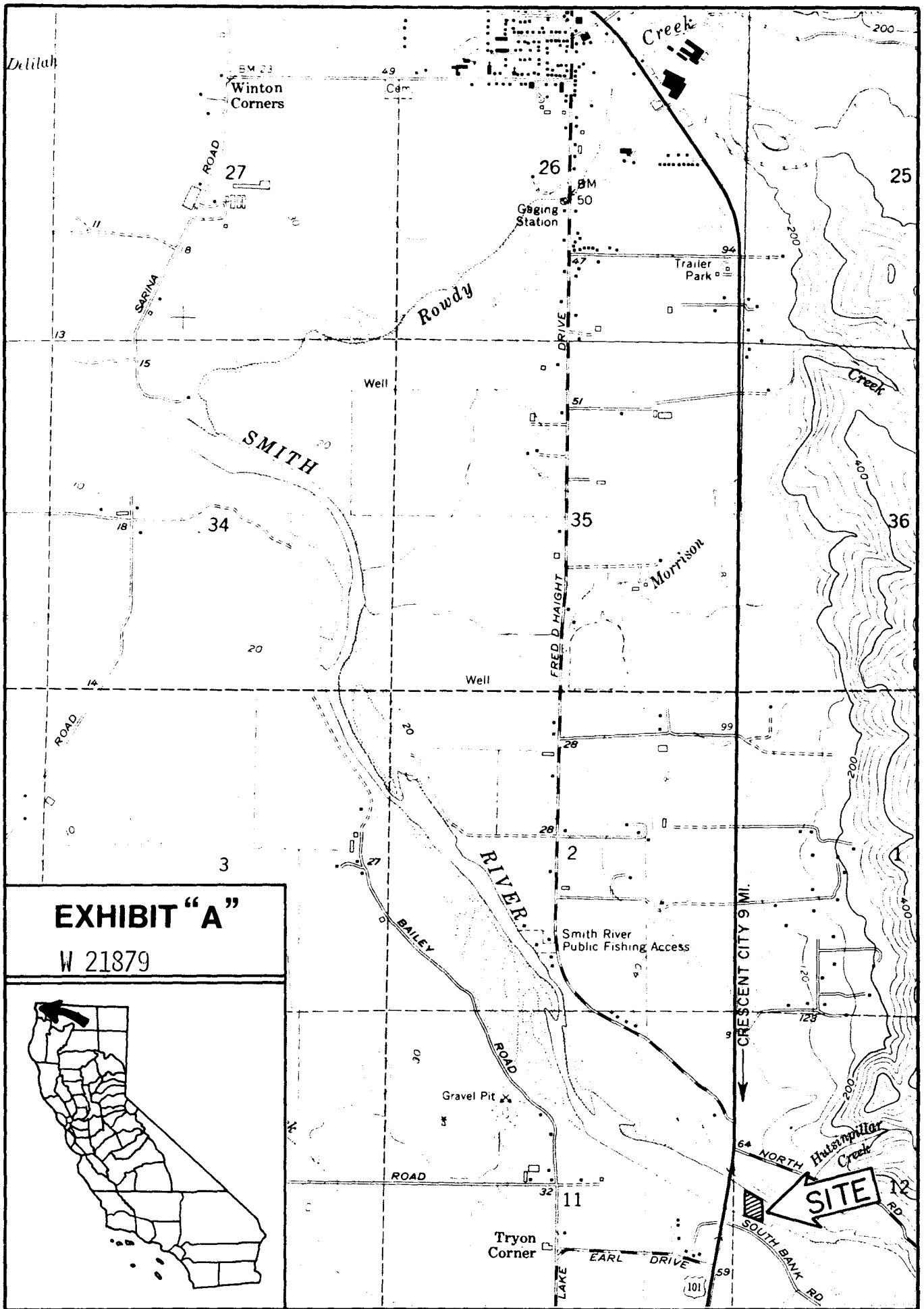


EXHIBIT "A"
W 21879

