

20. AUTHORIZATION FOR OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST THE CITY OF SAND CITY AND/OR ITS AGENTS AND AGAINST CALABRESE SUPPLY COMPANY AND/OR ITS AGENTS TO ABATE UNAUTHORIZED ENCROACHMENTS AND EXTRACTION OF SAND FROM UNGRANTED TIDE AND SUBMERGED LANDS OF MONTEREY BAY FRONTING THE CITY OF SAND CITY; MONTEREY COUNTY - W 8744.

During consideration of Calendar Item 12 attached, appearances were made by the following:

In Favor of the Proposed Commission Action

Charles Kramer, Chairman of the Citizens Committee for the Monterey Beaches, and also speaking for the Sierra Club

William Burleigh, Attorney, working with the Citizens Committee for the Monterey Beaches

Opposed to the Proposed Commission Action

John B. Stohlton, Attorney for the City of Sand City and the Calabrese Supply Company

The complete verbatim discussion on this item was recorded and is available in the Office of the State Lands Division.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES:

1. THE OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST THE CITY OF SAND CITY AND/OR ITS AGENTS TO ABATE ANY UNAUTHORIZED ENCROACHMENT ON UNGRANTED TIDE AND SUBMERGED LANDS ON MONTEREY BAY FRONTING THE CITY OF SAND CITY, MONTEREY COUNTY.
2. THE OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST CALABRESE SUPPLY COMPANY AND/OR ITS AGENTS TO TERMINATE UNAUTHORIZED EXTRACTION OF SAND FROM UNGRANTED TIDE AND SUBMERGED LANDS OF MONTEREY BAY FRONTING THE CITY OF SAND CITY, MONTEREY BAY.

Attachment:

Calendar Item 12 (2 pages)

CALENDAR ITEM

11/71
W 8744
JND

12.

AUTHORIZATION FOR OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST THE CITY OF SAND CITY AND/OR ITS AGENTS AND AGAINST CALABRESE SUPPLY COMPANY AND/OR ITS AGENTS TO ABATE UNAUTHORIZED ENCROACHMENTS AND EXTRACTION OF SAND FROM UNGRANTED TIDE AND SUBMERGED LANDS OF MONTEREY BAY FRONTING THE CITY OF SAND CITY; MONTEREY COUNTY - W 8744.

During late 1969, the State Lands Division was made aware of the construction of a rubble embankment on the shore of Monterey Bay at the westerly extension of Tioga Avenue, a dedicated city street, at Sand City.

In addition, a road was being constructed along the shoreline, extending southerly to the sewage treatment plant.

Based on surveys and visual inspections on several occasions, it was determined that the rubble embankment encroaches on the ungranted tide and submerged lands of Monterey Bay.

It appears that the embankment and the road-improvement project are being constructed by the City of Sand City and/or private parties.

The embankment extends northerly approximately 350 feet along the ocean frontage of lands owned by the Calabrese Supply Company. It has been observed that sand was being extracted from the bed of the bay at periods of low tide by bulldozer methods.

The condition of this work has generated a considerable amount of adverse local publicity, and, as a partial result, the Legislature approved House Resolution No. 67 (1971), which directs the Department of Navigation and Ocean Development to conduct a feasibility study for the construction of a groin to develop a public beach area at Sand City.

No permits or leases have been approved by the State Lands Commission for construction of the rubble embankment or for extraction of sand.

Subsequent communication with the City of Sand City and the Calabrese Supply Company has been confusing and unfruitful.

Due to the complexities of the present situation, which raises many legal questions, it is recommended that the matter be referred to the Attorney General's office for further disposition.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE:

1. THE OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST THE CITY OF SAND CITY AND/OR ITS AGENTS TO ABATE ANY UNAUTHORIZED ENCROACHMENT ON UNGRANTED TIDE AND SUBMERGED LANDS ON MONTEREY BAY FRONTING THE CITY OF SAND CITY, MONTEREY COUNTY.

CALENDAR ITEM 12. (CONTD.)

2. THE OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION AGAINST CALABRESE SUPPLY COMPANY AND/OR ITS AGENTS TO TERMINATE UNAUTHORIZED EXTRACTION OF SAND FROM UNGRANTED TIDE AND SUBMERGED LANDS OF MONTEREY BAY FRONTING THE CITY OF SAND CITY, MONTEREY COUNTY.