

MINUTE ITEM

This Calendar Item No. 19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 2
to 0 at the 11-19-87
meeting

CALENDAR ITEM

A 9, 16, 17
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19

11/19/87
PRC 2036
Martinez

RENEWAL OF STATE MINERAL EXTRACTION LEASE

APPLICANT: Moe Sand Company
4501 Tidewater Avenue
Oakland, California 94601

AREA, TYPE LAND AND LOCATION:
Tide and submerged lands in San Francisco Bay,
southwesterly of Angel Island, Marin and
San Francisco counties.

TERMS OF ORIGINAL LEASE:

Initial Period: Twenty years commencing
November 12, 1957 and the
right to renew for
successive periods of ten
years each.

Initial Renewal: Ten years commencing
November 12, 1977.

LAND USE:

Extraction of sand and gravel for commercial
sale. The annual minimum volume to be
extracted is 50,000 cubic yards. The material
will be barged and unloaded at various upland
locations in the bay area where it will be used
for construction purposes.

CONSIDERATION:

Royalty: Royalty charged on all sand and
gravel extracted is calculated
in accordance with the
following formula:

$$R = 0.03 + 0.10 (C - 0.03)$$

CALENDAR ITEM NO. 19 (CONT'D)

where R = royalty in dollars
and cents per cubic yard of
sand extracted.

C = weighted average sales
price of sand per cubic yard.

The last month of the lease
year, or such other period as
is determined by the State to
be representative, shall be
used to determine the weighted
average sales price to be
applicable for the next lease
year.

Rental: \$1 per acre per year.

PROPOSED RENEWAL:

Renewal Period: November 12, 1987 -
November 11, 1997.

With the right to renew for successive periods
of 10 years each at the sole discretion of the
Commission.

All other terms and conditions of Mineral
Extraction Lease PRC 2036 and subsequent
renewals of such lease shall remain in effect.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. 14 Cal. Adm. Code: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: '03/14/88.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as
possessing significant environmental values
pursuant to P.R.C. 6370, et. seq. Based
upon the staff's consultation with the
persons nominating such lands and through
the CEQA review process, it is the staff's
opinion that the project, as proposed, is
consistent with its use classification.

CALENDAR ITEM NO. 19 (CONT'D)

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025), the staff has prepared a Proposed Negative Declaration identified as ND 426, State Clearinghouse No. 87101301. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Adm. Code 15074(b)).

APPROVALS OBTAINED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Vicinity and Site Map.
- B. Lease Renewal.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFIED THAT A NEGATIVE DECLARATION, ND 426, STATE CLEARINGHOUSE NO. 87101301, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET. SEQ.
4. AUTHORIZE STAFF TO ISSUE TO MOE SAND COMPANY, THE LEASE RENEWAL ATTACHED AS EXHIBIT "B". SAID RENEWAL SHALL ALLOW DREDGING IN SAN FRANCISCO BAY, MARIN AND SAN FRANCISCO COUNTIES FOR TEN YEARS EFFECTIVE NOVEMBER 12, 1987. ALL OTHER TERMS AND CONDITIONS OF MINERAL EXTRACTION LEASE PRC 2036 AND SUBSEQUENT RENEWALS OF SUCH LEASE SHALL REMAIN IN EFFECT. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON

CALENDAR ITEM NO. 19 (CONT'D)

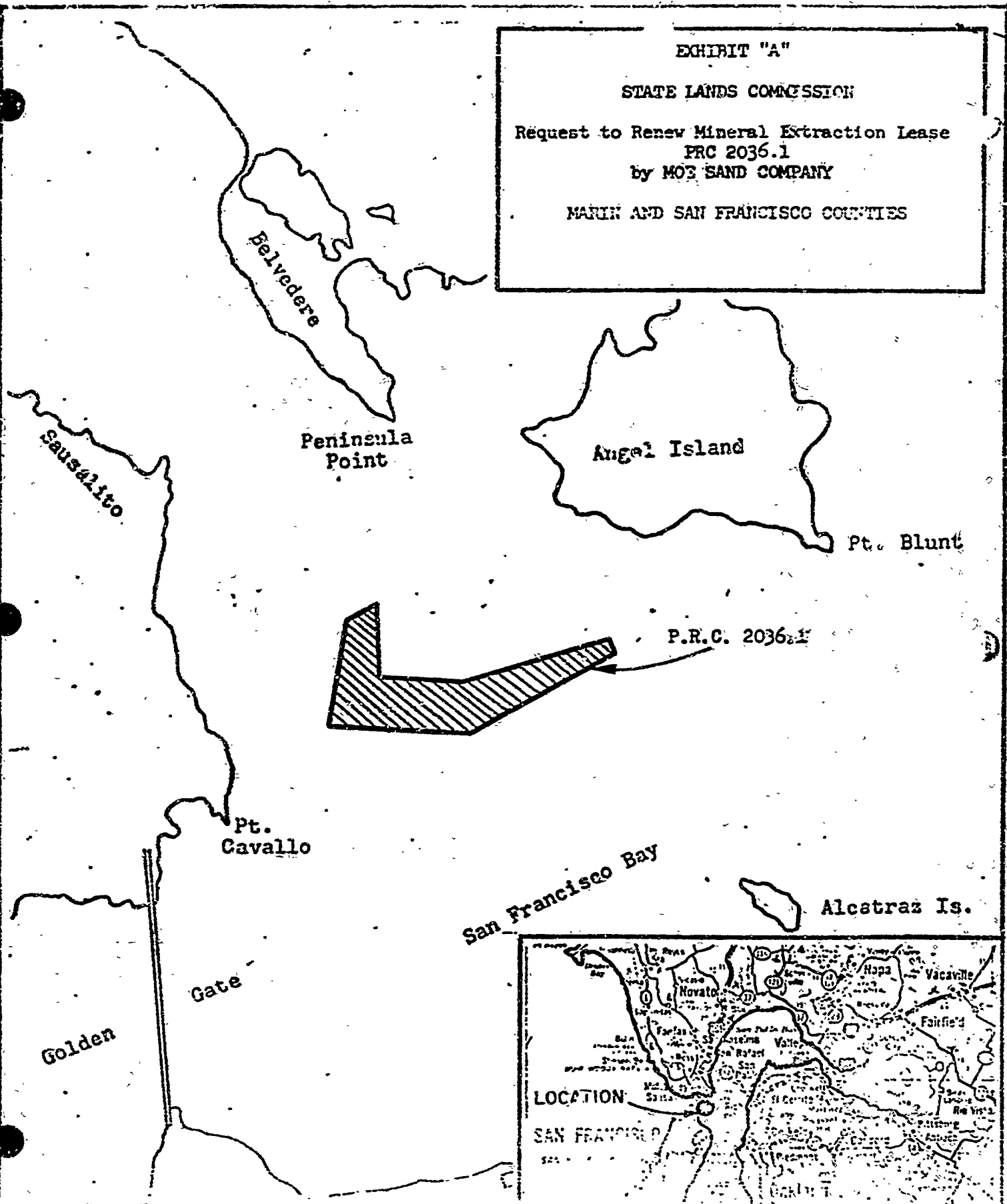
APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS,
RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND
LOCAL GOVERNMENT AGENCIES.

EXHIBIT "A"

STATE LANDS COMMISSION

Request to Renew Mineral Extraction Lease
P.R.C. 2036.1
by MOE SAND COMPANY

MARIN AND SAN FRANCISCO COUNTIES



LENDAX PAGE

85

INSTE PAGE

3916

"B"

STATE OF CALIFORNIA
STATE LANDS COMMISSION

LEASE RENEWAL - PRC No. 2036.1

This agreement made and entered into by and between the State of California through the State Lands Commission of the State of California, party of the first part and Moe Sand Company, party of the second part, witnesseth:

WHEREAS, by Lease dated the 12th day of November 1957 the State granted to Moe Sand Company Lease PRC 2036.1 for a term of 20 years covering certain described tide and submerged lands situated in the Counties of Marin and San Francisco, State of California; and

WHEREAS, by terms of said Lease PRC 2036.1 the right of renewal for successive periods of 10 years each was granted upon such reasonable terms and conditions as the State, or any successor in interest thereto, might impose; and

WHEREAS, the parties hereto desire to extend said Lease PRC 2036.1 as hereinafter provided.

NOW THEREFORE, the parties hereto agree as follows:

Pursuant to Paragraph 18 of State Mineral Extraction Lease PRC 2036.1 Lessor and Lessee hereby agree to renew this lease as amended for a period of 10 years beginning November 1, 1987 under the same terms and conditions as previously agreed upon in this lease.

This agreement will become binding on the State only when approved by the State Lands Commission and executed on its behalf.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date hereafter affixed.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By _____
W. M. THOMPSON, Chief
Extractive Development Program

Date _____

ACCEPTED:

By: _____

Title: _____

Date: _____

CALENDAR PAGE	86
MINUTE PAGE	3917

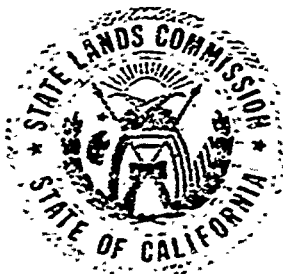
EXHIBIT "C"

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor
 GRAY DAVIS, Controller
 JESSE R. HUFF, Director of Finance



EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, California 95814
 CLAIRE T. DEDRICK
 Executive Officer

November 5, 1987
 File Ref: PRC 2036

NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION
 (Section 21092 PRC)

An application for the following described project is currently being processed by the staff of the State Lands Commission:

Project Title: Mineral Extraction Lease Renewal - Moe Sand Company

Project Proponent: Moe Sand Company

Project Location: Tide and submerged lands in San Francisco Bay southwesterly of Angel Island, Marin and San Francisco Counties.

Project Description: Continued extraction of sand and gravel for commercial sale. The average annual extraction to date has been approximately 48,000 cubic yards. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

Contact Person: Ted T. Fukushima Telephone: (916) 322-7813

A Negative Declaration identified as EIR ND 426, State Clearinghouse No. 8710 1301 has been prepared pursuant to the requirements of the California Environmental Quality Act.

The above described document will be considered for adoption at a regular meeting of the STATE LANDS COMMISSION scheduled for November 19, 1987, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. Anyone interested in this matter is invited to comment on the document by written response prior to the meeting or by personal appearance at the meeting. Persons wishing to appear at the meeting should call (916) 322-4107 so that time can be allotted for such appearance.

CLAIRE T. DEDRICK
 Executive Officer

NDAR PAGE

87

DATE PAGE

3918

Date: October 13, 1987

File Ref.: PRC 2036

SCH No.: 8710 1301

TO: INTERESTED PERSONS

SUBJECT: Review of Negative Declaration Pursuant to Section 15073 of the State CEQA Guidelines (14 Cal. Adm. Code)

An application is currently being processed by the staff of the State Lands Commission for the following described project:

Project Title: Mineral Extraction Lease Renewal - Hoe Sand Company

Project Proponent: Hoe Sand Company

Project Location: Tide and submerged lands in San Francisco Bay southwesterly of Angel Island, Marin and San Francisco Counties.

Project Description: Continued extraction of sand and gravel for commercial sale. The average annual extraction to date has been approximately 48,000 cubic yards. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

A Negative Declaration has been prepared for the project pursuant to the requirements of Section 15070 of the State CEQA Guidelines and is attached for your review. Your comments are requested by November 15, 1987. Please address your comments to the State Lands Commission office shown above, with attention to the undersigned. Should you have any questions, you may call me at (916)322-7813. Your cooperation in this matter is greatly appreciated.

ATTACHMENT

Lee I. Fukushima
LEE I. FUKUSHIMA
Division of Research &
Planning

CALENDAR PAGE
MINUTE PAGE

3919

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 426

File Ref.: PRC 2036

SCH#: 8710 1301

Project Title: Mineral Extraction Lease Renewal - Moe Sand Company

Project Proponent: Moe Sand Company

Project Location: Tide and submerged lands in San Francisco Bay southwesterly of Angel Island, Marin and San Francisco Counties.

Project Description: Continued extraction of sand and gravel for commercial sale. The average annual extraction to date has been approximately 48,000 cubic yards. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

Contact Person:

TED T. FUKUSHIMA

Telephone: (916)322-7813

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Administrative Code).

Based upon the attached Initial Study, it has been found that:

the project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

CALENDAR PAGE	89
MINUTE PAGE	3920
Form 13.17 (10/86)	

INITIAL STUDY
Introduction

Moe Sand Company has requested a ten-year renewal of the lease currently in effect which authorizes extraction of sand and gravel from state-owned tide and submerged lands in San Francisco Bay southwesterly of Angel Island, Marin and San Francisco Counties. The twenty-year lease which was originally issued on November 12, 1957 contained a provision for renewal for successive periods. Upon expiration of the original lease, a lease renewal was issued for ten-years effective November 12, 1977.

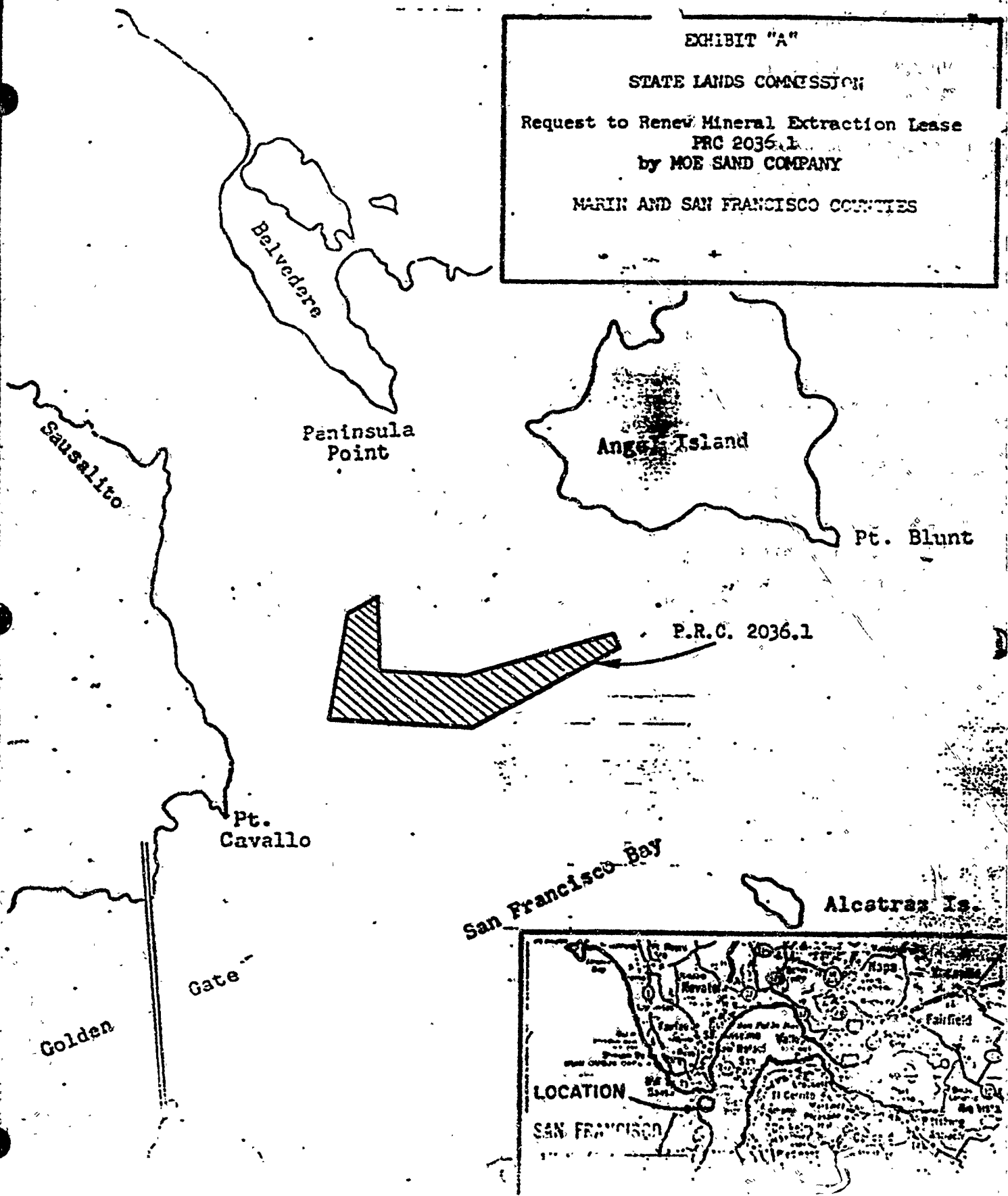
An average of approximately 48,000 cubic yards per year has been extracted to date. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

EXHIBIT "A"

STATE LANDS COMMISSION

Request to Renew Mineral Extraction Lease
PRC 2036.1
by MOE SAND COMPANY

MARIN AND SAN FRANCISCO COUNTIES



CALENDAR PAGE

91

MINUTE PAGE

3922

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 2036.1

I. BACKGROUND INFORMATION

- A. Applicant: Moe Sand Company
4501 Tidewater Avenue
Oakland CA 94601
- B. Checklist Date: 10 / 2 / 1987
- C. Contact Person: Linda Martinez, Dredging Coordinator
 Telephones: (916) 322-6375
- D. Purpose: Lease Renewal authorizing extraction of sand and gravel for commercial sale.
- E. Location: Tide and submerged lands in San Francisco Bay southwesterly of Angel Island, Marin and San Francisco Counties.
- F. Description: Continue extraction of sand and gravel for commercial sale. The annual minimum volume to be extracted is 50,000 cubic yards. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.
- G. Persons Contacted:

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

A. Earth. Will the proposal result in:

- | | Yes | Maybe | No |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. Unstable earth conditions or changes in geologic substructures? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

 CALENDAR PAGE
 392
 MINUTE PAGE

B. *Air*. Will the proposal result in:

Yes Maybe No

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

C. *Water*. Will the proposal result in:

- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. *Plant Life*. Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. *Animal Life*. Will the proposal result in:

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise*. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare*. Will the proposal result in:

- 1. The production of new light or glare?

H. *Land Use*. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area?

I. *Natural Resources*. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

J. *Risk of Upset.* Does the proposal result in:

Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?
2. Possible interference with emergency response plan or an emergency evacuation plan?

K. *Population.* Will the proposal result in:

1. The alteration, distribution, density, or growth rate of the human population of the area?

L. *Housing.* Will the proposal result in:

1. Affecting existing housing, or create a demand for additional housing?

M. *Transportation/Circulation.* Will the proposal result in:

1. Generation of substantial additional vehicular movement?
2. Affecting existing parking facilities, or create a demand for new parking?
3. Substantial impact upon existing transportation systems?
4. Alterations to present patterns of circulation or movement of people and/or goods?
5. Alterations to waterborne, rail, or air traffic?
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

1. Fire protection?
2. Police protection?
3. Schools?
4. Parks and other recreational facilities?
5. Maintenance of public facilities, including roads?
6. Other governmental services?

O. *Energy.* Will the proposal result in:

1. Use of substantial amounts of fuel or energy?
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

1. Power or natural gas?
2. Communication systems?
3. Water?
4. Sewer or septic tanks?
5. Storm water drainage?
6. Solid waste and disposal?

Q. *Human Health.* Will the proposal result in:

1. Creation of any health hazard or potential health hazard (excluding mental health)?
2. Exposure of people to potential health hazards?

R. *Aesthetics.* Will the proposal result in:

1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

S. *Recreation.* Will the proposal result in:

1. An impact upon the quality or quantity of existing recreational opportunities?

CALENDAR PAGE

94

MINUTE PAGE

3925

T. Cultural Resources.

Yes Maybe No

1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

U. Mandatory Findings of Significance.

1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
3. Does the project have impacts which are individually limited, but cumulatively considerable?
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

II. A2, A6, C1 - Although dredging can displace sand which will modify the ocean floor and may alter current movement, sand and gravel replenishment by continued littoral drift has allowed the extraction of material to continue over the past 30 years without significantly having a negative impact.

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 10.1.1.87

Linda Martinez
For the State Lands Commission

CALENDAR PAGE	95
MINUTE PAGE	3926
FORM 22-20 (1/82)	