## CALENDAR ITEM C31

A 6 08/22/08 PRC 5733.1 D. Oetzel S 3

#### CONSIDER ACCEPTANCE OF LEASE QUITCLAIM DEED

#### LESSEE:

RMC Pacific Materials, Inc. 840 Gessner, Suite 1400 Houston, Texas 77024

#### AREA, LAND TYPE, AND LOCATION:

Approximately 474 acres of submerged lands in San Francisco Bay; San Francisco County.

#### **AUTHORIZED USE:**

Commercial sand and gravel extraction operations.

#### LEASE TERM:

Ten years, beginning July 1, 1998.

#### **CONSIDERATION:**

The Biannual Royalty is determined according to the following formula:

R = (Y)(B)

Where R = Royalty in dollars and cents paid to Lessor biannually.

Y = Total cubic yardage of Sand and Gravel extracted from the Leased Lands for the biannual period.

B = \$2.09 per cubic yard.

#### **SPECIFIC LEASE PROVISIONS:**

Liability Insurance: Combined single limit coverage of \$1,000,000 Bond: \$8,599

#### OTHER PERTINENT INFORMATION:

1. On June 19, 1998, the Commission authorized a ten-year commercial sand and gravel extraction lease, with an option to renew for an additional

### CALENDAR ITEM NO. C31 (CONT'D)

ten years, to Bell Marine Co., Inc. On December 3, 1999, the Commission authorized the assignment of the Lease to RMC Pacific Materials, Inc. RMC Pacific Materials subsequently indicated their intent not to exercise their option to renew the Lease for an additional period of ten years.

2. Pursuant to the Commission's delegation authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060 (c)(3), the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

#### **EXHIBIT:**

A. Location and Site Map

#### **RECOMMENDED ACTION:**

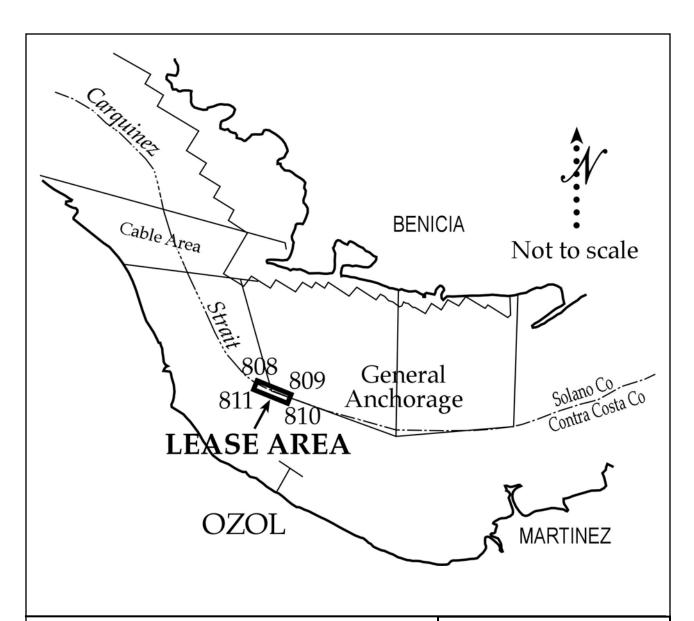
IT IS RECOMMENDED THAT THE COMMISSION:

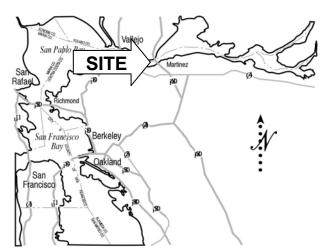
#### **CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SEC TION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

#### **AUTHORIZATION:**

AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED TRANSFERRING ALL RIGHTS, TITLE AND INTEREST IN THE LEASEHOLD, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM RMC PACIFIC MATERIALS, INC., BACK TO THE STATE OF CALIFORNIA.





This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

Map Source: USGS

# Exhibit A PRC 5733 Carquinez Strait CONTRA COSTA and SOLANO COUNTIES

