

**CALENDAR ITEM
C31**

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08/22/08
PRC 5733.1
D. Oetzel

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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

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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, SECTION 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.