

4/28/69

21. 2 PROSPECTING PERMITS TO PROSPECT FOR MINERALS OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES, SUBMERGED LAND, FEATHER RIVER, YUBA AND SUTTER COUNTIES; MESSRS. GERALD R. TOONE AND HOWARD P. ROCK, dba CONSOLIDATED DREDGING AND MANUFACTURING CO. - W.O. 7109, P.R.C. 4211.1; W.O. 7111, P.R.C. 4212.1.

After consideration of Calendar Item 45 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

PURSUANT TO SECTION 6891 OF THE PUBLIC RESOURCES CODE, THE COMMISSION FINDS THAT THE TWO PARCELS OF LAND DESCRIBED IN ATTACHED EXHIBITS "B-1" AND "B-2", CONTAINING 21 ACRES MORE OR LESS, ARE NOT KNOWN MINERAL LANDS; AND AUTHORIZES THE ISSUANCE OF TWO PROSPECTING PERMITS FOR A TERM OF ONE YEAR TO MESSRS. GERALD R. TOONE AND HOWARD P. ROCK, dba CONSOLIDATED DREDGING AND MANUFACTURING CO., TO PROSPECT FOR ALL MINERALS OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES IN SAID LANDS, SUBJECT TO THE CONDITIONS CONTAINED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

ROYALTY PAYABLE UNDER ANY PREFERENTIAL LEASE ISSUED UPON DISCOVERY OF COMMERCIALY VALUABLE DEPOSITS OF MINERALS, UPON ANY AND ALL MINERALS PRODUCED, EXTRACTED, OR SOLD FROM SAID LEASE PREMISES, IS TO BE DETERMINED AS FOLLOWS:

1. FOR GOLD, SILVER AND OTHER PRECIOUS MINERALS

$$R = 0.05 + .04 (V - .50)^2 \text{ FOR VALUES OF } V \text{ GREATER THAN } 0.50$$

2. FOR NONPRECIOUS METALLIC MINERALS

$$R = 0.05 + .04 (V - .35) \text{ FOR VALUES OF } V \text{ GREATER THAN } 0.35$$

WHERE R = ROYALTY AS A FRACTION OF GROSS SALES

V = AVERAGE UNIT VALUE OF THE MATERIAL PROCESSED (DOLLARS PER CUBIC YARD)

THE MINIMUM ROYALTY FOR ALL MINERALS SHALL NOT BE LESS THAN 5% OF THE GROSS SALES.

THE MAXIMUM ROYALTY FOR GOLD, SILVER AND OTHER PRECIOUS MINERALS SHALL NOT EXCEED 50% OF THE AVERAGE GROSS SALES PRICE OF THE ORE.

THE MAXIMUM ROYALTY FOR ALL NONPRECIOUS METALLIC MINERALS SHALL NOT EXCEED 25% OF THE AVERAGE GROSS SALES PRICE OF THE ORE.

Attachment

Calendar Item 45 (6 pages.)

CALENDAR ITEM

45.

4/69
W.C. 7109
W.O. 7111

APPLICATION FOR PERMIT TO PROSPECT FOR MINERALS
OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES

APPLICANT: Messrs. Gerald R. Toone and Howard P. Rock,
dba Consolidated Dredging and Manufacturing Co.

LOCATION: Feather River, near Honcut Creek and near Marysville,
Yuba and Sutter counties.

TYPE OF LAND: Submerged.

ACREAGE: 21.

MINERALS SOUGHT: Placer deposit minerals.

METHOD OF EXPLORATION: Dredging.

PREREQUISITE ITEMS: 1. The required fees have been submitted.

2. Areas are not known to contain commercially valuable
deposits of placer deposit minerals.

3. Areas are outside of the Department of the Army concern.

4. Requests that the proposed prospecting operations be
subject to conditions, as specified in attached
Exhibit "A", have been received from the following
State agencies:

a. Department of Fish and Game.
b. Department of Water Resources.
c. State Water Quality Control Board.
d. State Reclamation Board.

5. The State Department of Parks and Recreation has made
an examination of the proposed project pursuant to
Section 6818 of the Public Resources Code, and has
requested that applicant comply with Department of
Fish and Game and Water Quality Control Board policies.

6. Proposed royalty schedule has been approved by appli-
cant.

7. Application and documents have been approved by the
Office of the Attorney General.

CALENDAR ITEM 45. (CONTD.)

IT IS RECOMMENDED THAT, PURSUANT TO SECTION 6891 OF THE PUBLIC RESOURCES CODE, THE COMMISSION FIND THAT THE TWO PARCELS OF LAND DESCRIBED IN ATTACHED EXHIBITS "B-1" AND "B-2", CONTAINING 21 ACRES MORE OR LESS, ARE NOT KNOWN MINERAL LANDS; AND AUTHORIZE THE ISSUANCE OF TWO PROSPECTING PERMITS FOR A TERM OF ONE YEAR TO MESSRS. GERALD R. TOONE AND HOWARD P. ROCK, DBA CONSOLIDATED DREDGING AND MANUFACTURING CO., TO PROSPECT FOR ALL MINERALS OTHER THAN OIL AND GAS AND GEOTHERMAL RESOURCES IN SAID LANDS, SUBJECT TO THE CONDITIONS CONTAINED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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WHERE R = ROYALTY AS A FRACTION OF GROSS SALES

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THE MINIMUM ROYALTY FOR ALL MINERALS SHALL NOT BE LESS THAN 5% OF THE GROSS SALES.

THE MAXIMUM ROYALTY FOR GOLD, SILVER AND OTHER PRECIOUS MINERALS SHALL NOT EXCEED 50% OF THE AVERAGE GROSS SALES PRICE OF THE ORE.

THE MAXIMUM ROYALTY FOR ALL NONPRECIOUS METALLIC MINERALS SHALL NOT EXCEED 25% OF THE AVERAGE GROSS SALES PRICE OF THE ORE.

Attachments: Exhibits "A", "B-1", "B-2"

EXHIBIT "A"

1. That this authorization, unless specifically extended, shall terminate in one year. Extension of time following the one-year period may be possible upon proper request and reevaluation of conditions by the reviewing agencies.
2. The dredge tailings shall be spoiled to the same grade and slope as the existing channel grade so that no holes or high spots remain.
3. That no material shall be stock piled within the river flowage area during flood season November 1 to April 15.
4. That no dredging shall be made within 400 feet of Reclamation District No. 777's low water bank toe and 800 feet from the upstream side of the 10th Street Bridge in Yuba City.
5. The applicant, prior to commencement of the proposed dredging operation, shall submit detailed dredging plans for approval by the State Reclamation Board. Plans shall show the limits of the areas to be dredged, and cross-sections taken at about 300-foot intervals, showing the existing channel bottom to at least the low water elevation.
6. That the existing riverbanks shall not be disturbed by the dredging operations.
7. All side slopes of the dredged areas shall not be made steeper than 1 on 3 slope.
8. No dredging shall be done within 25 feet of the low waterline along either the right or left bank of the Feather River.
9. Any trees or brush cleared shall be completely burned or otherwise removed from the overflow area of the Feather River prior to October 15, 1969. No downed trees or cut brush shall be allowed to remain in the floodway during October 15 to April 15 of each year.
10. That the applicant, prior to commencement of work within the area that could affect the flood control works of Reclamation District Ten, shall obtain the approval of said District.
11. The integrity of the existing river channel shall not be altered; i.e., the channel of the Feather River shall not be changed from its present course.
12. Vegetation along the banks of the Feather River shall not be disturbed (within 50 feet of the summer water levels).

13. No obstruction shall be placed in the river channel which will prevent or delay the upstream or downstream migration of salmon, steelhead, shad, or striped bass.
14. The permits are to be issued on an annual basis and are subject to revocation if it is demonstrated that damage is occurring to fish and wild-life values.
15. That the tailings from the proposed dredging shall be spread uniformly across the low water channel of the Feather River and not allowed to pile up into high spots or dikes which might cause a deflection of flow against the riverbanks.
16. Applicant shall comply with all requirements of the Water Quality Control Board policy for the Feather River, as specified by the Central Valley Regional Water Quality Control Board.
17. Applicant shall comply with the General Conditions of Reclamation Board Order No. 6373.

EXHIBIT "B-1"

BEGINNING at the east bank of the Feather River, at a point where the Honcut Creek intersects said Feather River, said point being west 2700 feet, more or less, and south 3800 feet, more or less, from the northeast corner of Section 27, T. 17 N., R. 3 E., M.D.M., and running thence along said east bank southerly 500 feet, more or less; thence along the south bank of said Feather River southwesterly 250 feet, more or less; thence southeasterly along said bank 250 feet, more or less; thence along said south bank 2700 feet, more or less; thence northerly 200 feet, more or less, to the north bank of said Feather River; thence along said north bank northeasterly 2300 feet, more or less; thence along said north bank northwesterly 300 feet, more or less; thence along said north bank northeasterly 500 feet, more or less; thence easterly 200 feet, more or less, to the point of beginning, and containing 14 acres, more or less.

EXCEPTING therefrom any portion lying above or landward of the ordinary low water mark.

W.O. 7109
W.O. 7111

EXHIBIT "B-2"

BEGINNING on the west bank of the Feather River at a point 800 feet north of the north line of U. S. Highway 99 East, and running thence northeasterly along said west bank 1400 feet, more or less, thence easterly 200 feet more or less to the east bank of said Feather River, thence southwesterly along said east bank 1400 feet, more or less, thence westerly 200 feet, more or less, to the point of beginning. Containing 7 acres, more or less.

EXCEPTING therefrom any portion lying above or landward of the ordinary low water mark.