

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

19

11/19/87  
PRC 2036  
Martinez

S 3

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:

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

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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.

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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

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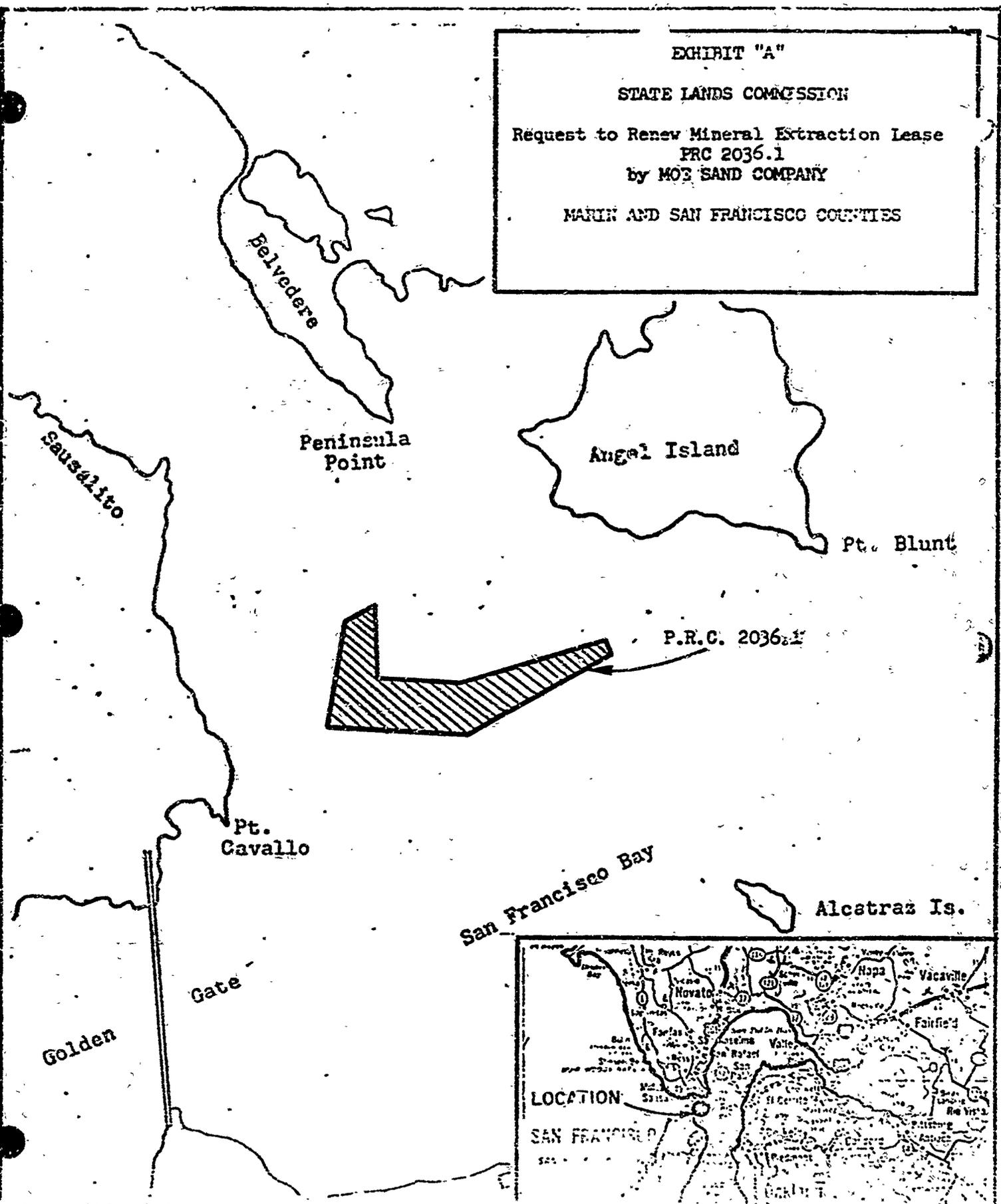
APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS,  
RECOMMENDATIONS OR LIMITATIONS ISSUED BY FEDERAL, STATE AND  
LOCAL GOVERNMENT AGENCIES.

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



"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: \_\_\_\_\_

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## 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

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

*Sada I. Fukushima*  
SADA I. FUKUSHIMA  
Division of Research &  
Planning

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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.

**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.

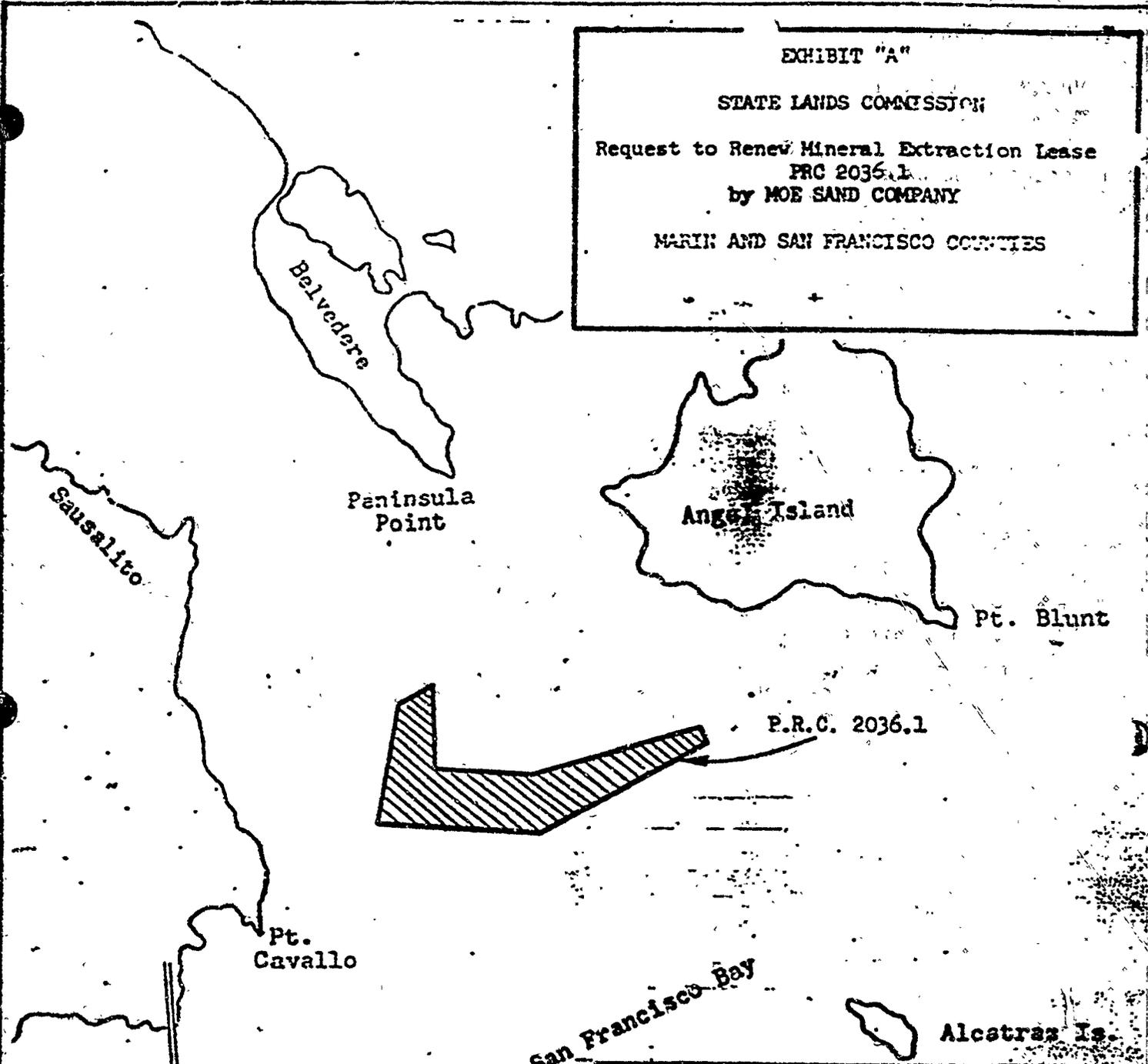
An average of approximately 48,000 cubic yards per year has been extracted to date. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

EXHIBIT "A"

STATE LANDS COMMISSION

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

MARIN AND SAN FRANCISCO COUNTIES



Peninsula Point

Angel Island

Pt. Blunt

P.R.C. 2036.1

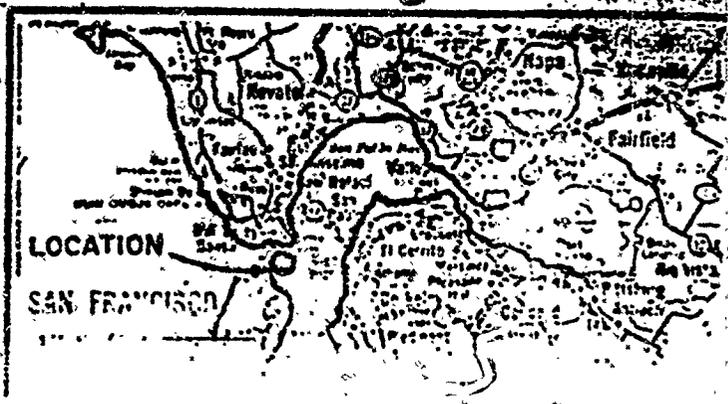
Pt. Cavallo

San Francisco Bay

Alcatraz Is.

Golden

Gate



## 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: 1 916 1 322-6375
- 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 type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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"/> |

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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?

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Yes Maybe No

T. Cultural Resources.

- 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: 10.1.187

*Linda Montano*  
 For the State Lands Commission  
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 FORM 13-20 (1983)