

**MINUTE ITEM**

This Calendar Item No. C38 was approved as  
Minute Item No. 38 by the California State Lands  
Commission by a vote of 3 to 0 at its  
8/26/97 meeting.

**CALENDAR ITEM  
C38**

A 8  
S 4

08/26/97  
PRC494 WP 494.1  
H. Maricle

**PARTIAL SUBLEASE OF LEASE PRC 494.1**

**LESSEE/SUBLESSOR:**

Gene Celli  
905 W. Magnolia Street  
Stockton, California 95203

**SUBLEESSEE:**

Mega Sand, Inc.  
P. O. Box 397  
Antioch, California 94509

**AREA, LAND TYPE, AND LOCATION: (SUBLEASE AREA)**

0.24 acres, more or less, of submerged lands in the Sacramento River, at  
Horseshoe Bend, Sacramento County.

**AUTHORIZED USE:**

LEASE: Commercial Marina.

SUBLEASE: Floating dock and boat ramp.

**TERM:**

LEASE: 30 years, beginning February 9 , 1985.

SUBLEASE: 5 years, beginning June 8, 1995.

**CONSIDERATION:**

LEASE: \$1,755 per annum.

SUBLEASE: First Year: \$225 per month (\$2,700 per annum)  
Remainder: \$300 per month (\$3,600 per annum)

**OTHER PERTINENT INFORMATION:**

1. The total area of Lease No.PRC. 494.1 is 1.05 acres, more or less. The partial sublease is 0.24 acres, more or less, approximately 22.8% of the total area.

**CALENDAR ITEM NO. C38 (CONT'D)**

2. Mega Sand plans to use the sublease area for the installation of a boat ramp and floating dock. The applicant advises that the boat ramp will be used for loading materials from trucks onto boats and for boat launching purposes. The floating dock will be used to transport personnel from Sherman Island to Decker Island, in Solano County.
3. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared and adopted for this project by the County of Sacramento. The California State Lands Commission staff has reviewed such documents.
4. This activity involves lands identified as possessing significant environmental pursuant to Public Resources Code sections 6370, et seq. Based on staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

United States Army Corps of Engineers, County of Sacramento, Reclamation District 341.

**FURTHER APPROVALS REQUIRED:**

California State Lands Commission, California Department of Fish and Game.

**EXHIBITS:**

- A. Land Description.
- B. Location Map.
- C. Notice of Determination, Use Permit, and Agreement To Mitigation Monitoring and Reporting Plan For Mega Sand Inc., Use Permit.

**PERMIT STREAMLINING ACT DEADLINE:**

December 24, 1997.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO

CALENDAR ITEM NO. C38 (CONT'D)

AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THE ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE, BY ENDORSEMENT, A SUBLEASE FROM GENE CELLI TO MEGA SAND, INC., OF A PORTION OF LEASE NO. PRC 494.1, SAID PORTION MORE PARTICULARLY SHOWN ON EXHIBIT A ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF, BEGINNING JUNE 8, 1995, FOR A TERM OF 5 YEARS, FOR THE INSTALLATION, USE AND MAINTENANCE OF A LOADING RAMP AND FLOATING DOCK.



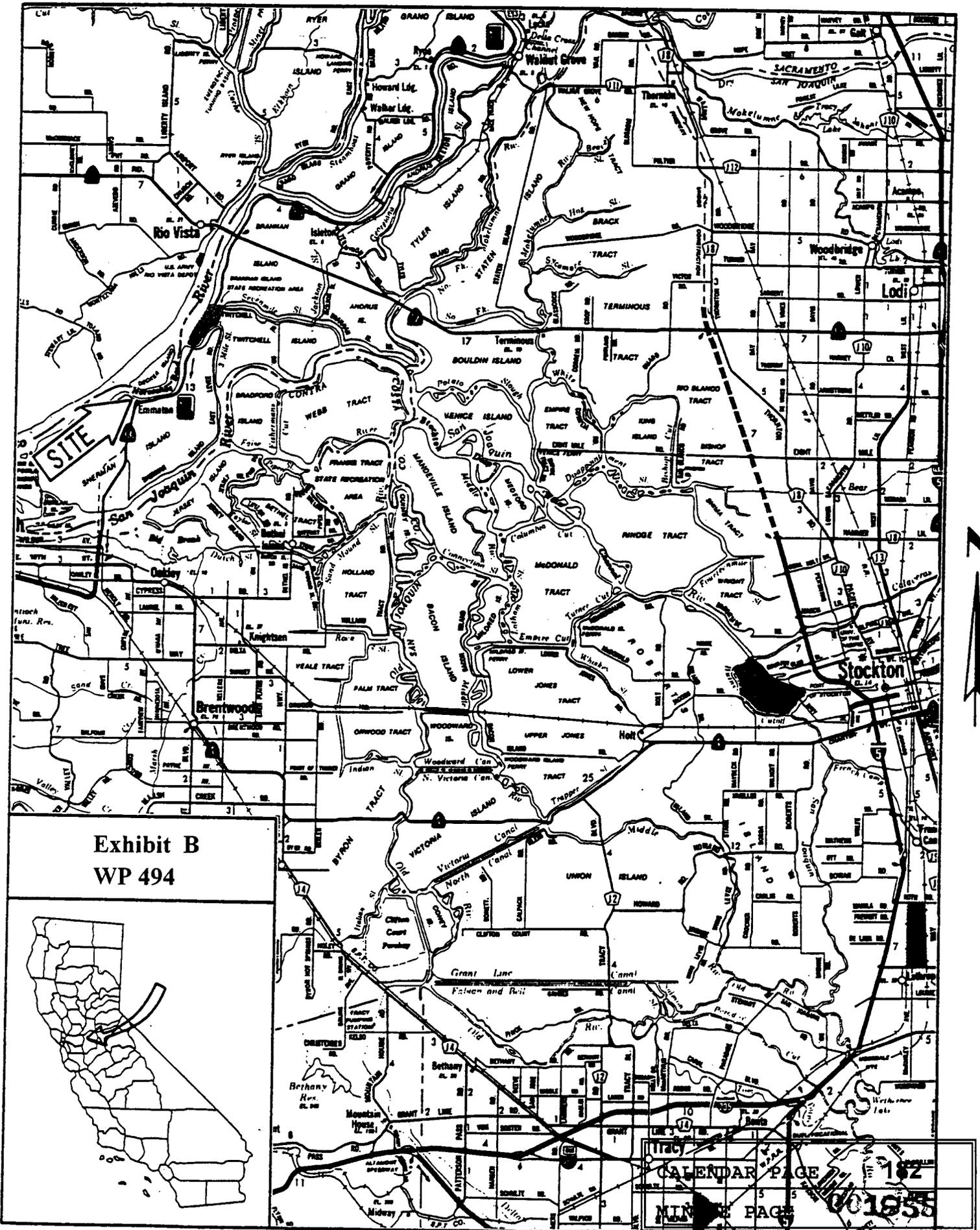


Exhibit B  
WP 494



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MINE PAGE 001958



WHEN RECORDED MAIL TO:

County of Sacramento,  
Department of Environmental Review  
and Assessment, 827 Seventh Street,  
Room 220, Sacramento, CA 95814

CONTACT PERSON: Dennis E. Yeast  
TELEPHONE: (916) 440-7914

**FILED**

6280026

APR - 9 1997

1275-4

JOHN DARK, CLERK-RECORDER  
By  Mitch Delaney   
DEPUTY

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**NOTICE OF DETERMINATION**

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE PUBLIC RESOURCES CODE

|                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PROJECT TITLE: MEGA SAND, INC. USE PERMIT                                                                                                                                                             |
| CONTROL NUMBER(S): 95-UPP-0688                                                                                                                                                                        |
| STATE CLEARINGHOUSE NUMBER (IF SUBMITTED): 96072079                                                                                                                                                   |
| PROJECT LOCATION: The project site is located on the south side of Sherman Island Road, approximately 1,320 feet west of State Highway 160, in the Delta community.                                   |
| ASSESSOR'S PARCEL NUMBER(S): 158-0050-005                                                                                                                                                             |
| DESCRIPTION OF PROJECT: The proposed project consists of a Use Permit to allow a commercial boat dock and boat ramp in the DW zone, and similar and like use for ancillary parking in the AG-80 zone. |

This is to advise that the County of Sacramento (Lead Agency Responsible Agency) has approved the above described project on April 7, 1997 and has made the following determinations concerning the above described project:

1. The project [  will  will not ] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [  were  were not ] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [  was  was not ] adopted.
5. A statement of Overriding Considerations [  was  was not ] adopted for this project.
6. Findings [  were  were not ] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Game Fees (AB 3158)
  - a.  The project has been found to be de minimis thus not subject to the provisions of AB 3158.
  - b.  The project is not de minimis and is, therefore, subject to the following fees:
    - \$1,250 for review of a Negative Declaration
    - \$ 850 for review of an Environmental Impact Report
    - \$ 25 for County Fish and Game program processing fees.

This is to certify that the environmental document and record of project approval is available to the General Public at: 827 Seventh Street, Room 220, Sacramento, CA 95814.

ENVIRONMENTAL COORDINATOR OF  
SACRAMENTO COUNTY  
STATE OF CALIFORNIA

BY:  Rafael J. De Morales   
for Dennis E. Yeast  
Environmental Coordinator

Copy To:  State of California  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814  
 County of Sacramento  
County Clerk  
600 8th Street, Room 101  
Sacramento, CA 95814

POSTED BY SACRAMENTO CO. CLERK-RECORDER

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**COUNTY OF SACRAMENTO  
INTER-OFFICE CORRESPONDENCE**

April 10, 1997

TO: PLANNING DEPARTMENT

FROM: *KR* KATHY ROGERS, Secretary  
Project Planning Commission

SUBJECT: **USE PERMIT - 95-UPP-0688 - GENE CELLI** - Applicant: Mega Sand, Inc. -  
Engineer: Darryl Alexander - Assessor's Parcel No. 158-0050-005, located on the  
south side and water side of Sherman Island Road, on the south side of Horseshoe  
Bend, approximately 1,320 feet west of Highway 160, in the Delta community.

The Project Planning Commission, meeting in regular session on April 7, 1997, voted 3-0  
(Commissioner Lambeth absent, District 2 vacant) to **approve** the following request:

**Use Permit**

A Use Permit, with findings and conditions, to allow a commercial boat dock and boat ramp in the  
DW zone; and for ancillary parking in the AG-80(F) zone, as similar and like use for a borrow pit  
for off-site surface mining employees.

The Commission accepted the Negative Declaration as adequate and complete, and adopted the  
Mitigation Monitoring and Reporting Program.

cc: In house  
Applicant/Owner

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USE PERMIT  
SACRAMENTO COUNTY

Control Number  
95-UPP-0688

Hearing Date: April 7, 1997

Assessor's Parcel No.  
158-0050-005

APPLICANT:

Mega Sand, Inc.  
P.O. Box 397  
Antioch, CA 94509

OWNER:

Gene Celli  
905 W. Magnolia Street  
Stockton, CA 95203

ENGINEER:

Darryl Alexander  
147 Old Bernal Ave. Ste. 10  
Pleasanton, CA 94566

**PERMISSION IS GRANTED TO USE THE SUBJECT PREMISES FOR THE FOLLOWING DESCRIBED USE:** To allow a commercial boat dock and boat ramp in the DW zone; and for ancillary parking in the AG-80(F) zone, as a similar and like use for a borrow pit, for off-site surface mining employees.

**DESCRIPTION OF PREMISES:** The project site is located on the south side and water side of Sherman Island Road, on the south side of Horseshoe Bend, approximately 1,320 feet west of Highway 160, in the Delta community.

**CONDITIONS OF APPROVAL:**

1. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place within 36 months of the date on which the permit became effective or this action shall automatically be null and void.
2. Remove unused concrete blocks near the waterline, abandoned structures, and moored or abandoned floating craft near the project site prior to construction of the boat dock or ramp.
3. Install speed limit signs pursuant to Harbors and Navigation Code.
4. Obtain a Blanket Encroachment Permit from the County requiring implementation of traffic control provisions consistent with the County Standard Construction Specifications.
5. To mitigate for the loss of up to 0.01 acre of wetlands, pay to the County of Sacramento an amount based on a rate of \$35,000.00 per acre for the unmitigated/uncompensated wetlands. The payment shall be submitted to the Sacramento County Department of Planning and Community Development at the time of Improvement Plan or Building

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Permit approval, whichever occurs earlier, and deposited in the Wetlands Restoration Trust Fund to be used by the County to create wetlands.

6. Wetland loss shall not exceed 0.01 acre. All work on the waterside of the levee shall be monitored by a qualified botanist to minimize impacts to wetlands.
7. Prior to issuance of a Building Permit, prepare and submit a spill containment plan to be reviewed and approved by the Sacramento DERA in consultation with the State Lands Commission.
8. Retain all existing Suisun marsh aster plants. Prior to the start of any construction work (including clearing and grubbing) on the water side of the levee, submit a current survey conducted by a qualified botanist to the Sacramento DERA indicating the locations of the Suisun marsh aster in the vicinity of all in-water construction. At the time of the survey, the locations of the Suisun marsh aster shall be delineated through use of bright colored flags or tape nailed to wooden stakes.
9. This use permit shall expire 10 years from the date of approval.
10. Comply with the Mitigation Monitoring and Reporting Program (MMRP) for this project as follows:
  - a. The project proponent shall comply with the MMRP for this project, including the payment of 100% of the Department of Environmental Review and Assessment staff costs, and the costs of any technical consultant services incurred during implementation of the MMRP. The initial estimate of these costs is \$1,950.00. If the initial estimate of these costs exceeds the actual monitoring costs, the balance shall be refunded to the applicant, and if the actual monitoring costs exceed the initial estimate, the applicant shall be responsible for paying the additional amount.
  - b. Until the MMRP has been recorded and the estimated MMRP fee has been paid, no final parcel map or final subdivision map for the subject property shall be approved; and no encroachment, grading, building, sewer connection, water connection or occupancy permit from Sacramento County shall be approved.

**FINDINGS:**

1. The request is consistent with the County General Plan and Community Plan.
2. The use is compatible with surrounding land use.
3. The use, structure or facility will not significantly:
  - a) Limit the diversity of public uses appropriate in the waterway.
  - b) Result in a substantial adverse environmental impact to natural habitats.
  - c) Impede the natural flow of the channel.

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- d) Adversely affect the stability of the levee or lands adjacent to the waterway or formation of sandbars or shoals.
  - e) Create a safety or navigation hazard.
  - f) Cause increased flood heights.
  - g) Cause additional threats to public safety.
  - h) Reduce the ecological or scenic values of an existing or approved State or local ecological preserve or wildlife management area.
  - i) Cause excessive disturbance, dredging, filling or bulkheading to the shoreline, and be incompatible with the existing natural and man-made features.
4. The establishment, maintenance or operation of the use or structure applied for will not under the circumstance of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
5. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions and conditions of approval.
6. The development will not:
- a) result in wetland or riparian loss.
  - b) result in the degradation of water quality.
  - c) result in increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.
  - d) result in degradation or reduction of pacific Flyway habitat.
  - e) result in reduced public access provided that access does not infringe upon private property rights.
  - f) adversely impact agricultural land or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
  - g) adversely impact agricultural land or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
  - h) result in the degradation or impairment of levee integrity.
  - i) adversely impact navigation.
  - j) result in any increased requirements or restrictions upon agricultural practices in the primary zone.

ENVIRONMENTAL DOCUMENT: Negative Declaration

**CAUTION: THIS USE PERMIT IS OF NO FORCE AND EFFECT UNTIL THE EXPIRATION OF A 10-DAY APPEAL PERIOD FROM AND AFTER THE DATE OF THE HEARING ON THE USE PERMIT.**

**THIS ACTION DOES NOT RELIEVE THE APPLICANT OF THE OBLIGATION TO COMPLY WITH ALL ORDINANCES, STATUTES, REGULATIONS AND PROCEDURES. ALL COSTS INCURRED BY THE COUNTY TO ENFORCE THE**

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CONDITIONS LISTED IN THIS PERMIT SHALL BE THE RESPONSIBILITY OF THE PERMIT HOLDER AND/OR PROPERTY OWNER. THE ABOVE USE WILL NOT BE CONDUCTED TO CONSTITUTE EITHER A PUBLIC OR PRIVATE NUISANCE. VIOLATION OF ANY OF THE FOREGOING CONDITIONS WILL CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT. BUILDING PERMITS ARE REQUIRED IN THE EVENT ANY BUILDING IS PLANNED. A CONDITIONAL USE PERMIT, IF NOT USED FOR THE PURPOSE FOR WHICH IT WAS GRANTED, SHALL LAPSE AND SHALL BECOME VOID THREE YEARS FOLLOWING THE DATE ON WHICH THE PERMIT BECAME EFFECTIVE, UNLESS BY CONDITION OF THE PERMIT A GREATER TIME IS ALLOWED, OR UPON THE EXPIRATION DATE OF A VALID BUILDING PERMIT OBTAINED AFTER THE GRANT OF THE CONDITIONAL USE PERMIT, WHICHEVER DATE IS LAST TO OCCUR.

SACRAMENTO-COUNTY PROJECT PLANNING COMMISSION

BY:   
KATHLEEN ROGERS, Secretary

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**RECORDING REQUESTED BY  
AND WHEN RECORDED  
MAIL TO:**

**NAME:**

**COUNTY MAIL CODE:**

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**SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE**

**AGREEMENT  
TO  
MITIGATION MONITORING AND REPORTING PROGRAM  
FOR  
MEGA SAND, INC. USE PERMIT**

**County Control Number:** 95-UPP-0688

**Assessor's Parcel Number:** 158-0050-005

**Project Description:** The project consists of a Use Permit to allow a commercial boat dock and boat ramp in the DW zone; and for ancillary parking in the AG-80 (F) zone, as similar and like use for a borrow pit for off-site surface mining employees.

**Location:** The project site is located on the south side of Sherman Island Road, approximately 1,320 feet west of State Highway 160, in the Delta community.

**Project Applicant:** Mega Sand, Inc.  
P.O. Box 97  
Antioch, CA 94509

**Phone:** (510) 757-2000

**Type of Environmental Document:**

Environmental Impact Report  
 Negative Declaration  
 Supplemental Environmental Impact Report

Prior Environmental Impact Report  
 Prior Negative Declaration

**Prepared by:** Sacramento County Department  
of Environmental Review and Assessment

**Date:** December 26, 1996  
**Revised:** January 13, 1997  
**Revised:** May 30, 1997

**Mitigation Monitoring and Reporting Program**

**Adopted by:** Sacramento County  
Project Planning Commission

**Date:** April 7, 1997

**Attest:** \_\_\_\_\_  
Clerk

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**SUMMARY**

Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the Sacramento County Code, a Mitigation Monitoring and Reporting Program has been established for the project entitled "MEGA SAND, INC. USE PERMIT", (Control Number: 95-UPP-0688).

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The Department of Environmental Review and Assessment will verify, within ten (10) business days of notification, that the project is in compliance. Any non-compliance will be reported to the project applicant, and it shall be the project applicant's responsibility to rectify the situation by bringing the project into compliance and Revised-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant in accordance with Chapter 20.02 of the Sacramento County Code.

It shall be the responsibility of the project applicant to reimburse the County for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of County monitoring costs for this project is **\$1,950.00**, which must be paid to the Department of Environmental Review and Assessment. If actual County monitoring costs are less than the initial estimate, the difference will be refunded to the applicant; and if the actual County monitoring costs exceed the initial estimate, a supplemental bill will be submitted to the applicant.

Pursuant to Section 20.02.060 of the Sacramento County Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the Clerk of the Board shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the Sacramento County Code, the project applicant shall provide to the Department of Environmental Review and Assessment a Legal Description for the real property that is the subject of the project.

The requirements of this adopted Program run with the real property that is the subject of the project, as described in Exhibit A. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the Sacramento County Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the Sacramento County Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the Sacramento County Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**STANDARD PROVISIONS**

1. Any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Department of County Engineering and/or the Planning Department for this project, and any/all revisions to those Plans which are subsequently submitted, shall be in full compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). The project applicant shall submit one copy of all such Plans and/or revisions to the Department of Environmental Review and Assessment no later than 24 hours after the approval is obtained. If the Department of Environmental Review and Assessment determines that the approved Plans are not in full compliance with the adopted MMRP, the Plans shall be returned to the project applicant with a letter specifying the items of non-compliance, and instructing the applicant to revise the Plans, resubmit them to the approving department, and then resubmit one copy of the approved revised Plans to the Department of Environmental Review and Assessment no later than 24 hours after the approval is obtained.

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**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Mitigation Measure:**

- A. Obtain a blanket Encroachment Permit from the County requiring implementation of traffic control provisions consistent with the County Standard Construction Specifications.

**Implementation and Notification (Action by Project Applicant):**

1. Prior to the start of dock or boat ramp operations, submit to the Department of Environmental Review and Assessment a copy of the required Blanket Encroachment Permit that has been obtained from the County.
2. Comply fully with the above measure.

**Verification (Action by the Department of Environmental Review and Assessment):**

1. Review the required Blanket Encroachment Permit, and consult with the County Transportation Division as necessary to determine compliance.

**Comments:**

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**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Completion of Mitigation Verified:**

**Department of Environmental Review and Assessment**

**Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Mitigation Measure:**

- B. To mitigate for the loss of up to 0.01 acre of wetlands, pay to the County of Sacramento an amount based on a rate of \$35,000.00 per acre for the unmitigated/uncompensated wetlands. The payment shall be submitted to the Sacramento County Department of Planning and Community Development at the time of Improvement Plan or building permit approval, whichever occurs earlier, and deposited in the Wetlands Restoration Trust Fund to be used by the County to create wetlands.

**Implementation and Notification (Action by Project Applicant):**

1. Prior to the approval of any Improvement Plans and/or building permits for this project, submit written evidence to the Department of Environmental Review and Assessment which indicates that the required payment has been made to the County Wetlands Restoration Trust Fund.

**Verification (Action by the Department of Environmental Review and Assessment):**

1. Review the required written evidence which indicates that payment has been made to the County Wetlands Restoration Trust Fund, and consult with the Planning and Community Development Department as necessary to determine compliance.

**Comments:**

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Completion of Mitigation Verified:**

**Department of Environmental Review and Assessment**

**Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Mitigation Measure:**

- C. Wetland loss shall not exceed 0.01 acre. All work on the water side of the levee shall be monitored by a qualified botanist to minimize impacts to wetlands.

**Implementation and Notification (Action by Project Applicant):**

1. Include the above measure verbatim as a Construction Note on any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Department of County Engineering and/or the Planning Department for this project, and any/all revisions to those Plans which are subsequently submitted.
2. Comply fully with item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
3. Prior to the start of any construction work, submit a report to the Department of Environmental Review and Assessment from a qualified botanist which describes the proposed monitoring of all work on the water side of the levee, and indicates measures that will be taken to minimize wetland impact. The report shall determine the extent of wetland loss. Include the name, address and phone number of the qualified botanist.
4. Prior to the start of dock or boat ramp operations, submit a letter report to the Department of Environmental Review and Assessment which indicates that the wetland monitoring work has been properly completed.
5. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to any/all Final Inspection(s) by the Department of County Engineering.

**Verification (Action by the Department of Environmental Review and Assessment):**

1. Review the approved plans pursuant to item #1 in the Standard Provisions section of the Mitigation Monitoring and Reporting Program.
2. Review the proposed monitoring report which is prepared by a qualified botanist, and consult with him/her as necessary to determine compliance.

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**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

3. Monitor compliance during periodic site inspection(s).
4. Review the final wetland monitoring letter report which is prepared by the qualified botanist, and consult with him/her as necessary to determine compliance.
5. Participate in any/all Final Inspection(s), as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Department of Environmental Review and Assessment**

**Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Mitigation Measure:**

- D. Prior to issuance of a building permit, prepare and submit a Spill Containment Plan to be reviewed and approved by the Sacramento County Department of Environmental Review and Assessment, in consultation with the State Lands Commission.

**Implementation and Notification (Action by Project Applicant):**

1. Prior to issuance of a building permit, submit a copy of the required Spill Containment Plan to the Department of Environmental Review and Assessment and to the State Lands Commission for review and approval.
2. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to the start of project construction, and no later than 24 hours after its completion.
3. Comply fully with the above measure.
4. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to any/all Final Inspection(s) by the Department of County Engineering.

**Verification (Action by the Department of Environmental Review and Assessment):**

1. Review the required Spill Containment Plan, and consult with the State Lands Commission as necessary to determine compliance.
2. Monitor compliance during periodic site inspections.
3. Participate in any/all Final Inspection(s), as necessary.

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Comments:**

**Completion of Mitigation Verified:**

**Department of Environmental Review and Assessment**

**Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

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**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Mitigation Measure:**

- E. Retain all existing Suisun Marsh aster plants. Prior to the start of any construction work (including clearing and grubbing) on the water side of the levee, submit a current survey conducted by a qualified botanist to the Sacramento County Department of Environmental Review and Assessment indicating the locations of all Suisun Marsh aster plants in the vicinity of all in-water construction. At the time of the survey, the locations of the Suisun Marsh aster plants shall be delineated through the use of bright colored flags or tape nailed to wooden stakes.

**Implementation and Notification (Action by Project Applicant):**

1. Prior to the start of any construction work (including clearing and grubbing) on the water side of the levee, submit a copy of the required Suisun Marsh aster plant survey report to the Department of Environmental Review and Assessment for review. Include the name, address and phone number of the qualified botanist.
2. If any Suisun Marsh aster plants are identified during the required survey, adequate protective measures for those plants shall be incorporated into any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Department of County Engineering and/or the Planning Department for this project, and any/all revisions to those Plans which are subsequently submitted.
3. Comply fully with item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
4. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to the start of any construction work on the water side of the levee, and no later than 24 hours after its completion.
5. Notify the Department of Environmental Review and Assessment no later than 48 hours prior to any/all Final Inspection(s) by the Department of County Engineering for construction work on the water side of the levee.

**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Verification (Action by the Department of Environmental Review and Assessment):**

1. Prior to the start of any construction work (including clearing and grubbing) on the water side of the levee, review the required survey for Suisun Marsh aster plants, and consult with the qualified botanist as necessary to determine compliance.
2. Review the approved Plans pursuant to item #1 in the Standard Provisions section of this Mitigation Monitoring and Reporting Program.
3. Monitor compliance during periodic site inspections.
4. Participate in any/all Final Inspection(s), as necessary.

**Comments:**

|               |        |
|---------------|--------|
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**PROJECT TITLE: MEGA SAND, INC. USE PERMIT**

**CONTROL NUMBER: 95-UPP-0688**

**Completion of Mitigation Verified:**

**Department of Environmental Review and Assessment**

**Signature: \_\_\_\_\_**

**Date: \_\_\_\_\_**

(950688.mm/jb)

|               |        |
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**DECLARATION OF AGREEMENT**

This Mitigation Monitoring and Reporting Program applies to certain real property, a Legal Description of which is attached as Exhibit A. I (We) the undersigned agree that this Mitigation Monitoring and Reporting Program applies to the real property described in Exhibit A. I (We) the undersigned am (are) the legal owner(s) of that property, and agree to comply with the requirements of this Mitigation Monitoring and Reporting Program (Summary and Mitigation Measures attached).

IN WITNESS WHEREOF, this declaration is hereby executed by the undersigned named legal owner(s) of the subject property on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

OWNER(S) :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ALL-PURPOSE ACKNOWLEDGMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ (name, title of officer);  
personally appeared \_\_\_\_\_

personally known to me — OR —  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL(S) SIGNING FOR ONESELF/THEMSELVES
- CORPORATE OFFICER(S) \_\_\_\_\_ TITLE(S)  
\_\_\_\_\_  
COMPANY
- PARTNER(S) \_\_\_\_\_ PARTNERSHIP
- ATTORNEY-IN-FACT \_\_\_\_\_ PRINCIPAL(S)
- TRUSTEE(S) \_\_\_\_\_ TRUST
- OTHER \_\_\_\_\_ TITLE(S)  
\_\_\_\_\_  
TITLE(S)  
\_\_\_\_\_  
ENTITY(IES) REPRESENTED  
\_\_\_\_\_  
ENTITY(IES) REPRESENTED

**ALL-PURPOSE ACKNOWLEDGMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ (name, title of officer),  
personally appeared \_\_\_\_\_

personally known to me — OR —  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

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\_\_\_\_\_ COMPANY \_\_\_\_\_
- PARTNER(S) \_\_\_\_\_ PARTNERSHIP \_\_\_\_\_
- ATTORNEY-IN-FACT \_\_\_\_\_ PRINCIPAL(S) \_\_\_\_\_
- TRUSTEE(S) \_\_\_\_\_ TRUST \_\_\_\_\_
- OTHER \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
\_\_\_\_\_ TITLE(S) \_\_\_\_\_  
\_\_\_\_\_ ENTITY(IES) REPRESENTED \_\_\_\_\_  
\_\_\_\_\_ ENTITY(IES) REPRESENTED \_\_\_\_\_

**ALL-PURPOSE ACKNOWLEDGMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_ (name, title of officer),  
personally appeared \_\_\_\_\_

personally known to me — OR —  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

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Signature

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- INDIVIDUAL(S) SIGNING FOR ONESELF/THEMSELVES
- CORPORATE OFFICER(S) \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
\_\_\_\_\_ COMPANY \_\_\_\_\_
- PARTNER(S) \_\_\_\_\_ PARTNERSHIP \_\_\_\_\_
- ATTORNEY-IN-FACT \_\_\_\_\_ PRINCIPAL(S) \_\_\_\_\_
- TRUSTEE(S) \_\_\_\_\_ TRUST \_\_\_\_\_
- OTHER \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
\_\_\_\_\_ TITLE(S) \_\_\_\_\_  
\_\_\_\_\_ ENTITY(IES) REPRESENTED \_\_\_\_\_  
\_\_\_\_\_ ENTITY(IES) REPRESENTED \_\_\_\_\_

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