MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 11/07/97 meeting.

CALENDAR ITEM
C37

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11/07/97
PRC2036 WP 2036
H. Maricle
J. Frey

RENEWAL OF MINERAL EXTRACTION LEASE NO. PRC 2036.1

APPLICANT:
Moe Sand Company
4501 Tidewater Avenue
Oakland, California 94601

AREA, LAND TYPE, AND LOCATION:
232 acres, more or less, of sovereign lands in San Francisco Bay, near Angel Island, Marin and San Francisco Counties.

AUTHORIZED USE:
Extraction of sand and gravel for commercial sale. The annual minimum volume to be extracted is 50,000 cubic yards from the site shown on the attached Exhibit A. The material will be barged and unloaded at various upland locations in the bay area where it will be used for construction purposes.

LEASE TERM:
Ten years, beginning November 12, 1997, with unlimited successive renewals of ten years upon reasonable terms and conditions as provided in the original lease.

CONSIDERATION:
A phased-in royalty of 23% of the weighted average sales price commencing with 13% in 1997 and increasing by 3% in each of 1998 and 1999 and by 4% in 2000, with a minimum of $0.65 per cubic yard. Land rent of $2.00 per acre per year.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance with coverage of no less than $1,000,000.
Bond:
$50,000

OTHER PERTINENT INFORMATION:

1. This lease was initially executed in November, 1957, for twenty years with unlimited successive ten year renewals. The lease has been previously renewed in 1977 and 1987.

2. A new lease form will be utilized to bring the insurance and bond rates and standard covenants up to current California State Lands Commission standards.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff prepared a Negative Declaration identified as CSLC ND 426 State Clearinghouse No. 87101301. Such Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA. The CSLC adopted the Negative Declaration on November 19, 1987.

   Based upon the Initial Study, the Negative Declaration, the comments received in response thereto and informal consultations by CSLC staff with the California Department of Fish and Game and San Francisco Bay Conservation and Development Commission, there is no substantial evidence that the project will have a significant effect on the environment; Title 14, California Code of Regulations, section 15074 (b).

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 23, 1997.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT A NEGATIVE DECLARATION, CSLC ND NO. 426, STATE CLEARINGHOUSE NO. 87101301 WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA WAS ADOPTED BY THE CALIFORNIA STATE LANDS COMMISSION ON NOVEMBER 19, 1987, AND THAT THE INFORMATION CONTAINED THEREIN REMAINS VALID FOR THE CONSIDERATION OF THE PROPOSED LEASE.

SIGNIFICANT LANDS INVENTORY FINDING:

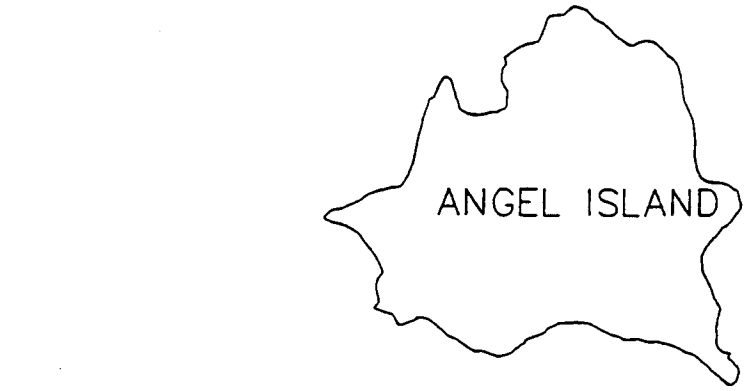
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE RENEWAL OF LEASE NO. PRC 2036.1, FOR EXTRACTION OF SAND AND GRAVEL TO MOE SAND COMPANY BEGINNING NOVEMBER 12, 1997, FOR A TERM OF TEN YEARS WITH UNLIMITED SUCCESSIVE TEN YEAR RENEWAL PERIODS FOR EXTRACTION OF SAND AND GRAVEL FOR COMMERCIAL SALE AS ON FILE IN THE OFFICE OF THE COMMISSION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; WITH A MINIMUM ANNUAL PRODUCTION OF 50,000 CUBIC YARDS; CONSIDERATION IS A PHASED-IN ROYALTY OF 23% OF THE WEIGHTED AVERAGE SALES PRICE COMMENCING WITH 13% IN 1997 AND INCREASING BY 3% IN 1998 AND 1999 AND BY 4% IN 2000 WITH A MINIMUM OF $0.65 PER CUBIC YARD; LAND RENT OF $2.00 PER ACRE PER YEAR; INSURANCE REQUIRED IS $1,000,000 WITH THE STATE NAMED AS AN ADDITIONAL INSURED; AND A PERFORMANCE BOND IN THE AMOUNT OF $50,000.

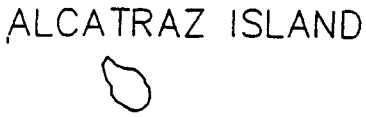
NO SCALE

SITE MAP



PRC 2036
1983 DATUM (WGS84)

	(NORTH)	(WEST)
1400	Latitude: 37-50-57	Longitude: 122-27-30
1401	Latitude: 37-50-35	Longitude: 122-27-31
1402	Latitude: 37-50-35	Longitude: 122-27-02
1403	Latitude: 37-50-48	Longitude: 122-26-15
1404	Latitude: 37-50-44	Longitude: 122-26-12
1405	Latitude: 37-50-21	Longitude: 122-26-59
1406	Latitude: 37-50-22	Longitude: 122-27-45
1407	Latitude: 37-50-51	Longitude: 122-27-39

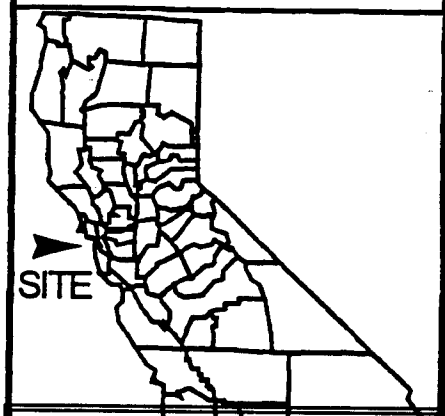


San Francisco Bay

NO SCALE

LOCATION MAP

Exhibit A
PRC 2036
Sand & Gravel Extraction
San Francisco Bay
Vic. of Angel Island
San Francisco & Marin Counties.



This Exhibit is solely for purposes of generally defining the lease premises, 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.

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