

MINUTE ITEM

This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 6-14-99 meeting.

**CALENDAR ITEM
C16**

A 6, 8, 11, 13

06/14/99

PRC 709.1, PRC 2036.1, PRC 7780.1

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L. Fiack

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Moe Sand Company, A California Partnership
4501 Tidewater Avenue
Oakland, California 94601

ASSIGNEE:

Moe Sand Company, Inc.
2680 Bishop Drive, Suite 225
San Ramon, California 94583-4280

AREA, LAND TYPE, AND LOCATION:

1,456 acres, more or less, of tide and submerged lands in San Francisco Bay, San Francisco and Marin Counties.

AUTHORIZED USE:

Continued extraction of sand and gravel for commercial use.

LEASE TERM:

Ten years, beginning July 1, 1998.

CONSIDERATION:

Land rent of \$2 per acre or \$2,912 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Royalty of 23% of gross sales value, and a minimum biannual royalty of \$140,750; with the State reserving the right to fix a different royalty periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Section 3, Paragraph 19, provides that subject to prior written consent of Lessor, Lessee may assign the leases or any interest in them.

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2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity 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, section 15378.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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.

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.

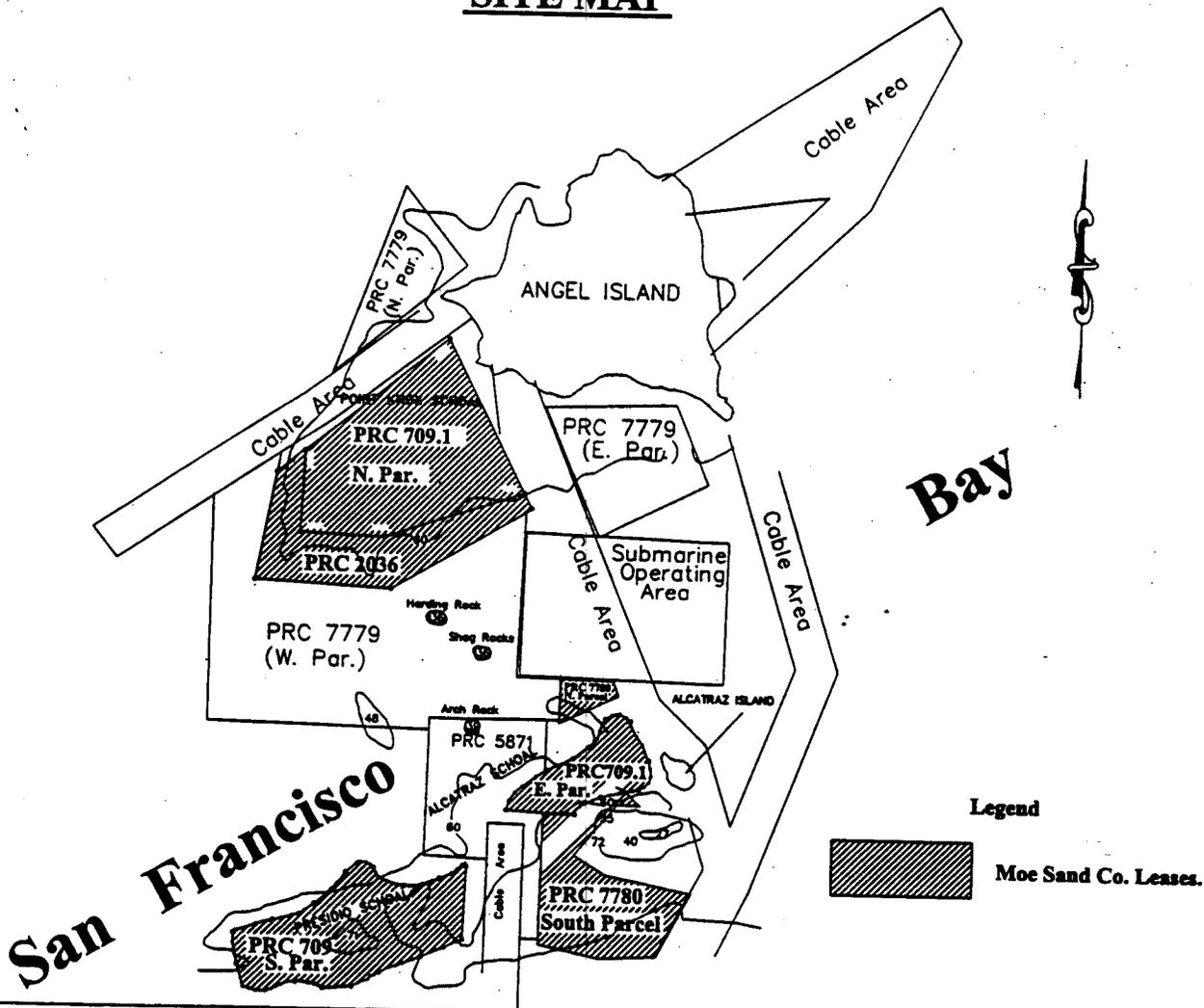
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AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT OF LEASE NOS. PRC 709.1, PRC 2036.1 AND PRC 7780.1, SAND AND GRAVEL EXTRACTION LEASES, OF TIDE AND SUBMERGED LANDS DESCRIBED ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; FROM MOE SAND COMPANY, A CALIFORNIA PARTNERSHIP TO MOE SAND COMPANY, INC., EFFECTIVE JUNE 1, 1999.

NO SCALE

SITE MAP



NO SCALE

LOCATION MAP

Pacific Ocean



Exhibit A
PRCs 709,2036,7780
MOE SAND CO.
San Francisco Bay
San Francisco and
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 of limitation of any state interest in the subject or any other property.