

MINUTE ITEM

This Calendar Item No. 59
was approved as Minute Item
No. 59 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

59

A 4, 11

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03/27/90

PRC 5733

Frey

**SETTLEMENT OF MINERAL TRESPASS IN
SOLANO AND CONTRA COSTA COUNTIES**

Olin Jones is the owner/operator of a sand company headquartered in Martinez, California. A sand lease was issued to the company on September 26, 1979 effective January 1, 1980 for a term of five years with a right of renewal for another five years. The lease expired on December 31, 1984 pursuant to its terms. The company elected not to exercise its right to renew the lease because of poor economic conditions. Nevertheless, the company continued to mine sand--thus putting itself in a mineral trespass status.

The company's continued mining was brought to the Commission's attention in mid-1989. Staff contacted the company and negotiations for payment for the minerals extracted were initiated. The company has agreed to pay 30 cents per cubic yard of material extracted for the years 1985 through 1989 plus interest. Approximately 494,000 cubic yards were extracted during that time period.

A lawsuit was filed in Superior Court for Solano County on December 31, 1989 to toll the Statute of Limitations. It is recommended that this lawsuit be dismissed upon acceptance of the settlement and receipt of the payment specified in said settlement.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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 CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

2. An inspection of the illegally operating dredge by the United States Coast Guard in mid-1989 found there were no circumstances warranting mitigation measures or issuance of a citation.
3. On March 1, 1990, a site inspection was made by Doug White of the Contra Costa County Sheriff's Department, Marine Control Division, at the request of Extractive Division. The inspection found no dredge to be on site.

EXHIBITS: A. Land Description.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE OLIN JONES SAND COMPANY EXTRACTED SAND IN THE CARQUINEZ STRAITS FOR THE YEARS 1985 THROUGH 1989 WITHOUT A LEASE AND PAID NO ROYALTIES TO THE STATE FOR THE DREDGED SAND.
3. ACCEPT A SETTLEMENT, INCLUDING INTEREST FOR THE EXTRACTION OF 494,000 CUBIC YARDS OF SAND, DURING THE ABOVE PERIOD.
4. DISMISS, UPON SUCCESSFUL PERFORMANCE AS SPECIFIED HEREIN, A LAWSUIT FILED AGAINST OLIN JONES SAND COMPANY ON DECEMBER 31, 1989 IN SUPERIOR COURT FOR THE COUNTY OF SOLANO.

EXHIBIT "A"

PRC 5733

LAND DESCRIPTION

Two parcels of tide and Submerged land in the State-Owned bed of Carquinez Straits, Solano and Contra Costa Counties, California, said parcels described as follows:

PARCEL NO. 1

BEGINNING AT A POINT from which USC & GS Triangulation Station "Suisun Pt. 2" bears South 2,500 feet; thence from said point of beginning the following five courses:

1. N 65°E 4,000.00 feet;
2. North 3,000.00 feet;
3. S 65°W 6,000.00 feet;
4. S 13°12' 11" E 2,777.59 feet;
5. N 65°E 1,300.00 feet to the point of beginning, said parcel containing approximately 350 acres.

EXCEPTING THEREFROM any portion of the above-described parcel lying westerly of the easterly edge of a strip 125.00 feet in width, lying immediately adjacent to and westerly of the following described line:

BEGINNING AT A POINT from which USC & GS Triangulation Station "Suisun Pt. 2" bears N 38°54' 02" W 74.62 feet; thence from said point of beginning N 29°05' 78" W 5,379.03 feet to the end of said strip.

PARCEL NO. 2

COMMENCING at USC & GS Triangulation Station "Iron" on the Amorco Wharf; thence N 65°10' W 800 feet to the **POINT OF BEGINNING** of the herein described parcel of land; thence the following five courses;

1. N 59°27' 34" E 1,200.00 feet;
2. N 30°32' 26" W 2,000.00 feet;
3. S 59°27' 34" W 2,700.00 feet;
4. S 30°32' 26" E 2,000.00 feet;
5. N 59°27' 34" E 1,500.00 feet to the point of beginning, of said parcel containing approximately 124 acres.

END OF DESCRIPTION

REVIEWED JANUARY 3, 1989 BY BIU 1.

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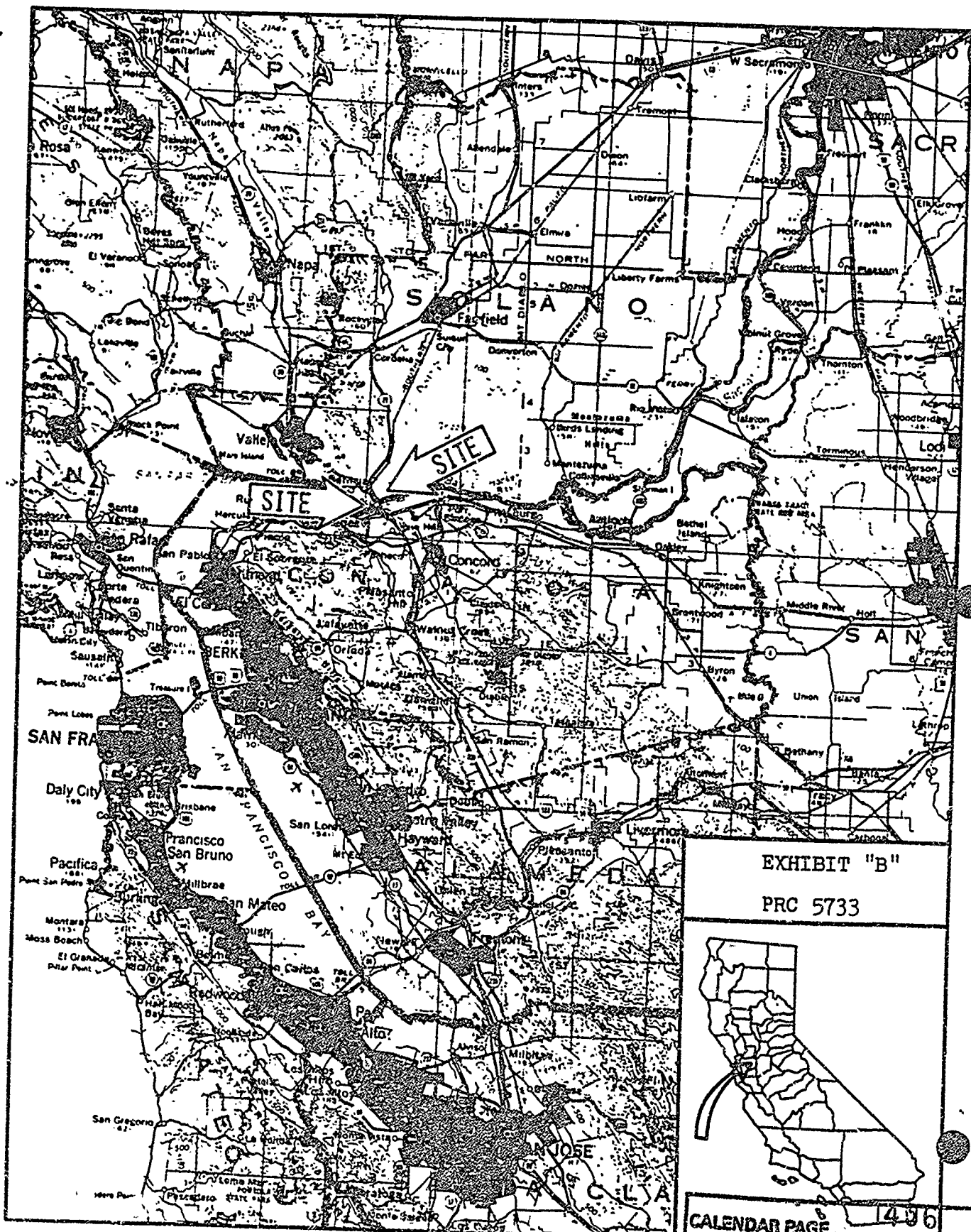


EXHIBIT "B"
 PRC 5733



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