

# Staff Report 73

## **APPLICANTS/LESSEES:**

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Martin Marietta Marine Operations, LLC, (Martin Marietta) and Lind Marine, LLC, (Lind).

## **PROPOSED ACTIONS:**

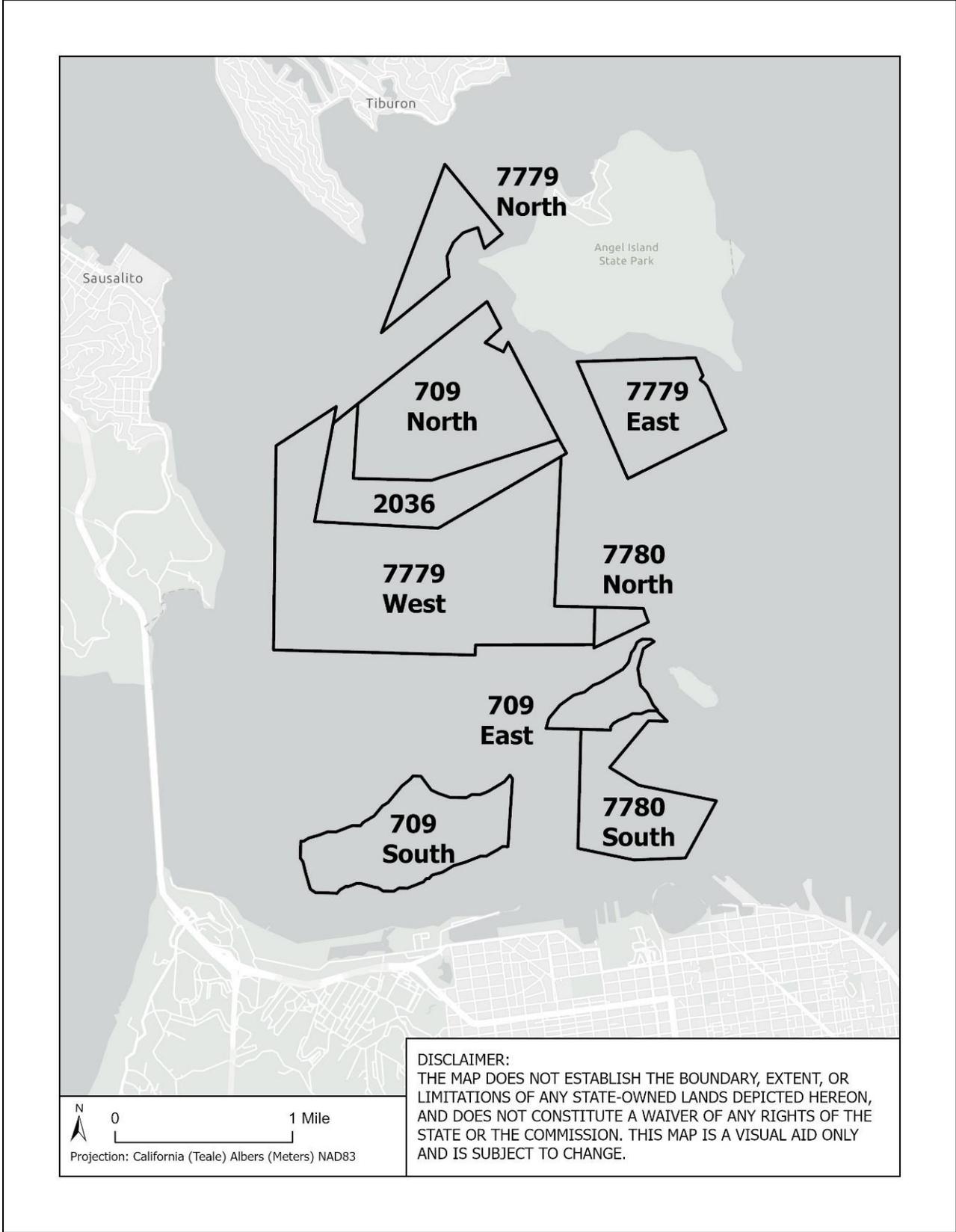
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1. Consider certification of a Final Supplemental Environmental Impact Report (SEIR), State Clearinghouse No. 2007072036; adoption of a Mitigation Monitoring Program and Statement of Findings.
2. Authorize issuance of five leases for the extraction of Rock, Sand, and Gravel for a term of 10 years, as described below.

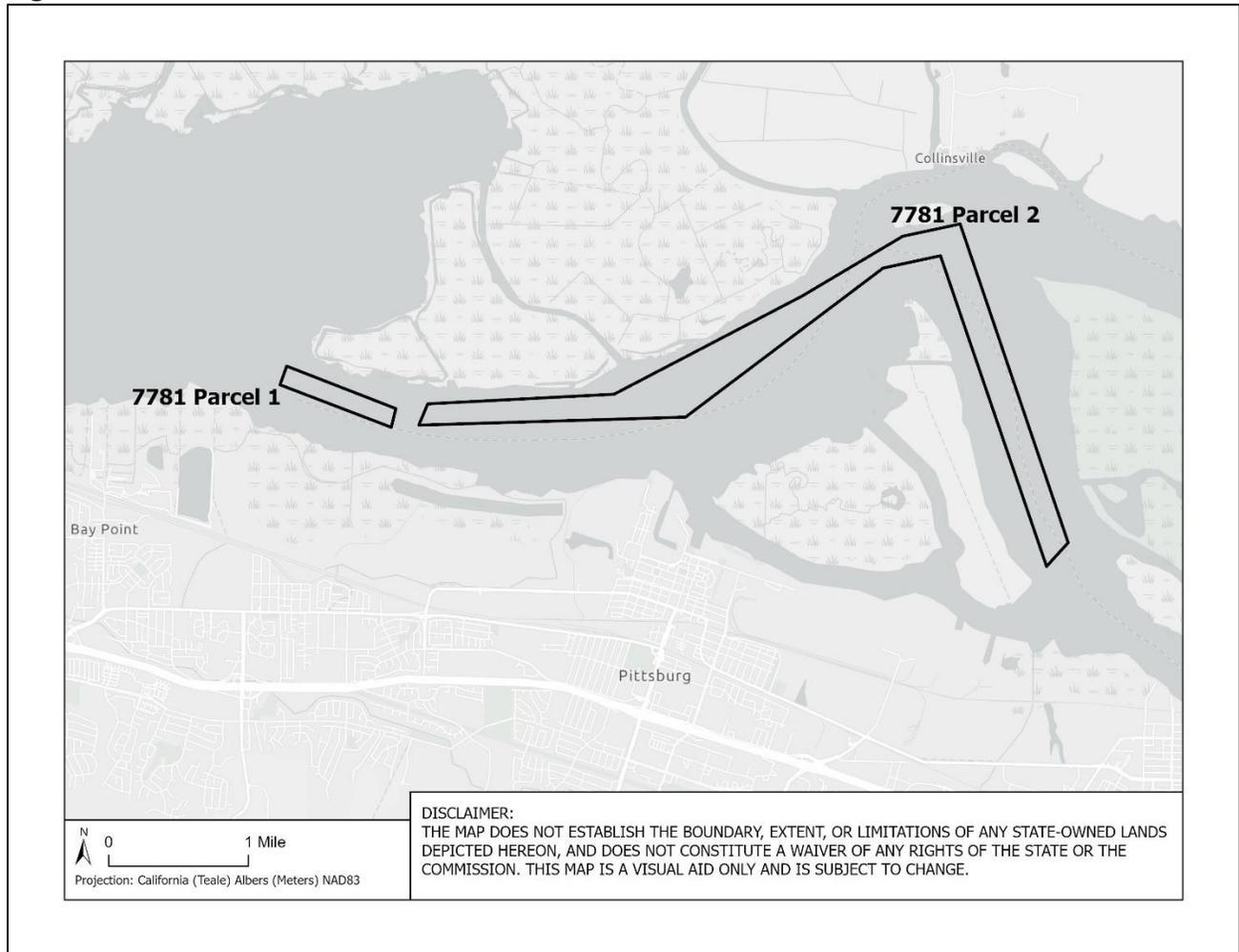
## **AREA, LAND TYPE, AND LOCATION:**

Approximately 2,601 acres of submerged lands in San Francisco Bay; Marin and San Francisco counties for Lease Nos. 709, 2036, 7779, and 7780; and 936 acres of submerged lands in Suisun Bay; Solano and Contra Costa counties for Lease No. 7781.1 (as shown in Figures 1 and 2 and described in Exhibit C, attached).

Figure 1 Location of Central Bay Lease



**Figure 2 Location of Delta Lease**



**AUTHORIZED USE:**

Commercial rock, sand, and gravel extraction.

**TERM:**

10 years, beginning February 9, 2026.

**CONSIDERATION:**

**Lease 709 for 830.5 Acres** (to Martin Marietta)

- Annual rent of \$1,661.
- Royalty of \$2.93 per cubic yard.
- Minimum Annual Royalty of \$57,465.

- Bond of \$114,930 to guarantee Lessee's performance of the lease terms and conditions.

**Lease 2036 for 232 Acres** (to Martin Marietta)

- Annual rent of \$464.
- Royalty of \$2.93 per cubic yard.
- Minimum Annual Royalty of \$52,130 per annum.
- Bond of \$104,260 to guarantee Lessee's performance of the lease terms and conditions.

**Lease 7779 for 1,276 Acres** (to Martin Marietta)

- Annual rent of \$2,552.
- Royalty of \$2.93 per cubic yard.
- Minimum Annual Royalty of \$148,036.
- Bond of \$296,074 to guarantee Lessee's performance of the lease terms and conditions.

**Lease 7780 for 262 Acres** (to Martin Marietta)

- Annual rent of \$524.
- Royalty of \$2.93 per cubic yard.
- Minimum Annual Royalty of \$25,800.
- Bond of \$51,600 to guarantee Lessee's performance of the lease terms and conditions.

**Lease 7781 for 936 Acres** (to Lind)

- Annual rent of \$1,872.
- Royalty of \$1.34 per cubic yard.
- Minimum Annual Royalty of \$61,500.
- Bond of \$123,000 to guarantee Lessee's performance of the lease terms and conditions.

**LEASE MANAGEMENT FEE:** An upfront payment for each lease of \$7,600, totaling \$38,000, will be used to cover staff costs, over the duration of the leases, associated

with lease administration, royalty verification, quarterly reviews, and any other necessary activities, including but not limited to field inspections.

**SPECIFIC LEASE PROVISIONS:**

- Lessee will provide liability insurance in an amount of no less than \$1,500,000 per occurrence.
- The Commission may perform audits of the Lessee's records for purposes of royalty accounting.
- Limits on maximum annual extraction of rock, sand, and gravel; and compliance with a Mitigation Monitoring Program.

**BACKGROUND:**

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The mining of sand for use as a construction material has occurred within Central San Francisco Bay and the Delta for more than seven decades. Channel and harbor dredging to remove sand and other sediment deposits from the Bay began in the 1800s, and construction sand mining within the Bay-Delta estuary began in the 1930s. Lease No. 709 dates to 1952; Lease No. 2036 to 1957; Lease No. 7781 to 1994; Lease No. 7779 to 1995; and Lease No. 7780 to 1997.

Two marine aggregate companies, Martin Marietta Marine Operations, LLC (Martin Marietta) and Lind Marine, LLC. (Lind) successor to Suisun Associates (the Lessees or Applicants) currently hold and operate the above mentioned leases to extract rock, sand, and gravel for commercial and beneficial uses within the region, including commercial and public construction, public infrastructure (e.g., roads, bridges, and buildings), and shoreline protection and beach replenishment projects.<sup>1</sup> As sand sources have become limited over the years, sand from mining operations and maintenance dredging has become an important component of beach and tidal wetland restoration projects within the San Francisco Bay Estuary. Martin Marietta operates four lease areas in the Central San Francisco Bay (Nos. 709.1, 2036, 7779, and 7780) (Central Bay) while Lind operates Lease 7781 in the Suisun Bay area of the western Sacramento-San Joaquin Delta (Delta). The Central Bay leases constitute 2,601-acres and consist of nine parcels of submerged lands within four leases currently issued by the Commission (Figure 1). The Suisun Bay lease

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<sup>1</sup> The leases currently held by Martine Marietta were assigned from Hanson Marine Operations, Inc. in 2022 ([Item 33, February 25, 2022](#)).

area totals 936 acres and consists of two parcels of submerged lands within a single Commission-issued lease.

The Commission last authorized leases to conduct sand mining in the Central San Francisco Bay and Suisun Bay in 2012 ([Item 101, October 19, 2012](#)) and 2013 ([Item 42, February 22, 2013](#)), respectively. Those approvals were issued after certification of an Environmental Impact Report (EIR), CSLC [EIR No. 742](#), State Clearinghouse Number 2007072036 (2012 EIR). The adequacy of the 2012 EIR was challenged in the Superior Court of San Francisco on various grounds, all but one of which were upheld in *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 Cal. App. 4th 202. The court found the 2012 EIR to be fully compliant with the California Environmental Quality Act (CEQA); however, the court held that the Commission had failed to fully analyze and find whether sand mining was a proper use of public trust lands. The Commission adopted revised public trust findings in 2016 ([Item 33, June 28, 2016](#)), which were again contested in *San Francisco Baykeeper, Inc. v. State Lands Commission* (2018) 29 Cal. App. 5th 562 (Baykeeper II). The Baykeeper II court disagreed with the Commission's finding that sand mining was consistent with the Public Trust; however, it held that the Commission had substantial evidence to conclude that "sand mining activities would not impair public trust uses." (*Id.* at 580), justifying approval of the Leases.

Since issuance of the 2012 EIR, extensive fieldwork and studies have been conducted on the effects of sand mining in the San Francisco and Suisun Bays (a total of 12 studies were completed). Applicant funding of these studies was a condition of approval for permits issued by the San Francisco Bay Conservation and Development Commission (BCDC) and the San Francisco Regional Water Quality Control Board. Experts on two Technical Advisory Committees designed the studies to provide review and interpretation of benthic and sediment transport, geomorphology, and water quality, among other topics (Sand Studies).<sup>2</sup> The last of these studies was completed in 2025.

The Applicants now seek new 10-year leases. Although the express term of the leases issued in 2012 and 2013 have expired, they remain in "holdover" and continue on a year-by-year basis under their prior terms. The Applicants dutifully submitted applications for additional 10-year terms in 2020. The length of

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<sup>2</sup> For more information on BCDC and the TAC's work visit: [www.bcdc.ca.gov/programs/sediment-management/commission-workshop-on-sand/sand-mining-workshop-report/](http://www.bcdc.ca.gov/programs/sediment-management/commission-workshop-on-sand/sand-mining-workshop-report/).

application processing is primarily a function of awaiting completion of the Sand Studies so they could be considered in the CEQA analysis of the lease applications.

Staff have confirmed rent payments have been received for all leases through 12/31/2026. Staff recommend the following credit amounts towards future rent for all leases.

Lease 709: \$1,483.52

Lease 2036: \$414.42

Lease 7779: \$2,279.32

Lease 7780: \$468.01

Lease 7781: \$1,671.98

**THE REVISED PROJECT**

The Applicants propose a substantial continuation of the same activities, in the same areas occurring since the 2012 and 2013 approvals, for an additional 10-year period (Revised Project). The primary change proposed for the Revised Project is a reduction of the total maximum allowed annual mined sand volume over that approved in the 2012 EIR<sup>3</sup> (Table 1) and inclusion and consideration of variances issued by the Commission and Incidental Take Permits (ITPs) issued by the California Department of Fish and Wildlife (CDFW) since 2012. An additional private lease area in the Middle Ground Shoal of Suisun Bay (not under Commission jurisdiction) is also evaluated in this SEIR.

**Table 1. Permitted Sand Mining Volumes, Current and Proposed**

<b>Lease Area</b>	<b>Lease No.: Location</b>	<b>Current Annual Authorized Lease Volumes (cy)</b>	<b>Proposed Annual Revised Project Volumes (cy)</b>
Central Bay	PRC 709.1: Presidio, Alcatraz (Martin Marietta)	340,000	235,000

<sup>3</sup> BCDC's permit capped annual mined volumes at a level lower than the current leases. However, the 2012 EIR analyzed and disclosed impacts at the higher allowable lease volumes to inform the public of the maximum potential for impact and to mitigate against those impacts.

<b>Lease Area</b>	<b>Lease No.: Location</b>	<b>Current Annual Authorized Lease Volumes (cy)</b>	<b>Proposed Annual Revised Project Volumes (cy)</b>
Central Bay	PRC 2036.1: Point Knox South (Martin Marietta)	450,000	450,000
Central Bay	PRC 7779.1: Point Knox Shoal (Martin Marietta)	550,000	550,000
Central Bay	PRC 7780.1: Alcatraz South Shoal (Martin Marietta)	200,000	160,000
<b>Total Commission Central Bay Leases</b>		<b>1,540,000</b>	<b>1,395,000</b>
Suisun Bay/Delta	PRC 7781.1: Suisun Bay/Western Delta (Lind)	300,000	235,000
<b>Total Commission Leases (All Areas)</b>		<b>1,840,000</b>	<b>1,630,000</b>
Private/Suisun Bay	Grossi Middle Ground: BCDC Permit 16-78 (Lind) <sup>1</sup>	199,866 <sup>2</sup>	120,000
<b>Total Volume (Commission and Private Leases)</b>		<b>2,039,866</b>	<b>1,750,000</b>

Notes: Units are shown in cubic yards per year

1. The private Grossi Middle Ground lease does not require Commission authorization, but mining volumes are presented for information and are included in the scope of the SEIR analysis. This approach is consistent with the 2012 EIR.
2. The 2012 EIR evaluated a volume limit of 200,000 cy.

Source: Hanson Marine Operations, Inc. Application to the Commission for New Leases (CSLC, 2020)

As described in sections 2.3.2 and 2.3.3 of the Final Supplemental Environmental Impact Report (SEIR), sand mining begins by moving a suction dredge barge into a lease area, where a drag arm, a long articulated suction pipe, is deployed to the seabed to vacuum up sand, silt, or gravel while the vessel is in motion. To protect fish, the system includes a suction vent with a fish screen designed to meet CDFW, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) standards, thereby minimizing entrainment and mortality. These screens, added in 2013, comply with federal and state biological opinions, incidental take permits, and permit conditions, and are now a standard part of sand mining operations.

Sand is offloaded at one of five offloading facilities around the San Francisco Bay Area.

The SEIR analyzes the Revised Project in conformance with CEQA and concludes that no new severe or worsening impacts are created between the project analyzed in the 2012 EIR and the Revised Project. Based on the analyses below, staff recommend that the Commission find that the Revised Project neither substantially interferes with the Public Trust Doctrine, as applied to these lands, nor substantially impairs the public rights to navigation and fishing.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6829.4, and 6890; California Code of Regulations, title 2, sections 2002 and 2902.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Staff prepared a supplement to the Commission's 2012 EIR in compliance with CEQA and the State CEQA Guidelines (Pub. Resources Code, § 21000 et seq. and Cal. Code Regs., tit. 14, § 15000 et seq., respectively) in response to the lease applications. The purpose of a supplemental EIR (SEIR) is to document the minor additions or changes necessary to make an original EIR adequate for a revised project, and it only needs to contain the information necessary to meet that purpose. An SEIR augments the previous EIR to address a limited set of issues, and the two must be considered together when a lead agency determines whether to issue a further approval for a project (14 Cal. Code Regs. § 15163).

The Revised Project, as proposed, is a modification of the project analyzed in the 2012 EIR (2012 Project), namely the continuation of the San Francisco Bay and Delta Sand Mining Project for an additional 10-year lease term at reduced total and annual permitted extraction volumes with the delivery of mined sand to fewer offloading sites than analyzed in the 2012 EIR. Because new scientific information (i.e., the Sand Studies described above), was developed subsequent to the 2012 EIR and could affect the previous analysis, the SEIR analyzes the Revised Project in light of that new information.

Under CEQA, an EIR must describe existing physical environmental conditions to establish a baseline for assessing project impacts (CEQA Guidelines §§15125[a],

15126.2[a]). While the baseline is typically set at the Notice of Preparation date, for an SEIR the appropriate baseline is the previously approved project analyzed in the original EIR, because the SEIR's purpose is to evaluate changes in the revised project relative to that prior analysis (CEQA Guidelines §§ 15162–15163; *Fairview Neighbors v. County of Ventura*, 70 Cal.App.4th 238). In this case, the SEIR compares the Revised Project—continued sand mining for 10 additional years at reduced volumes—to the 2012 Project approved in the original EIR, as conditions remain similar and the changes are limited to an extension of ongoing activities, making reliance on the original baseline consistent with CEQA and case law.

On August 15, 2025, staff filed a Notice of Availability with the State Clearinghouse (No. [2007072036](#)) and circulated a Draft SEIR for a 45-day public review period from August 15, 2025, through September 29, 2025. During the Draft SEIR public review period, staff received comments on the Revised Project from governmental agencies, organizations/groups, and individuals.

Staff held two public meeting sessions on September 11, 2025, at 2 p.m. and 6 p.m., online via Zoom. One speaker submitted oral comments. Staff received 16 written comment letters by the close of the public comment period<sup>4</sup>. A total of 170 individual comments were received in those written and oral comments. Part II of the Final SEIR provides responses to all comments received on the Draft SEIR during the public comment period. Staff released the [Final SEIR](#) on January 16, 2026.

### **SUMMARY OF ENVIRONMENTAL IMPACTS:**

As analyzed in the SEIR, the Revised Project would generate potentially significant environmental impacts associated with the following environmental resource areas:

- Biological Resources
- Hazards and Hazardous Materials
- Air Quality and Greenhouse Gas Emissions
- Cultural and Tribal Cultural Resources

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<sup>4</sup> One comment letter was received 85 days after the close of the public comment period and is discussed in the 'Other Pertinent Information' section of this staff report.

- Land Use and Recreation

One change instituted between the Draft SEIR and Final SEIR (and from the 2012 EIR) was a re-evaluation of the significance of impacts from the Revised Project on the potential entrainment of delta and longfin smelt from Class I (Significant and Unavoidable) to Class II (Potentially Significant), as discussed in the Final SEIR Section 3.2, Impact BIO-8. The Draft SEIR, Appendix F, contained an outdated (superseded) description of the various ITPs issued to the Lessee's since 2012 which, by their very issuance, are found by CDFW to fully mitigate project impacts associated with take of covered species and ensure the project would not jeopardize the continued existence of the species. The impact determination for BIO-8 in the 2012 EIR (Class I, Significant and Unavoidable) was predicated, nearly entirely, on the fact that ITPs were yet to be issued for the project, although the 2012 EIR presumed the anticipated ITPs would "fully mitigate the impacts of the taking and . . . reduce the CEQA impacts to a less-than-significant level" (p. II-182 & II-183). Changes in the Final SEIR more fully and accurately incorporate and contemplate the ITPs and operational changes instituted since 2012 concluding, with these additional permit conditions, that the potential for impact is lessened over that analyzed in the 2012 EIR and that identified in the Draft SEIR.

With the implementation of mitigation measures specified in the Final SEIR (Section 6.0), all of the impacts would be reduced to *Less than Significant*. The Mitigation Monitoring Program is attached to this staff report as Exhibit A. Furthermore, the Revised Project would not cause any new significant impacts or substantial increase in the severity of any significant impact relative to the 2012 EIR.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Pursuant to its Public Trust responsibilities, the Commission is assessing the potential effects of the Revised Project on Public Trust resources and values. In a legal challenge to the 2012 EIR, the court in *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 Cal. App. 4th 202 and confirmed in *San Francisco Baykeeper, Inc. v. State Lands Commission* (2018) 29 Cal. App. 5th 562, 568 (Baykeeper II), noted that the Commission has authority as public trustee of the submerged lands under the Bay to approve commercial sand mining subject to its affirmative duty to take the Public Trust into account. Although sand mining approved in the 2012 EIR is "not categorically permissible as a public trust use, the [Commission] may authorize private uses of trust property that do not impair the trust." (Baykeeper II, 29 Cal. App. 5th at 580). The court, relying on the Commission's

statutory authority (Cal. Pub. Resources Code secs. 6301, 6895, and 6900, amended) and findings in its staff report reapproving the sand mining leases ([Item 33, June 28, 2016](#)), held that the Commission had substantial evidence to conclude that “sand mining activities would not impair public trust uses by either substantially depleting the sand resource or substantially interfering with sand transport and coastal morphology at the San Francisco bar and Ocean Beach.” (Id.)

After reviewing the extensive scientific analysis developed in the 12 Sand Studies, Staff believes the conclusions reached by the Baykeeper II court remain valid as to the Revised Project. The FSEIR presents substantial evidence supporting a finding that the Revised Project will not impair public trust uses nor interfere with fishing or navigation (see Section 3.4.5). The Sand Studies have improved the scientific community's and agencies' understanding of the localized effects of sand mining and the pathways for sand transportation. The Sand Studies reveal that the Sacramento and San Joaquin Rivers are no longer considered significant contributors of sands to the bays, and that bay sand is not a renewable resource over the long-term; however, the Sand Studies also show that impacts of sand mining are highly localized to the areas mined, and while the San Francisco Bay and Pacific Ocean share a common pool of sand, the size of the pool of sand is unknown and a link to any significant effects of sand mining to the coast or ecologically important shoals cannot be made.<sup>5</sup>

Ultimately, based on sand transport pathway analysis, evidence of the relatively small and uncertain sand flux between Central Bay and the ocean, and sand modeling studies (as cited in the SEIR) that show negligible annual sand bed elevation changes even just outside the Golden Gate, the SEIR concluded that sand mining is not having a significant effect on sand transport to the open coast (see Final SEIR, Part II Responses to Comments, Master Response F, Sand Transport). This finding is consistent with the Independent Science Panel (2024) study<sup>5</sup>, which noted that “[s]and mining reduces this net outflux of sand...but the effect may be diffuse and locally negligible.”

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<sup>5</sup> See FSEIR section 3.4.2.1 and Appendix E. Although not relied upon in the SEIR, the [“San Francisco Bay Sand Budget, Transport, Provenance, and Bathymetric Change Studies and Potential Physical Effects of Sand Mining Activities”](#) (June 3, 2024) published by BCDC summarizing the observations of the Sand Studies notes “[e]ffects of [bay] mining to beaches and ecologically important shoals remain unquantified.” (page iv).

The Leases provide revenue to the State's General Fund through annual rent and royalties. In addition, each lease contains a Minimum Annual Royalty (MAR) which is a minimum value the Lessee's must pay the state regardless of whether mining occurs or not. The MAR for each lease is calculated based on a percentage of the lowest royalty payment received during the previous years for that lease and is intended to incentivize the Lessee to surrender its leases at a point they no longer are commercially viable.

Based on substantial evidence, the Final SEIR concludes that there are no significant and unavoidable environmental impacts due to the Revised Project. The proposed leases do not alienate the State's fee simple interest or permanently impair public rights. In addition, the leases have a limited 10-year term and do not grant the Lessee exclusive rights to the lease premises. Furthermore, the Lessee will be subject to lease terms and conditions which promote public use and safety. The proposed lease requires Lessee to indemnify the State for any liability incurred as a result of Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

## **CLIMATE CHANGE:**

### ***INTRODUCTION:***

Climate change, including sea level rise, impacts geophysical conditions of coastal zones in California, including in and around San Francisco Bay and in areas overlying the Revised Project site. Sea level rise is primarily driven by the thermal expansion of sea water as well as the melting of polar ice caps and land ice. Accelerating rates of sea level rise are attributed to increasing global temperatures due to human-induced greenhouse gas emissions.

### ***DATA AND PROJECTIONS:***

According to the [Intergovernmental Panel on Climate Change \(IPCC\)'s Sixth Assessment Report](#) (AR6), global mean sea levels increased by 0.7 feet between 1901 and 2018. The average rate of sea level rise was 0.05 inches per year between 1901 and 1971, increasing to 0.07 inches per year between 1971 and 2006, and further increasing to 0.1 inches per year between 2006 and 2018. AR6 attributes the global retreat of glaciers since the 1990s and the decrease in Arctic Sea ice area between 1979 and 1988 as well as 2010 and 2019 to human-induced climate

change via greenhouse gas emissions. In addition to higher sea levels, climate change will cause higher intensity and more frequent precipitation that will further impact coastal areas.

The combination of these conditions will likely result in increased storm surge, wave run up, and flooding in and near coastal areas as well as in rivers and tidally influenced waterways. Climate change and sea level rise will cause changing erosion and sedimentation rates, therefore impacting beaches, coastal landscape, and riverine areas. These areas will likely experience quicker rates of erosion due to increased run-up, wave force, and total water levels. Nonetheless, sediment deposition and accretion could accelerate along some shorelines, estuaries, and coasts, as rivers and creeks are expected to experience more intense sedimentation pulse events as a result of strong winter storms (intensifying sediment-bearing runoff) and periods of drought (intensifying the erodibility of watershed soils). Erosion, loss of shoreline, storm surge, and increased wetland inundation are all potential effects of accelerated sea level rise that could displace coastal human, vegetation, and wildlife populations, intensify coastal flooding, damage infrastructure, and lead to the loss of recreation areas, access to beaches, and public and private property.

In 2018, the Ocean Protection Council (OPC) published the State of California Sea-Level Rise Guidance document, which was updated and replaced in [2024](#). The 2024 version reflects the most recent scientific research on sea level rise projections, incorporating the IPCC’s 2023 AR6 report and [NOAA’s 2022 Federal Sea Level Rise Technical Report, titled Global and Regional Sea Level Rise Scenarios for the United States](#). These updates were incorporated into the OPC report through a set of five California Sea Level Scenarios from 2020 to 2150 (OPC 2024). The San Francisco tide gauge was used for the projected sea level rise scenario for the region, as listed in Table 1.

**Table 1. San Francisco Sea Level Projections**

<b>Year</b>	<b>Intermediate-High (feet)</b>	<b>High (feet)</b>
2030	0.4	0.4
2050	1.0	1.3
2100	4.8	6.5
2150	8.1	11.7

Source: Table 6, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

**ANALYSIS:**

The inundation or flooding risk presented by sea level rise would not affect the Revised Project, as it is primarily located within submerged lands already overlain by water depths of 35-50 feet or more. While it is not expected that sea level rise would have direct impacts on sand mining operations, secondary impacts are more difficult to predict.

As discussed in Section 3.4 of the SEIR, Hydrology and Water Quality, changes to bathymetry and geomorphology are limited to the mined areas, and the Revised Project is not likely to cause a significant impact on sediment transport and sand budgets in areas outside the vicinity of the lease areas, such as the San Francisco Bar or Ocean Beach. SEIR Section 3.4 also states that sand transport between Central Bay and Suisun Bay is not observed. Thus, no substantial change in volume of sediment in the littoral system or potential loss of beach area is expected to occur as a result of the Revised Project, as it is not expected to affect sediment transport outside of the immediate vicinity of the lease areas.

**TRIBAL CONSULTATION:**

For purposes of developing this SEIR, staff contacted the California Native American Heritage Commission (NAHC), which maintains two databases, the Sacred Lands File and Native American Contacts, to assist cultural resources specialists in identifying cultural resources of concern to California Native American tribes. Staff contacted the NAHC in November 2022 to obtain information about known cultural and tribal cultural resources in the Project Area and request a list of Native American Tribal representatives who may have geographic or cultural affiliation in the Project Area. The NAHC responded on December 12, 2022, stating that the Sacred Lands File database did include previously identified sacred sites in the Project Area and directed staff to contact the Federated Indians of Graton Rancheria (FIGR). The NAHC also forwarded a list of 25 additional tribal contacts for 17 Native American tribes, which staff used for outreach and coordination. Three California Native American tribes have geographic or cultural affiliation in the San Francisco Bay/Delta and had submitted a written request to the Commission staff for notification of CEQA projects pursuant to AB 52 (see generally, Pub. Resources Code, § 21080.3.1).

On May 30, 2023, staff sent Project notification letters and an invitation to consult under AB 52 to the United Auburn Indian Community of the Auburn Rancheria, the Wilton Rancheria, and the Chicken Ranch Rancheria Me-Wuk Indians of California.

Staff also notified the 18 tribes on the NAHC contact list, including the FIGR, to ensure those tribes would have an opportunity to provide meaningful input on the potential for tribal cultural resources to be found in the project area and recommend steps to be taken to ensure adverse impacts to tribal cultural resources are avoided. The outreach letters sent in May 2023 included chairpersons and representatives of the following:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe
- Wuksache Indian Tribe/Eshom Valley Band
- The Confederated Villages of Lisjan
- Kletsel Dehe Band of Wintun Indians
- Buena Vista Rancheria of Me-Wuk Indians
- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- Federated Indians of Graton Rancheria
- Guidiville Indian Rancheria
- Lone Band of Miwok Indians
- Nashville Enterprise Miwok Maidu-Nishinam Tribe
- Tsi Akim Maidu
- Tule River Indian Tribe
- Yocha Dehe Wintun Nation

Staff held consultation meetings with two tribes listed with the NAHC: Confederated Villages of Lisjan on August 16, 2023, and Wilton Rancheria on September 6, 2023. Neither tribe identified any specific tribal cultural resources in the Revised Project area. Wilton Rancheria requested additional information about the offloading sites which staff provided. No additional requests were made by the tribes.

**ENVIRONMENTAL JUSTICE:**

Under California law environmental justice is defined as “the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code, § 65040.12.) This definition is consistent with the Public Trust Doctrine’s principle that management of Public Trust lands is for the benefit of all people. In its [2018 Environmental Justice Policy](#), the Commission reaffirmed its commitment to an inclusive and transparent decision-making process. The policy emphasized equitable treatment and dignity for all individuals and directs the Commission to strive to reduce burdens and enhance benefits for marginalized and disadvantaged communities affected by proposed projects or leases.

On May 22, 2023, staff conducted outreach to 27 environmental justice organizations serving communities near the sand mining offloading sites. The letters included a brief description of the project and conveyed a desire to learn from the perspectives of the local community. Commission staff sent follow-up emails and phone calls to the environmental justice organizations; however no comments were received in response to staff’s outreach.

Consistent with California law and its Public Trust responsibilities, the Commission evaluated the regional distribution of high-minority and low-income populations in Section 5.2 of the 2012 EIR. This included analysis of communities near the sand mining lease areas and barge offloading facilities. The Commission concluded that the San Francisco Bay and Delta Sand Mining Project would not result in significant adverse environmental justice impacts.

Based on the updated analysis, Commission staff have determined that the Revised Project would not cause any new significant environmental justice impacts and would not substantially worsen any previously identified impacts disclosed in the 2012 EIR.

**CONCLUSION:**

For all the reasons above, staff believe that issuance of the proposed lease will not substantially interfere with the public rights to navigation and fishing; or substantially interfere with the Public Trust needs and values at this location, at this time, for the term of the lease; and is in the best interests of the State.

## OTHER PERTINENT INFORMATION:

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. The lessee has no right to a new lease or to renewal of any previous lease.
2. The Revised Project is not a "Covered Action" under Section 85057.5(a) of the Water Code as it is not covered by the provisions of the Delta Plan, nor will it have a significant impact on achievement of one or both of the coequal goals identified in the Sacramento-San Joaquin Delta Reform Act of 2009 (Water Code §§ 85000 et seq.).
3. On December 23, 2025, a late comment letter to the Draft SEIR was received from LS Power. The commentor argues that the Draft SEIR fails to analyze certain cumulative projects, including its own, and that mitigation is required to prevent interference with its Collinsville 500/230 kV Substation Project. Because the comment was received 85 days after the close of public comment, staff declined to officially respond to LS Power's comments in the Final SEIR. Staff notes that CEQA does not compel analysis of a particular project's effects on potential future projects that are speculative or not part of the existing physical environment. In addition, the Commission utilized its discretion to set a timeline for considering cumulative projects at the time SEIR development was "initiated" (FSEIR page 3.1-2, *Gray v. County of Madera*, (2008) 167 Cal.App.4th 1099, agencies can set cut-off dates for cumulative projects). None of the projects LS Power lists were known or knowable to the Commission at the time the Notice of Preparation was issued on May 25, 2023. LS Power's application for its project was received by the Commission in January 2025 and was therefore not foreseeable as a "probable project" for purpose of CEQA (Guidelines §15065).
4. This action is consistent with the principles of the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan by ensuring informed decision making for Commission actions by augmenting decision criteria to evaluate and address (a) balancing of competing demands for Public Trust lands and resources.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), Staff has prepared a Supplemental Environmental Impact Report (SEIR) identified as CSLC EIR No. 742, State

Clearinghouse No. 2007072036. The SEIR was prepared and circulated for public review pursuant to the provisions of CEQA (see “California Environmental Quality Act,” above). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit A.

6. Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091) are contained in the attached Exhibit B. After publication of the Final SEIR on January 16, 2026, staff discovered minor errors and inconsistencies in the Final SEIR. In response, staff prepared an [Errata to the Final SEIR](#) and published it on January 29, 2026. The Errata documents minor technical corrections and clarifications to the Final SEIR. The corrections do not constitute significant new information. The modifications simply refine and clarify the Final SEIR to provide adequate and accurate information to the Commission, responsible and trustee agencies, and members of the public.
7. Under CEQA Guidelines § 15088.5, an EIR must be recirculated if “significant new information” is added after public notice of the Draft EIR but before certification—meaning changes that could affect public review of substantial environmental impacts or feasible mitigation measures. Examples include new significant impacts, a substantial increase in impact severity, or a feasible alternative or mitigation measure that is declined. Recirculation is not required for clarifications, minor updates, or amplifications, and is considered an exception rather than the rule. In this case, neither the revisions to the Final SEIR nor the Errata introduce new significant impacts or increase severity, so recirculation is not required.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

## **APPROVALS REQUIRED:**

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- U.S. Army Corps of Engineers
- San Francisco Bay Conservation and Development Commission

- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- Surface Mining and Geology Board

## **EXHIBITS:**

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- A. Mitigation Monitoring Program
- B. Statement of Findings
- C. Land Descriptions

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Certify that the Supplemental Environmental Impact Report (SEIR), CSLC EIR No. 742, State Clearinghouse No. 2007072036, was prepared for this project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein, and in the comments received in response thereto, and that the Supplemental EIR reflects the Commission's independent judgment and analysis.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit A.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, section 15091, as contained in the attached Exhibit B.

Determine that the project, as approved, will not have a significant effect on the environment.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

**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 section 6370 et seq.

**LEASE AUTHORIZATION:**

Authorize issuance of four General - Mineral Extraction leases to Martin Marietta Marine Operations, LLC and one General - Mineral Extraction lease to Lind Marine, LLC, for the extraction of sand and gravel on the state sovereign lands described in Exhibit C, attached, for a term of 10 years, commencing on February 9, 2026.

**EXHIBIT A**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**San Francisco Bay and Delta Sand Mining Project**  
**(State Clearinghouse No. 2007072036)**

The California State Lands Commission (Commission or CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the San Francisco Bay and Delta Sand Mining Project (Revised Project) proposed by Martin Marietta Marine Operations, LLC, and Lind Marine, LLC (Applicants). In conjunction with approval of the Revised Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a), and CEQA Guidelines sections 15091, subdivision (d), and 15097.

## **MONITORING AUTHORITY**

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The purpose of a Mitigation Monitoring Program (MMP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. The MMP shall be a working guide to facilitate the implementation of the MMs and associated monitoring, compliance, and reporting activities. CSLC staff may delegate duties and responsibilities for monitoring to environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as affected jurisdictions and cities. The number of monitors assigned to the Project will depend on the number of concurrent activities and their locations. CSLC staff will ensure that appropriate agency reviews and approvals are obtained, that each person delegated any duties or responsibilities is qualified to monitor compliance, and that it is aware of and has approved any deviation from the MMP.

## **ENFORCEMENT RESPONSIBILITY**

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The CSLC, as lead agency, is responsible for enforcing the procedures adopted for monitoring through the environmental monitor. Any assigned environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to CSLC staff or its designee.

## MITIGATION COMPLIANCE RESPONSIBILITY

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The Commission is responsible for enforcing this MMP. The Project Applicants are responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicants. Standards for successful mitigation also are implicit in many MMs that include such requirements as obtaining permits or avoiding a specific impact entirely. Other MMs include detailed success criteria. Additional mitigation success thresholds may be established by applicable agencies with jurisdiction through the permit process and through the review and approval of specific plans for the implementation of MMs.

## MONITORING PROCEDURES

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**Environmental Monitors.** To confirm implementation and success of the MMs, an environmental monitor must be on-site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with CSLC staff, the environmental monitor(s) are responsible for:

- Ensuring that the Applicants have obtained all applicable agency reviews and approvals
- Coordinating with Applicants to integrate the mitigation monitoring procedures during Project implementation
- Ensuring that the MMP is followed

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to CSLC staff or its designee. CSLC staff or its designee shall approve any deviation and its correction.

**General Reporting Procedures.** Site visits and specified monitoring procedures performed by other individuals will be reported to the environmental monitor. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the environmental monitor to track all procedures required for each mitigation measure and to ensure that the timing specified for

the procedures is adhered to. The environmental monitor will note any problems that may occur and take appropriate action to rectify the problems.

**Public Access to Records.** The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available for public inspection by the Commission or its designee on request.

## MITIGATION MEASURES

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This section presents the mitigation monitoring table (Table A-1) for each environmental discipline that requires MMs. Impacts that do not require mitigation are not included (see [Supplemental Environmental Impact Report](#) Executive Summary for summary description of all Project impacts). Each table lists the following information, by column:

- Impact (impact number, title, class)
- Mitigation Measure (full text of the measure)
- Location (where impact occurs and where the MM should be applied)
- Monitoring/Reporting Action (action to be taken by the monitor or lead agency)
- Effectiveness Criteria (how the agency can know if the measure is effective)
- Responsible Agency (entity responsible to ensure MM compliance)
- Timing (before operation, during operation, etc.)

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**Table A-1. Mitigation Monitoring Program  
San Francisco Bay and Delta Sand Mining Project  
(State Clearinghouse No. 2007072036)**

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>BIO-6:</b> The Revised Project could result in smothering or burial of, or mechanical damage to, infauna and epifauna, and reduced fish foraging (Potentially significant, Class II).</p>	<p>BIO-6: Establish a 100-foot buffer around hard-bottom areas within and adjacent to Central Bay mining leases. Sand mining dredging operations must maintain a sufficient buffer zone around all hard bottom areas, especially Harding, Shag, and Arch rocks, such that dredging equipment does not come into physical contact with these sensitive hard bottom areas. This buffer zone will, at a minimum, be 100 feet from the outward edge of any hard bottom feature. In the event dredging equipment comes into physical contact with any hard bottom area during the term of the leases, it shall be immediately reported to the CSLC, who shall establish a new minimum buffer zone distance.</p>	<p>Hard bottom areas within and adjacent to Central Bay mining leases</p>	<p>Applicants to submit quarterly E-Trac data of Central Bay mining events.</p>	<p>Evidence that sand mining has taken place only outside the 100-foot buffer and hard bottom areas in the vicinity of the Central Bay leases.</p>	<p>CSLC</p>	<p>Quarterly E-Trac data to be submitted.</p>
<p><b>BIO-8:</b> The Revised Project operation of sand mining activities will cause entrainment and mortality of delta and longfin smelt (Significant, Class I).</p>	<p>BIO-8: Applicants shall implement operational measures to minimize the potential for entrainment and mortality of delta and longfin smelt.</p> <ul style="list-style-type: none"> <li>To protect delta and longfin smelt and potentially eggs and larvae from mortality related to entrainment, sand mining activities shall be restricted in both volumes and locations in all Delta mining leases from December 1 through June 30 each year, and from December 1 to April 30 in 2026. Specific seasonal restrictions, conditions, and operational requirements have been established in the current amended ITP's issued by CDFW on April 1, 2014, (No. 2081-2012-012-03 and No. 2081-2013-047-03 amended on 8/14/23, 10/14/24, and</li> </ul>	<p>Applicable to all mining locations.</p>	<p>Applicants shall submit to CSLC written documentation that they have obtained an Incidental Take Permit (ITP) and have complied with the conditions contained in the ITP.</p>	<p>Evidence of a CDFW-approved Incidental Take Permit</p>	<p>CSLC/CDFW</p>	<p>Within 12 months of issuance of new leases approval, permits shall be obtained. Provide evidence of ITP issuance and any amendments to these permits within 5 days of permit issuance.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>8/26/25), and will continue to be set through consultation with CDFW and would likely be a requirement of any ITP that may be issued for the Revised Project.</p> <ul style="list-style-type: none"> <li>• Current restrictions imposed on sand mining operations, as specified in the ITPs (CDFW 2014) and their amendments required for the Revised Project are expected to have comparable effect as current restrictions on sand mining operations, which, as specified in the NMFS Biological Opinion and the USFWS Letter of Concurrence, serve to avoid and minimize take of delta and longfin smelt. These conditions include restrictions on pump priming, limiting the total mining volume, prohibiting mining in areas of shallow water depth and in proximity to shorelines, restricting mining to the designated lease areas which are away from sensitive habitat, and monitoring and reporting the location of each mining event.</li> <li>• Applicants will consult with CDFW and obtain ITPs for their activities prior to the commencement of any new mining under any renewed lease issued by CSLC for the Revised Project. To further minimize take, the Applicants shall keep the end of the pipe and drag head as close to the bottom as possible, and no more than three feet from the bottom, when priming the pump or clearing the pipe.</li> <li>• As determined by CDFW in their issuance of an ITP for aggregate mining activities, Applicants will provide compensatory mitigation to a CDFW-approved mitigation or conservation bank covering smelt habitat.</li> </ul>					

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>The Applicants shall provide a copy of any final ITP issued by CDFW and any amendment to a final ITP to the CSLC and the San Francisco Bay Conservation and Development Commission (BCDC) within five working days of receipt.</li> </ul>					
<p><b>BIO-9:</b> The Revised Project could cause the entrainment and mortality of green sturgeon, white sturgeon, Chinook salmon and steelhead trout during sand mining. (Potentially Significant, Class II).</p>	<p>BIO-9a: Applicants shall minimize the potential for entrainment and mortality of white sturgeon.</p> <ul style="list-style-type: none"> <li>Applicants will consult with CDFW as to whether an ITP is required for their activities prior to the commencement of any new mining under any renewed lease issued by CSLC or BCDC for the Revised Project. If an ITP is required by CDFW, it must be obtained before initiating any new mining under the Revised Project. The Applicants shall provide a copy of the final ITP issued by CDFW and any amendments to that permit to the CSLC and BCDC within five working days of receipt.</li> </ul>	<p>Applicable to all mining locations.</p>	<p>Applicants shall submit to CSLC written documentation that they have obtained an Incidental Take Permit (ITP) and have complied with the conditions contained in the ITP.</p>	<p>Evidence of a CDFW-approved Incidental Take Permit and compliance with its conditions.</p>	<p>CSLC/CDFW</p>	<p>Within 12 months of issuance of new leases approval, permits shall be obtained. Provide evidence of ITP issuance and any amendments to these permits within 5 days of permit issuance.</p>
<p><b>BIO-9:</b> The Revised Project could cause the entrainment and mortality of green sturgeon, white sturgeon, Chinook salmon and steelhead trout during sand mining. (Potentially Significant, Class II).</p>	<p>BIO-9b: Applicants shall implement operational restrictions and requirements for the avoidance and minimization of entrainment of Chinook salmon</p> <ul style="list-style-type: none"> <li>Current restrictions on sand mining operations, as specified in the NMFS Biological Opinion and the USFWS Letter of Concurrence serve to avoid and minimize take of Chinook salmon. These conditions include restrictions on pump priming, limiting the total mining volume, prohibiting mining in areas of shallow water depth and in proximity to shorelines, restricting mining to the designated lease areas which are away from sensitive habitat, and monitoring and reporting the location of each mining event. Restrictions imposed in the final ITP for the</li> </ul>	<p>Applicable to all mining locations.</p>	<p>Applicants shall submit to CSLC written documentation that they have obtained an Incidental Take Permit (ITP) and have complied with the conditions contained in the ITP.</p>	<p>Evidence of a CDFW-approved Incidental Take Permit and compliance with its conditions.</p>	<p>CSLC/CDFW</p>	<p>Within 12 months of issuance of new leases approval, permits shall be obtained. Provide evidence of ITP issuance and any amendments to these permits within 5 days of permit issuance.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>Revised Project are expected to have comparable effect.</p> <ul style="list-style-type: none"> <li>• Applicants will consult with CDFW and obtain ITPs for their activities prior to the commencement of any new mining under any renewed lease issued by CSLC or BCDC for the Revised Project. To further minimize take, the Applicants shall keep the end of the pipe and drag head as close to the bottom as possible, and no more than three feet from the bottom, when priming the pump or clearing the pipe.</li> <li>• The Applicants shall provide a copy of the final ITP issued by CDFW for the Revised Project and any amendments to this permit to the CSLC and BCDC within five working days of receipt.</li> </ul> <p>In addition to the conditions of the final ITP, the following avoidance and minimization measures (developed in consultation with federal and state fish and wildlife agencies) to fully protect and mitigate impacts to juvenile Chinook salmon shall be implemented:</p> <ul style="list-style-type: none"> <li>• Operation and maintenance of the positive barrier fish screen on sand mining equipment;</li> <li>• Implementation of NMFS and USFWS operational restrictions on pump priming and clearing;</li> <li>• Review and approval by state and federal resource agencies of the mining operations of entrainment and impingement of juvenile salmonids avoidance measures within each agency's authority; and</li> <li>• Compliance monitoring and reporting to CDFW and other state and federal agencies.</li> </ul>					

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>HAZ-1:</b> Potential for accidental leak or spill of hazardous materials (Potentially Significant, Class II)</p>	<p>HAZ-1: Provide a current California non-tank Vessel Contingency Plan (CANTVCP)/ Certificate of Financial Responsibility (COFR) and spill response plan to the CSLC.</p>	<p>As applicable.</p>	<p>Provide evidence of CDFW approval of CANTVCP/ COFR and spill response plan to CSLC.</p>	<p>Evidence of approved CANTVCP or equivalent COFR and spill response plan.</p>	<p>CDFW Office of Spill Prevention and Response/ CSLC.</p>	<p>Within three months of certification of the EIR.</p>
<p><b>AIR-8:</b> The Revised Project would result in emissions of GHGs that may have a significant impact on climate change (Potentially Significant, Class II).</p>	<p>AIR-1 Implement a Greenhouse Gas Reduction Plan Prior to startup of any new sand mining operations, the Project Applicants shall prepare and submit to the California State Lands Commission (CSLC) staff for approval a GHG Reduction Plan that demonstrates how the Applicants will lower and/or offset Project-related GHG emissions, such that GHG emissions will not exceed 5,400 metric tons of CO<sub>2</sub>e in any calendar year during the 10-year lease period, or a total of 54,000 metric tons for the 10-year life of the Project. The GHG Reduction Plan shall include:</p> <ul style="list-style-type: none"> <li>• A detailed baseline inventory that identifies and calculates all sources of GHG emissions during the last full calendar year of mining operations. This inventory shall be verified by an accredited third-party verification body and reported to The Climate Registry.</li> <li>• A description of the strategies that the Applicants will employ to reduce and/or offset GHG emissions. Examples of such strategies include:                             <ul style="list-style-type: none"> <li>○ “Cold ironing” of vessels, where power from the electrical grid is substituted for diesel power during off-loading and while vessels are docked.</li> </ul> </li> </ul>	<p>Applicable to all mining locations.</p>	<p>Applicants shall provide the verified results of this inventory to the CSLC along with a description of how the GHG Reduction Plan is being implemented and documentation showing GHG offsets or reductions.</p>	<p>Verified annual GHG inventories must demonstrate reduction or offset of GHG emissions to target level.</p>	<p>CSLC or designated monitor.</p>	<p>Annual reports to be submitted to CSLC by March 31 each year.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>○ Use of biofuels or biofuel blends as a substitute or partial substitute for fossil fuels used to power tugs and barges.</li> <li>○ Purchase of carbon offset credits verified by the Climate Action Registry.</li> <li>● Detailed calculations showing the expected reduction in GHG emissions that will result from the implementation of each strategy.</li> </ul> <p>Each year during the 10-year lease period, the Applicants shall conduct another inventory of GHG emissions that shall be verified and reported. In lieu of submitting the project level inventory of GHG emissions to the Climate Registry on an annual basis, the miners shall, as indicated in their Greenhouse Gas Reduction Plan, submit annual inventories to CSLC and the Mitigation Monitoring Team and will provide annual inventory verification performed by a qualified third party such as TRC Solutions. The Applicants shall provide the verified results of this inventory to the CSLC along with a description of how the GHG Reduction Plan is being implemented and documentation showing GHG offsets or reductions.</p>					
<p><b>AIR-9:</b> The Revised Project would result in emissions of GHGs that may conflict with an applicable plan, policy, or program intended to reduce GHG emissions adopted by the State pursuant to AB 32 (Potentially Significant, Class II).</p>	<p>AIR-1 (as described for Impact AIR 8)</p>	<p>Applicable to all mining locations.</p>	<p>Applicants shall provide the verified results of this inventory to the CSLC along with a description of how the GHG Reduction Plan is being implemented and documentation showing GHG offsets or reductions.</p>	<p>Verified annual GHG inventories must demonstrate reduction or offset of GHG emissions to target level.</p>	<p>CSLC or designated monitor.</p>	<p>Annual reports to be submitted to CSLC by March 31 each year.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>CUL-1:</b> Sand mining activities could potentially result in the inadvertent discovery of archaeological historic-period resources (e.g., shipwrecks) or prehistoric Native American sites, or tribal cultural resources (Potentially Significant, Class II).</p>	<p>CUL-1a: Cease operations and notify CSLC and U.S. Army Corps of Engineers (USACE).                      If an inadvertent discovery is made of items of historic or prehistoric archaeological potential, all work activities shall immediately cease in the area of discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include shipwreck remains, including wood, iron, and steel-hulled ships as well as smaller ferrous materials such as anchors, iron ballast, chain, iron hull fasteners, rigging, and fittings of various types. The Applicants shall take the following actions:                      1. After cessation of activity, the contractor shall immediately contact the CSLC and USACE. The contractor shall not resume work in the area of the discovery until authorization is received from the CSLC and the USACE.                      2. If CSLC staff determines that a historical or archaeological resource may be present within the Revised Project site, the Applicants shall retain the services of a qualified archaeologist who meets the Professional Qualifications Standards contained in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. In the case of a shipwreck or other maritime resources, a qualified maritime archaeologist shall be retained.</p>	<p>Applicable to all mining locations.</p>	<p>Applicants to provide immediate notification of any inadvertent discovery and evidence that operations have ceased in the immediate area of the discovery. Applicants to provide annual report of all inadvertent discoveries and responses.</p>	<p>Evidence of appropriate response to inadvertent discovery including reporting and ceasing operations in the vicinity of the discovery.</p>	<p>CSLC</p>	<p>Ongoing during the lease period; annual reports to be submitted by March 31 each year.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>The archaeologist will make an immediate evaluation of the discovery and will advise CSLC staff whether it is a resource of potential scientific/historical/cultural significance. The archaeologist will make a recommendation as to what action, if any, is warranted. Based on this information, CSLC staff may require, if warranted, specific additional measures to be implemented by the Applicants no more than 48 hours from receipt of the recommendation.</p> <p>3. Measures might include: Preservation in situ of the archaeological resource (avoidance); archaeological data recovery; salvage and conservation of all or part of the resource if reasonably feasible (i.e., shipwreck); or further evaluation. CSLC staff may also require that the Applicants immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions.</p> <p>4. Artifacts found on lands under the jurisdiction of the CSLC are considered the property of the State of California. Any disposition of these artifacts requires the approval of the CSLC.</p> <p>5. The archaeologist shall submit an archaeological resources report to CSLC staff. This report shall include an evaluation of the historical significance of any discovered archaeological resource, as well as a description of the archaeological and historical research methods employed.</p>					

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>CUL-1:</b> Sand mining activities could potentially result in the inadvertent discovery of archaeological historic-period resources (e.g., shipwrecks) or prehistoric Native American sites, or tribal cultural resources (Potentially Significant, Class II).</p>	<p>CUL-1b: Cease operations and notify consulting Native American tribes if the find is Native American in origin.</p> <p>If potential tribal cultural resources are identified, procedures outlined in MM CUL-1 shall be followed. Work stoppage shall remain in place until a qualified archeologist and Tribal Monitor/Representative from the consulting Tribes have jointly determined the nature and significance of the discovery. The Tribal Monitor/ Representative shall be asked to continue to monitor for tribal cultural resources. Tribal cultural resources shall neither be photographed nor be subjected to any studies beyond such inspection as may be necessary to determine the nature and significance of the discovery. The exact location of the resources shall be kept confidential and measures shall be taken to avoid future disturbance and potential vandalism. If feasible, impacts to previously unknown tribal cultural resources shall be avoided through preservation in place. If the on-site archeologist and Tribal Monitor/ Representative determine that damaging effects on the tribal cultural resource can be avoided in place, then work in the area may resume provided the area of the discovery remains clearly marked for no further disturbance. If the on-site archeologist and Tribal Monitor/Representative determine that the find may be significant and if avoidance of the find is determined to be infeasible, CSLC shall be notified. CSLC staff shall work with the consulting Tribes on treatment/mitigation of the discoveries. Measures shall include documentation of the resource or other actions such as treating the resource with culturally appropriate dignity and</p>	<p>Applicable to all mining locations.</p>	<p>Applicants to provide immediate notification of discovery (as described for CUL-1) and if CSLC staff determined a potential tribal cultural resource may be present CSLC shall notify the consulting Native American tribes.</p>	<p>Same as CUL-1.</p>	<p>CSLC and consulting Native American tribes.</p>	<p>Ongoing during the lease period; annual summary report to be submitted by March 31 of each year.</p>

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	protecting the cultural character and integrity of the resource. The Applicants shall be responsible for the resultant mitigation costs as well as associated curation costs. All significant finding will be documented in a summary report that will be provided to pertinent consulting parties within a year of the finding.					
CUL-1: Sand mining activities could potentially result in the inadvertent discovery of archaeological historic-period resources (e.g., shipwrecks) or prehistoric Native American sites, or tribal cultural resources or (Native American) human remains (Potentially Significant, Class II).	Implement CUL-3 (as listed under Impact CUL-3).	Applicable to all mining locations.	Same as CUL-1.	Same as CUL-1.	County Coroner/CSLC.	Same as CUL-1.
<b>CUL-3:</b> Inadvertent discovery of human remains (Potentially Significant, Class II)	CUL-3: Cease operations and notify County Coroner. If human remains are discovered during sand mining activities, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be those of a Native American, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who, within 48 hours, will recommend what course of action	Applicable to all mining locations.	Same as CUL-1.	Same as CUL-1.	County Coroner/CSLC.	Same as CUL-1.

Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>should be taken in dealing with the remains. The Applicants, MLD, and CSLC staff will make all reasonable efforts to develop an agreement for the treatment, with all appropriate dignity, of any human remains and items associated with the remains (State CEQA Guidelines section 15064.5.d). The agreement would take into consideration the appropriate removal, analysis, custodianship, and final disposition of the human remains and items associated with the remains. If an agreement cannot be reached, then the landowner or authorized representative shall reinter the human remains and associated items with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. (Pub. Resources Code Section 5097.98.e).</p>					
LU-4	<p>Implement MM AIR-1, MM BIO-6, MM BIO-8, MM BIO-9a, MM BIO-9b, MM CUL-1a, CUL-1b, MM CUL-3, and MM HAZ-1.</p>	<p>Applicable to all mining locations.</p>	<p>As stated above. See MMs (BIO-6, BIO-8, BIO-9a, BIO-9b, CUL-1a, CUL-1b, CUL-3, and HAZ-1).</p>	<p>As stated above. See MMs (BIO-6, BIO-8, BIO-9a, BIO-9b, CUL-1a, CUL-1b, CUL-3, and HAZ-1).</p>	<p>As stated above. See MMs (BIO-6, BIO-8, BIO-9a, BIO-9b, CUL-1a, CUL-1b, CUL-3 and, HAZ-1).</p>	<p>Ongoing during the lease period; annual reports (applicable for MM AIR-1, MM CUL-1a, CUL-1b, and MM CUL-3) to be submitted by March 31 each year.</p>

## EXHIBIT B

### San Francisco Bay and Delta Sand Mining Project CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS

#### 1.0 INTRODUCTION

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The California State Lands Commission (Commission or CSLC), acting as a lead agency under the California Environmental Quality Act (CEQA), makes these Findings to comply with CEQA as part of its discretionary approval to authorize issuance of mineral extraction leases to Martin Marietta Marine Operations, LLC, and Lind Marine, LLC (Applicants), for use of sovereign land associated with the proposed San Francisco Bay and Delta Sand Mining Project (Revised Project). The Commission is making these Findings pursuant to Public Resources Code section 21081 and the State CEQA Guidelines<sup>1</sup> (Cal. Code Regs., tit. 14, § 15091, subd. (a)), which states in part:

*No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding.*

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Public Resources Code §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission, as the CEQA lead agency, has the principal responsibility for taking action on the Revised Project by approving leases for the Revised Project. The Commission analyzed the environmental impacts associated with the Revised Project in a [Final Supplemental Environmental Impact Report](#) (SEIR) (State

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<sup>1</sup> CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

Clearinghouse [SCH] No. 2007072036), which was published on January 16, 2026. An [Errata to the Final Supplemental Environmental Impact Report](#) was published on January 29, 2026, to document minor technical corrections and clarifications to the Final SEIR.

The Revised Project involves continued commercial mining of sand for 10 additional years from the date of lease issuance at reduced maximum annual and total sand mining volumes over the proposed lease term relative to the maximum annual and total volumes previously evaluated by the Commission in its [2012 Environmental Impact Report](#) (2012 EIR) for the term of the prior leases.

## **2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD**

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These Findings are supported by substantial evidence contained in the Final SEIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Science, Planning, and Management.

## **3.0 FINDINGS**

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Findings are required under CEQA by each public agency that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment. (Public Resources Code § 21081(a); State CEQA Guidelines § 15091(a).) These Findings, as a result, are intended to comply with the above-described mandate that for each significant effect identified in the SEIR, the Commission adopt one or more of the following, as appropriate.

1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or project alternatives identified in the Final SEIR.<sup>2</sup>

These Findings are also intended to comply with the requirement that each finding by the Commission be supported by substantial evidence in the administrative record of proceedings, as well as accompanied by a brief explanation of the rationale for each finding. (State CEQA Guidelines, § 15091, subds. (a), (b).) To that end, these Findings provide the written, specific reasons supporting the Commission’s decision under CEQA to approve the Project.

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Finding (3) is not relevant to conclusions reached in the Final SEIR for the Revised Project as there are no significant and unavoidable impacts.

All environmental impacts of the Project identified in the EIR are listed below; the significance of each impact is classified as follows.

Definition	Findings Required
<b>Significant and Unavoidable (SU)</b> . Significant adverse impact that remains significant after mitigation	Yes
<b>Less than Significant with Mitigation (LTSM)</b> . Significant adverse impact that can be eliminated or reduced below an issue’s significance criteria	Yes
<b>Less than Significant (LTS)</b> . Adverse impact that does not meet or exceed the identified significance criteria	No
<b>No Impact (NI)</b>	No

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<sup>2</sup> See Public Resources Code § 21081(a) and State CEQA Guidelines § 15091(a).

## **A. SUMMARY OF FINDINGS**

Based on public scoping and consistent with the 2012 EIR, the Revised Project will have No Impact on the following environmental resource areas:

- Aesthetics
- Agricultural Resources
- Geology and Soils
- Noise
- Population and Housing
- Public Services
- Transportation
- Utilities and Service Systems

Consistent with the 2012 EIR, the Final SEIR subsequently identified the impacts to the following resource areas as Less Than Significant:

- Hydrology and Water Quality
- Mineral Resources

For the remaining potentially significant effects, the Findings set forth below are:

- Organized by significant impacts within the following Final SEIR resource areas (see Table B-1 below).
- Numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program (MMP) in the Final SEIR (see Section 6.0 of the Final SEIR) (Findings may not be numbered sequentially, since Findings are not required when impacts are Less than Significant or there is No Impact); and
- Followed by an explanation of the rationale for each Finding.

## **B. POTENTIALLY SIGNIFICANT IMPACTS**

In certifying the Final SEIR and approving the Revised Project, the Commission imposed various mitigation measures for Project-related significant effects on the environment as lease conditions of approval of the Revised Project and concluded that impacts would be substantially lessened with implementation of these mitigation measures. Impacts determined to be LTSM are shown in Table B-1.

**Table B-1 – Potentially Significant Impacts by Resource Area**

<b>Environmental Resource Area</b>	<b>Impact Nos. (LTSM)</b>
Biological Resources	BIO-6, BIO-8, BIO-9
Hazards and Hazardous Materials	HAZ-1
Air Quality and GHG Emissions	AIR-8, AIR-9
Cultural Resources	CUL-1, CUL-3, CE CUL-1
Land Use and Recreation	LU-4, CE LU-1

**C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION**

The impacts identified below were determined in the Final SEIR to be potentially significant absent mitigation; however, after application of mitigation, the impacts were determined to be LTSM.

**1. BIOLOGICAL RESOURCES**

**CEQA Finding No. 1**

<p>Impact: <b>BIO-6. The Revised Project could result in smothering or burial of, or mechanical damage to, infauna and epifauna, and reduced fish foraging.</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

Similar to the 2012 Project analyzed in the 2012 EIR, activities proposed as part of the Revised Project have the potential to result in the smothering, burial, or loss of soft substrate benthic infauna and epifauna and hard substrate epifauna and could indirectly reduce fish foraging. The SEIR requires that mining operations maintain a minimum 100-foot buffer around hard bottom habitats to prevent dredging equipment from coming into physical contact with sensitive hard bottom areas and to ensure the Revised Project does not result in any substantial increase in the severity of a significant impact on soft or hard substrate habitats or biota relative to what was disclosed in the 2012 EIR.

Implementation of **MM BIO-6** has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM BIO-6: Establish a 100-foot buffer around hard bottom areas within and adjacent to Central Bay mining leases.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less-than-significant level (Potentially Significant, Class II).

**CEQA Finding No. 2**

Impact: **BIO-8. The Revised Project could result in entrainment and mortality of delta and longfin smelt.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.

**FACTS SUPPORTING THE FINDING(S)**

Similar to the 2012 Project analyzed in the 2012 EIR, activities proposed as part of the Revised Project have the potential to result in entrainment and mortality of delta and longfin smelt through the water intake of the suction drag head that could exceed established significance level criteria thresholds. The SEIR identified operational measures to avoid and minimize the potential for entrainment and mortality of delta and longfin smelt by imposing seasonal volume and location restrictions on sand mining through implementation of an Incidental Take Permit (ITP) required by the California Department of Fish and Wildlife (CDFW) for the Revised Project. These operational measures are expected to have improved mitigative effects over those identified in the 2012 EIR with current, operational ITPs which by their conditions serve to fully mitigate the take of delta and longfin smelt. Applicants will further be required to provide compensatory mitigation, as determined by CDFW in the issuance of an ITP, to address impacts to smelt habitat. Implementation of MM BIO-8 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM BIO-8: Applicants shall implement operational measures to minimize the potential for entrainment and mortality of delta and longfin smelt.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**CEQA Finding No. 3**

<p>Impact: <b>BIO-9. The Revised Project could cause the entrainment and mortality of green sturgeon, white sturgeon, Chinook salmon and steelhead trout during sand mining.</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

Similar to the 2012 Project analyzed in the 2012 EIR, activities proposed as part of the Revised Project have the potential to entrain green sturgeon, Chinook salmon, and steelhead trout through the water intake of the suction drag head or the drag head itself. As discussed in the 2012 EIR, and consistent with the Revised Project, implementation of National Marine Fisheries Service and U.S. Fish and Wildlife Service operational procedures, including use of a positive barrier fish screen, to avoid and minimize the potential for entrainment and mortality of green sturgeon and steelhead trout would reduce impacts to those species to less than significant.. The SEIR identified measures to avoid and minimize the potential for entrainment and mortality of white sturgeon and entrainment of Chinook salmon. These measures include consultation with CDFW to assess whether an ITP is required prior to commencement of new mining operations; restrictions on pump priming, mining volumes, and mining locations; and reporting of locations for each mining event. These measures are intended to ensure that the Revised Project would not cause a new or significant impact or a substantial increase in the severity of a significant impact than was disclosed in the 2012 EIR.

Implementation of MM BIO-9a and MM BIO-9b has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM BIO-9a: Applicants shall minimize the potential for entrainment and mortality of white sturgeon.**

**MM BIO-9b: Applicants shall implement operational restrictions and requirements for the avoidance and minimization of entrainment of Chinook salmon.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

## 2. HAZARDS AND HAZARDOUS MATERIALS

### CEQA Finding No. 4

Impact: **HAZ-1. The Revised Project includes the routine use of hazardous materials that could create a significant hazard to the public or environment if accidentally spilled or released.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.

#### FACTS SUPPORTING THE FINDING(S)

Similar to the 2012 Project analyzed in the 2012 EIR, the Revised Project includes the routine use of hazardous materials that could result in a hazard to the public or the environment if accidentally spilled or released. The SEIR identified measures that would ensure that hazardous materials, including fuel, oil, coolants, and lubricants, are properly managed to minimize the potential for accidental releases to occur. MM HAZ-1 requires the preparation of a Non-tank Vessel Contingency Plan for prevention of and response to accidental release of hydraulic fluids, solvents, oils, and residual fluids, and maintenance of a current Certificate of Financial Responsibility and Spill Contingency Plan. These measures are intended to ensure that the Revised Project would not cause a new significant impact or a substantial increase in the severity of a significant impact than was disclosed in the 2012 EIR.

Implementation of MM HAZ-1 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

#### **MM HAZ-1: Provide a California Non-tank Vessel Contingency Plan/ Certificate of Financial Responsibility.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**3. AIR QUALITY**

**CEQA Finding No. 5**

<p>Impact: <b>AIR-8. The Revised Project would result in emissions of GHGs that may have a significant impact on climate change.</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

Consistent with the 2012 Project analyzed in the 2012 EIR, activities proposed as part of the Revised Project have the potential to result in greenhouse gas (GHG) emissions from vessel engines and generators used during mining and offloading operations that could continue to exceed applicable significance thresholds, although an emissions reduction would occur relative to the 2012 Project. The SEIR identified measures to lower and/or offset Revised Project-related GHG emissions by requiring the Applicants to prepare and submit to the CSLC for approval a GHG Reduction Plan. The GHG Reduction Plan shall include a detailed baseline inventory of sources of GHG emissions, a description of strategies to reduce or offset GHG emissions (e.g., use of shore power while off-loading, use of biofouling, or purchase of carbon offset credits), and calculations to show expected reductions in GHG emissions that would result from each strategy. Implementation of these measures are intended to ensure that the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM AIR-1 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM AIR-1: Implement a Greenhouse Gas (GHG) Reduction Plan.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**CEQA Finding No. 6**

<p>Impact:     <b>AIR-9. The Revised Project would result in emissions of GHGs that may conflict with an applicable plan, policy, or program intended to reduce GHG emissions adopted by the State pursuant to AB 32.</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

Consistent with the 2012 Project analyzed in the 2012 EIR, activities proposed as part of the Revised Project have the potential to result in greenhouse gas (GHG) emissions from vessel engines and generators used during mining and offloading operations that could conflict with the State’s carbon neutrality goals set forth in the [2022 Scoping Plan for Achieving Carbon Neutrality](#) and other applicable plans, policies, or programs intended to reduce GHG emissions adopted by the State pursuant to Assembly Bill 32, the Global Warming Solutions Act of 2006. The SEIR identified measures to lower and/or offset Revised Project-related GHG emissions by requiring the Applicants to prepare and submit a GHG Reduction Plan. The GHG Reduction Plan shall include a detailed baseline inventory of sources of GHG emissions, a description of strategies to reduce or offset GHG emissions (e.g., use of shore power while off-loading, use of biofouling, or purchase of carbon offset credits), and calculations to show expected reductions in GHG emissions that would result from each strategy. Implementation of these measures are intended to ensure that the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM AIR-1 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM AIR-1: Implement a Greenhouse Gas (GHG) Reduction Plan.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

#### 4. CULTURAL AND TRIBAL CULTURAL RESOURCES

##### CEQA Finding No. 7

Impact:	<b>CUL-1. Sand mining activities could potentially result in the inadvertent discovery of archaeological historic-period resources (e.g., shipwrecks) or prehistoric Native American sites, or tribal cultural resources.</b>
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.

##### FACTS SUPPORTING THE FINDING(S)

Similar to the 2012 Project analyzed in the 2012 EIR, the potential exists for the Revised Project to uncover archaeological resources or prehistoric Native American sites during ground-disturbing activities. While no historical resources or unique archaeological resources have been recorded in the Revised Project area, and the Revised Project area has a low potential to contain buried or submerged cultural resources, the SEIR has identified measures requiring all operations to cease if an inadvertent discovery is made of items of historic or prehistoric archaeological potential. In such an instance, a qualified archeologist must be retained to assess the resource and make recommendations as to what action, if any, is warranted. If the resource could be California Native American in origin, notifications must be made to consulting Native American tribes. These measures are intended to ensure that the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM CUL-1a and MM CUL-1b has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM CUL-1a: Cease operations and notify the California State Lands Commission (CSLC) and U.S. Army Corps of Engineers (USACE).**

**MM CUL-1b: Cease operations and notify consulting Native American tribes if the find is Native American in origin.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**CEQA Finding No. 8**

Impact:	<b>CUL-3. Sand mining activities could potentially result in the discovery of human remains.</b>
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.

FACTS SUPPORTING THE FINDING(S)

Similar to the 2012 Project analyzed in the 2012 EIR, the potential exists for the Revised Project to unearth, expose, or disturb previously unknown human remains during ground-disturbing activities. The SEIR identified measures, consistent with State Health and Safety Code section 7050.5, to cease operations and to notify the County Coroner if human remains are discovered during sand mining activities. The County Coroner would make necessary findings as to the original and disposition of the remains pursuant to Public Resources Code section 5097.98, and, if the remains are determined to be those of Native American origin, notify the Native American Heritage Commission to identify a Most Likely Descendent. Implementation of these measures are intended to ensure that the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM CUL-3 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM CUL-3: Cease operations and notify County Coroner.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**CEQA Finding No. 9**

Impact:	<b>CE CUL-1. The Revised Project has a potential to cause a cumulatively considerable contribution to potential significant cumulative effects on cultural resources and tribal cultural resources.</b>
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.

FACTS SUPPORTING THE FINDING(S)

Similar to the 2012 Project analyzed in the 2012 EIR, the Revised Project, in combination with past, present, and reasonably foreseeable future (i.e., cumulative) projects in the vicinity of the Revised Project, could cause or contribute to a significant cumulative impact on previously undiscovered cultural resources and tribal cultural resources during ground-disturbing activities. The SEIR identified measures to limit the severity of the Revised Project’s incremental contribution such that the Revised Project’s incremental contribution to any significant cumulative impacts would not be cumulatively considerable.

Implementation of MM CE CUL-1 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM CE CUL-1: Implement Mitigation Measures CUL-1a, CUL 1b, and CUL-3.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**5. LAND USE AND RECREATION**

**CEQA Finding No. 10**

<p>Impact:</p>	<p><b>LU-4. Conflicts with regional or local land use plans or policies. Project inconsistency or conflict with adopted land use plans or policies could result in environmental impacts that the plans and policies were adopted to prevent.</b></p>
<p>Finding(s):</p>	<p>(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>

**FACTS SUPPORTING THE FINDING(S)**

Similar to the 2012 Project analyzed in the 2012 EIR, the Revised Project could result in environmental impacts due to inconsistency or conflict with adopted land use plans or policies including the San Francisco Bay Plan, the Suisun Marsh Protection Plan, the Solano County Local Protection Plan, and the Solano County General Plan. The SEIR identified measures to help ensure the Revised Project’s consistency with land use plans and policies by specifying that mining operations be conducted in an environmentally sound manner that minimizes interference with critical wildlife activities and maintains public trust responsibilities and needs; and with concern for the protection of aquatic organisms, sensitive fish species, wildlife and their respective habitats, and other Bay and Delta natural resources. With the

implementation of these measures, the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM AIR-1, MM BIO-6, MM BIO-8, MM BIO-9a, MM BIO-9b, MM HAZ-1, MM CUL-1a, MM CUL-1b, and MM CUL-3 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM AIR-1. Implement a Greenhouse Gas (GHG) Reduction Plan.**

**MM BIO-6. Establish a 100-foot buffer around hard bottom areas within and adjacent to Central Bay mining leases.**

**MM BIO-8. Applicants shall implement operational measures to minimize the potential for entrainment and mortality of delta and longfin smelt.**

**MM BIO-9a. Applicants shall minimize the potential for entrainment and mortality of white sturgeon.**

**MM BIO-9b. Applicants shall implement operational restrictions and requirements for the avoidance and minimization of entrainment of Chinook salmon.**

**MM HAZ-1. Provide a California Non-tank Vessel Contingency Plan/Certificate of Financial Responsibility.**

**MM CUL-1a. Cease operations and notify California State Lands Commission and Army Corps of Engineers.**

**MM CUL-1b. Cease operations and notify consulting Native American tribes if the find is Native American in origin.**

**MM CUL-3. Cease operations and notify County Coroner.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

**CEQA Finding No. 11**

<p>Impact:     <b>CE LU-1. The Revised Project has potential to cause a cumulatively considerable contribution to potential significant cumulative effects on land use and recreation.</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the SEIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

The Revised Project’s less than significant incremental impact on land use planning and recreation could combine with the incremental impacts of past, present, and reasonably foreseeable future projects to cause or contribute to a significant cumulative effect on land use and recreation. The SEIR identified measures to enhance consistency with adopted land use plans or policies including the San Francisco Bay Plan, the Suisun Marsh Protection Plan, the Solano County Local Protection Plan, and the Solano County General Plan. With the implementation of these measures, the Revised Project would cause no new significant impact and no substantial increase in the severity of a significant impact relative to what was disclosed in the 2012 EIR.

Implementation of MM AIR-1, MM BIO-6, MM BIO-8, MM BIO-9a, MM BIO-9b, MM HAZ-1, MM CUL-1A, MM CUL-1b, and MM CUL-3 has been incorporated into the Revised Project to reduce this impact to a less-than-significant level.

**MM AIR-1. Implement a Greenhouse Gas (GHG) Reduction Plan.**

**MM BIO-6. Establish a 100-foot buffer around hard bottom areas within and adjacent to Central Bay mining leases.**

**MM BIO-8. Applicants shall implement operational measures to minimize the potential for entrainment and mortality of delta and longfin smelt.**

**MM BIO-9a. Applicants shall minimize the potential for entrainment and mortality of white sturgeon.**

**MM BIO-9b. Applicants shall implement operational restrictions and requirements for the avoidance and minimization of entrainment of Chinook salmon.**

**MM HAZ-1. Provide a California Non-tank Vessel Contingency Plan/Certificate of Financial Responsibility.**

**MM CUL-1a. Cease operations and notify California State Lands Commission and Army Corps of Engineers.**

**MM CUL-1b. Cease operations and notify consulting Native American tribes if the find is Native American in origin.**

**MM CUL-3. Cease operations and notify County Coroner.**

POTENTIALLY SIGNIFICANT, CLASS II. With the mitigation described above, this impact is reduced to a less-than-significant level.

#### **D. NO SIGNIFICANT AND UNAVOIDABLE IMPACTS**

No impacts were determined in the Final SEIR to be significant and unavoidable.

#### **E. FINDINGS ON ALTERNATIVES**

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1000:

*When it comes time to decide on project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible.... At this final stage of project approval, the agency considers whether '[s]pecific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].*

The two alternatives analyzed in the SEIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project.

These alternatives include:

- 1) No Project Alternative
- 2) Reduced Project Alternative

As presented in Section 4.0 of SEIR, the alternatives were described and compared with each other and with the Revised Project.

Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. As analyzed in Sections 4 and 5.7 of the SEIR, the No Project Alternative would be the environmentally superior alternative because it would avoid all of the potential significant impacts of the Revised Project. Therefore, consistent with the direction in CEQA Guidelines section 15126.6(e)(2) and based on the comparison of alternatives provided in Section 4 of the SEIR, among the other alternatives, the Commission has identified the Reduced Project Alternative as the environmentally superior alternative.

The CSLC elected to revisit other potential alternatives initially considered in the 2012 EIR in the current context of the SEIR. The 2012 EIR initially considered four potential alternatives that ultimately were rejected from more detailed consideration: Mining of Shipping Channels Alternative, Import of Sand Alternative, Central Bay Only Alternative, and Suisun Bay and Delta Only Alternative (2012 EIR Section 3.2, pages 3-4 through 3-7).

The following 5 CEQA alternatives were proposed and evaluated in the SEIR and rejected for the following reasons:

**1) Mining of Shipping Channels Alternative**

As described in 2012 EIR Section 3.2.1 (page 3-4), “[t]his alternative would restrict sand mining to areas that are maintained through periodic dredging of shipping channels.” The CSLC rejected this alternative as infeasible in the 2012 EIR: “This alternative is considered technically infeasible, because, for the most part, sand of the grain size and quality sought by the sand miners (i.e., sand having a low percentage of fine material – silts, clay, and mud) is not deposited in the shipping channels.” Because this continues to be true for the Revised Project, the CSLC has rejected the Mining of Shipping Channels Alternative as infeasible.

**2) Import of Sand Alternative**

As described in 2012 EIR Section 3.2.2 (page 3-4), “[t]his alternative would involve importation of sand from outside the Bay Area region, most likely from British Columbia or Mexico. Material would be imported by ocean barge or ship.” The CSLC rejected this alternative in the 2012 EIR “because it does not meet the Project objective and because it would likely result in substantial new GHG emissions that would conflict with California climate change policy” (2012 EIR Section 3.2.2, pages 3-4 and 3-5). The 2012 Project and the Revised Project

share a common purpose, which is to renew necessary permits and approvals to continue mining sand at an economically viable level in San Francisco Bay for the next 10 years (see 2012 EIR Section 3.1.1, page 3-1; see also, Section 2.2 of the SEIR). The Commission's rationale for rejecting the Import of Sand Alternative in the 2012 EIR remains valid for the Revised Project. Accordingly, the Commission has rejected this alternative, as the alternative does not meet the objective of the Revised Project.

### **3) Central Bay Only Alternative**

As described in 2012 EIR Section 3.2.3 (page 3-5), "[t]he Central Bay Only Alternative would restrict sand mining to the Central Bay lease sites." The CSLC rejected it from more detailed consideration in the 2012 EIR "because it would foreclose all sand mining opportunities for one of the Applicants" and so would not achieve the objective of the 2012 Project. For the Revised Project evaluated in the SEIR, the Central Bay Only Alternative would reduce the total volume of sand proposed to be mined to 1,395,000 cubic yards. This volume is approximately 80 percent of the proposed total volume of cubic yards per year for all lease areas. The Commission's rationale for rejecting the Central Bay Only Alternative in the 2012 EIR continues to be true for the Revised Project, as the alternative does not meet the objective of the Revised Project.

### **4) Suisun Bay and Delta Only Alternative**

As described in 2012 EIR Section 3.2.3 (page 3-5), "[t]his alternative would restrict mining to the Suisun Bay and western Delta mining leases only; no mining would occur in the Central Bay." In 2012, the Commission rejected this alternative from more detailed consideration "because the limited mining volumes would substantially limit the ability of this alternative to achieve the Project objective." For the Revised Project evaluated in the SEIR, the Suisun Bay and Delta Only Alternative would reduce the total volume of sand proposed to be mined to 355,000 cubic yards. This volume is approximately 20 percent of the proposed total volume of cubic yards per year for all lease areas. Because the limited mining volumes would substantially limit the ability of the alternative to achieve the Revised Project objective of continuing to mine sand at an economically viable level over the next 10 years, the Commission rejected the Suisun Bay and Delta Only Alternative.

### 5) Clamshell Dredge Mining Alternative

As described in 2012 EIR Section 3.3.3 (page 3-13), the Clamshell Dredge Mining Alternative would mine sand using a clamshell bucket and crane rather than a suction dredge. At the time the alternative was rejected because it could “mobilize more sediment into the water column, create a more extensive or severe turbidity plume, and take about five times longer to mine the same amount of material, thus resulting in greater amounts of air emissions” (2012 EIR, page 3-13). Potential impacts to air quality for the Clamshell Dredge Mining Alternative remain a concern for the Revised Project. Additionally, the Clamshell Dredge Mining Alternative is not expected to reduce impacts to biological resources, compared with the Revised Project. Because the Revised Project operations include use of the fish screen, the potential for take of listed delta or longfin smelt is substantially reduced when compared to the 2012 Project. Because the Clamshell Dredge Mining Alternative would have the potential to take listed species, the CSLC has rejected the Clamshell Dredge Mining Alternative because it would not avoid or substantially reduce impacts of the Revised Project.

## 4.0 CONCLUSION

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The Commission has considered all of the environmental impacts described in the SEIR, including those that may affect Public Trust uses of State sovereign land. Each of the environmental effects of the Revised Project could be mitigated to less than significant. No significant unavoidable impacts would result. Based upon the objectives identified in the Final SEIR and the detailed mitigation measures imposed upon the Revised Project, the Commission has determined that the Revised Project should be approved, subject to such mitigation measures (Exhibit A, Mitigation Monitoring Program).

**EXHIBIT C**

**LEASE 709**

**LAND DESCRIPTION**

Three parcels of submerged lands lying in the bed of the San Francisco Bay, San Francisco and Marin Counties, State of California, more particularly described as follows:

**PARCEL 1 – 709 NORTH**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 5 and by the line connecting said point 5 with said point 1.

<u>Latitude North</u>	<u>Longitude West</u>
1) 37°51'28"	122°26'43"
2) 37°50'48"	122°26'15"
3) 37°50'35"	122°27'02"
4) 37°50'35"	122°27'31"
5) 37°50'57"	122°27'30"

EXCEPTING THEREFROM all that portion lying within the Federal Lands as described in Chapter 81, Statutes 1897.

**PARCEL 2 – 709 EAST**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 41 and by the line connecting said point 41 with said point 1.

<u>Latitude North</u>	<u>Longitude West</u>
1) 37°49'23"	122°26'17"
2) 37°49'26"	122°26'16"
3) 37°49'28"	122°26'14"
4) 37°49'30"	122°26'12"
5) 37°49'33"	122°26'07"
6) 37°49'34"	122°26'03"
7) 37°49'36"	122°26'00"
8) 37°49'37"	122°25'57"
9) 37°49'38"	122°25'55"
10) 37°49'39"	122°25'53"
11) 37°49'41"	122°25'49"
12) 37°49'42"	122°25'48"
13) 37°49'43"	122°25'47"
14) 37°49'46"	122°25'46"

15)	37°49'47"	122°25'45"
16)	37°49'49"	122°25'44"
17)	37°49'50"	122°25'42"
18)	37°49'50"	122°25'41"
19)	37°49'50"	122°25'39"
20)	37°49'49"	122°25'37"
21)	37°49'48"	122°25'36"
22)	37°49'47"	122°25'35"
23)	37°49'45"	122°25'33"
24)	37°49'42"	122°25'31"
25)	37°49'40"	122°25'30"
26)	37°49'38"	122°25'29"
27)	37°49'36"	122°25'28"
28)	37°49'34"	122°25'28"
29)	37°49'32"	122°25'29"
30)	37°49'31"	122°25'30"
31)	37°49'30"	122°25'32"
32)	37°49'30"	122°25'34"
33)	37°49'29"	122°25'36"
34)	37°49'29"	122°25'39"
35)	37°49'28"	122°25'42"
36)	37°49'28"	122°25'45"
37)	37°49'27"	122°25'47"
38)	37°49'26"	122°25'50"
39)	37°49'25"	122°25'52"
40)	37°49'24"	122°25'53"
41)	37°49'23"	122°25'53"

EXCEPTING THEREFROM all that portion lying within the Federal Lands as described in Chapter 81, Statutes 1897.

**PARCEL 3 – 709 SOUTH**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 76 and by the line connecting said point 76 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°48'48"	122°26'30"
2)	37°48'48"	122°26'32"
3)	37°48'46"	122°26'36"
4)	37°48'45"	122°26'38"
5)	37°48'45"	122°26'40"
6)	37°48'44"	122°26'43"
7)	37°48'43"	122°26'46"
8)	37°48'42"	122°26'50"
9)	37°48'41"	122°26'52"

10)	37°48'40"	122°26'54"
11)	37°48'39"	122°26'58"
12)	37°48'38"	122°26'59"
13)	37°48'48"	122°27'00"
14)	37°48'37"	122°27'01"
15)	37°48'36"	122°27'04"
16)	37°48'35"	122°27'07"
17)	37°48'35"	122°27'09"
18)	37°48'35"	122°27'10"
19)	37°48'34"	122°27'12"
20)	37°48'34"	122°27'14"
21)	37°48'34"	122°27'16"
22)	37°48'35"	122°27'18"
23)	37°48'35"	122°27'19"
24)	37°48'35"	122°27'21"
25)	37°48'36"	122°27'24"
26)	37°48'36"	122°27'26"
27)	37°48'35"	122°27'29"
28)	37°48'35"	122°27'30"
29)	37°48'34"	122°27'32"
30)	37°48'33"	122°27'33"
31)	37°48'33"	122°27'35"
32)	37°48'33"	122°27'37"
33)	37°48'33"	122°27'39"
34)	37°48'33"	122°27'41"
35)	37°48'34"	122°27'43"
36)	37°48'39"	122°27'45"
37)	37°48'42"	122°27'46"
38)	37°48'43"	122°27'47"
39)	37°48'45"	122°27'47"
40)	37°48'47"	122°27'47"
41)	37°48'48"	122°27'47"
42)	37°48'48"	122°27'46"
43)	37°48'49"	122°27'44"
44)	37°48'50"	122°27'40"
45)	37°48'51"	122°27'37"
46)	37°48'51"	122°27'34"
47)	37°48'52"	122°27'31"
48)	37°48'53"	122°27'28"
49)	37°48'53"	122°27'25"
50)	37°48'54"	122°27'24"
51)	37°48'56"	122°27'20"
52)	37°48'59"	122°27'17"
53)	37°49'00"	122°27'15"
54)	37°49'02"	122°27'13"
55)	37°49'04"	122°27'11"

56)	37°49'05"	122°27'10"
57)	37°49'07"	122°27'07"
58)	37°49'08"	122°27'06"
59)	37°49'08"	122°27'03"
60)	37°49'07"	122°27'02"
61)	37°49'06"	122°27'01"
62)	37°49'05"	122°27'00"
63)	37°49'04"	122°26'59"
64)	37°49'03"	122°26'56"
65)	37°49'02"	122°26'52"
66)	37°49'02"	122°26'50"
67)	37°49'02"	122°26'48"
68)	37°49'02"	122°26'46"
69)	37°49'03"	122°26'44"
70)	37°49'03"	122°26'41"
71)	37°49'04"	122°26'38"
72)	37°49'06"	122°26'34"
73)	37°49'07"	122°26'32"
74)	37°49'08"	122°26'31"
75)	37°49'09"	122°26'30"
76)	37°49'08"	122°26'29"

Said points are Geographic Coordinates referenced to the North American Datum of 1983 (NAD 83).

**END OF DESCRIPTION**

The above description is based on that original description prepared by Steve Lehman on 02/27/2012 as found in PRC 709.1 on file at the Sacramento office of the California State Lands Commission.



**EXHIBIT C**

**PRC 2036.1**

**LAND DESCRIPTION**

A parcel of submerged lands lying in the bed of the San Francisco Bay, San Francisco and Marin Counties, State of California, more particularly described as follows:

**PARCEL 1 – PRC 2036**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 8 and by the line connecting said point 8 with said point 1.

<u>Latitude North</u>	<u>Longitude West</u>
1. 37°50'57"	122°27'30"
2. 37°50'35"	122°27'31"
3. 37°50'35"	122°27'02"
4. 37°50'48"	122°26'15"
5. 37°50'44"	122°26'12"
6. 37°50'21"	122°26'59"
7. 37°50'22"	122°27'45"
8. 37°50'51"	122°27'39"

Said points are Geographic Coordinates referenced to the North American Datum of 1983 (NAD 83).

**END OF DESCRIPTION**

The above description is based on that original description prepared by Steve Lehman on 02/27/2012 as found in PRC 2036.1 on file at the Sacramento office of the California State Lands Commission.



**EXHIBIT C**

**LEASE 7779**

**LAND DESCRIPTION**

Three parcels of submerged lands lying in the bed of the San Francisco Bay, San Francisco and Marin Counties, State of California, more particularly described as follows:

**PARCEL 1 – 7779 NORTH**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 3 and by the line connecting said point 3 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°52'08"	122°27'00"
2)	37°51'18"	122°27'22"
3)	37°51'48"	122°26'38"

EXCEPTING THEREFROM all that portion lying within the Federal Lands as described in Chapter 81, Statutes 1897.

**PARCEL 2 – 7779 EAST**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 4 and by the line connecting said point 4 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°51'11"	122°26'09"
2)	37°50'37"	122°25'49"
3)	37°50'52"	122°25'13"
4)	37°51'13"	122°25'25"

EXCEPTING THEREFROM all that portion lying within the Federal Lands as described in Chapter 81, Statutes 1897.

**PARCEL 3 – 7779 WEST**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 11 and by the line connecting said point 11 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°50'56"	122°27'38"
2)	37°50'44"	122°28'00"

3)	37°49'44"	122°27'59"
4)	37°49'44"	122°26'44"
5)	37°49'47"	122°26'44"
6)	37°49'48"	122°26'00"
7)	37°49'59"	122°26'00"
8)	37°49'59"	122°26'15"
9)	37°50'43"	122°26'14"
10)	37°50'21"	122°26'59"
11)	37°50'22"	122°27'45"

Said points are Geographic Coordinates referenced to the North American Datum of 1983 (NAD 83).

### END OF DESCRIPTION

The above description is based on that original description prepared by Steve Lehman on 02/27/2012 as found in PRC 7779.1 on file at the Sacramento office of the California State Lands Commission.



**EXHIBIT C**

**LEASE 7780**

**LAND DESCRIPTION**

Two parcels of submerged lands lying in the bed of the San Francisco Bay, San Francisco County, State of California, more particularly described as follows:

**PARCEL 1 – 7780 NORTH**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 4 and by the line connecting said point 4 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°49'59"	122°26'00"
2)	37°49'47"	122°26'00"
3)	37°49'55"	122°25'40"
4)	37°49'59"	122°25'42"

**PARCEL 2 – 7780 SOUTH**

All that land bounded by the lines connecting, sequentially, the following points numbered 1 through 18 and by the line connecting said point 18 with said point 1.

	<u>Latitude North</u>	<u>Longitude West</u>
1)	37°49'29"	122°25'36"
2)	37°49'29"	122°25'39"
3)	37°49'28"	122°25'42"
4)	37°49'28"	122°25'45"
5)	37°49'27"	122°25'47"
6)	37°49'26"	122°25'50"
7)	37°49'25"	122°25'52"
8)	37°49'24"	122°25'53"
9)	37°49'23"	122°25'53"
10)	37°49'23"	122°26'04"
11)	37°48'48"	122°26'04"
12)	37°48'45"	122°25'43"
13)	37°48'46"	122°25'24"
14)	37°49'03"	122°25'13"
15)	37°49'07"	122°25'42"
16)	37°49'12"	122°25'53"
17)	37°49'26"	122°25'39"
18)	37°49'26"	122°25'32"

Said points are Geographic Coordinates referenced to the North American Datum of 1983 (NAD 83).

**END OF DESCRIPTION**

The above description is based on that original description prepared by Steve Lehman on 02/27/2012 as found in PRC 7780.1 on file at the Sacramento office of the California State Lands Commission.



**EXHIBIT C**

**LEASE 7781**

**LAND DESCRIPTION**

Two parcels of tide and submerged land lying in the bed of the Suisun Bay, Broad Slough and Sacramento River, Solano, Sacramento and Contra Costa Counties, State of California, being more particularly described as follows:

**PARCEL 1 - (West Parcel):**

BEGINNING at a point having NAD 1983 coordinate of 38° 03' 01.0" North Latitude, 121° 56' 16.0" West Longitude, thence in a clockwise direction through the following 3 points:

1. 38° 03' 08.0" North Latitude, 121° 56' 13.0" West Longitude;
2. 38° 02' 53.0" North Latitude, 121° 55' 21.0" West Longitude;
3. 38° 02' 46.0" North Latitude, 121° 55' 23.0" West Longitude to the POINT OF BEGINNING.

**PARCEL 2 - (East Parcel):**

BEGINNING at a point having NAD 1983 coordinate of 38° 02' 47.0" North Latitude, 121° 55' 10.0" West Longitude, thence in a clockwise direction through the following 10 points:

1. 38° 02' 55.0" North Latitude, 121° 55' 06.0" West Longitude;
2. 38° 03' 00.0" North Latitude, 121° 53' 38.0" West Longitude;
3. 38° 03' 38.0" North Latitude, 121° 52' 10.0" West Longitude;
4. 38° 04' 01.0" North Latitude, 121° 51' 23.0" West Longitude;
5. 38° 04' 06.0" North Latitude, 121° 50' 56.0" West Longitude;
6. 38° 02' 08.0" North Latitude, 121° 50' 02.0" West Longitude;
7. 38° 01' 59.0" North Latitude, 121° 50' 12.0" West Longitude;
8. 38° 03' 54.0" North Latitude, 121° 51' 05.0" West Longitude;
9. 38° 03' 49.0" North Latitude, 121° 51' 32.0" West Longitude;
10. 38° 02' 52.0" North Latitude, 121° 53' 04.0" West Longitude to the POINT OF BEGINNING.

**END OF DESCRIPTION**

Revised 11/03/2025 by the California State Lands Commission Boundary Unit

