

4. INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND NEAR ORMOND BEACH, VENTURA COUNTY; SOUTHERN CALIFORNIA EDISON COMPANY - W 9274, PRC 4582.1.

The following appearances were made:

Eugene Marshall of Los Padres Chapter of the Sierra Club, Santa Barbara, appearing both on behalf of the Sierra Club and of GOO, Inc. Opposed issuance of the lease, claiming that there had been inadequate study of alternatives to the proposed pipeline and mooring facility, and the relative safety of large tankers unloading at sea versus smaller tankers unloading more frequently in a harbor. (By reference to the files of the State Lands Division, a complete copy of Mr. Marshall's statement is being made a part of this record.)

David A. Rickett, of the Southern California Edison Company, Los Angeles, who asked the Commission to approve issuance of the lease.

The Executive Officer responded to two questions raised by Mr. Marshall. First, as to consideration of the matter by all appropriate agencies as far as the State is concerned, he reported that all elements of the State Resources Agency were consulted and that the Resources Agency position of approval of the Environmental Impact Report is on record in the files of the Commission; and, secondly, he reported that it is understood that the Chief of the Corps of Engineers has sent the application of Southern California Edison Company on this matter to the Secretary of the Army, with a recommendation for approval.

For the record, the Executive Officer noted receipt of the following communications:

Letter submitted by the Sierra Club, indicating that Mr. Marshall would present testimony.

Telegram from Josephine Ebster, President of the Santa Barbara Audubon Society, dated April 29, 1971, stating that they were alarmed by pollution potential of Ormond Beach oil pipelines, and urging prolonged study of all possible alternatives.

Commissioner Reinecke asked if the representatives of the applicant could give some indication of what they see as the indicated safety measures that will be taken at the mooring site if such a permit is granted. Mr. David A. Rickett, Project Engineer for Southern California Edison's Ormond Generating Station, reported that the safety features proposed include complete monitoring and alarm system, whether the line is dormant or in operation. In case of very severe weather, unloading operations would be postponed.

UPON MOTION DULY MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 9 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO SOUTHERN CALIFORNIA EDISON COMPANY OF AN INDUSTRIAL LEASE, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, FOR 35 YEARS AND 6 MONTHS FROM MAY 1, 1971, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$18,521.57, WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY; PROVISION OF A \$50,000 SURETY BOND; PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$5,000,000 FOR PROPERTY DAMAGE; FOR INSTALLATION, OPERATION AND MAINTENANCE OF AN OFF-SHORE FUEL-UNLOADING FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
3. CONDITIONS THE ISSUANCE OF THE ABOVE-MENTIONED LEASE ON THE APPLICANT'S FURNISHING A DEPARTMENT OF THE ARMY PERMIT FOR THE INSTALLATION.

Attachment:

Calendar Item 20 (3 pages)

CALENDAR ITEM

4/71
W 9274
CRK

20.

INDUSTRIAL LEASE

APPLICANT: Southern California Edison Company.

LOCATION: One strip (17.8 acres) of tide and submerged land and one parcel (98.7 acres) of submerged land located near Ormond Beach, Ventura County.

LAND USE: 2 submarine pipelines (16" and 36") and a tanker mooring facility for offshore unloading of fuel oil.

TERMS: Initial period: 35 years and 6 months, from May 1, 1971.
Renewal options: 1 additional period of 13 years.
Surety bond: \$50,000.
Public liability insurance: \$200,000/\$600,000 for personal injury and \$5,000,000 for property damage.

CONSIDERATION: \$18,521.57 per annum with State reserving the right to review and reset a reasonable rental on each fifth anniversary.

BASIS FOR CONSIDERATION:
6% of appraised value of Parcel 2; 1 cent per diameter inch per lineal foot for pipelines to be installed in Parcel 1.

PREREQUISITE ITEMS:
U. S. Army Corps of Engineers permit has been requested by the applicant; approval is anticipated.

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Articles 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:
1. The plans and specifications for construction of the facility have been reviewed by Division engineers and found to be acceptable for safe operation.
2. The form of lease recommended herein has been approved by the Office of the Attorney General.

EXHIBITS: A. Land description.
B. Location map.

CALENDAR ITEM 20. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 9 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
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3. CONDITION THE ISSUANCE OF THE ABOVE-MENTIONED LEASE ON THE APPLICANT'S FURNISHING A DEPARTMENT OF THE ARMY PERMIT FOR THE INSTALLATION.

Attachment: Exhibit "A"

EXHIBIT "A"

STATE OF CALIFORNIA

TO

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation.Land Description

All the State's right, title and interest in those certain tide and submerged lands in the County of Ventura, State of California, lying within two parcels of land described as follows:

PARCEL 1

A strip of land, 100.00 feet wide, the centerline of said strip of land is described as follows:

Beginning at a point in that certain course in the Mean High Water Line shown as "North 48° 24' 11" West, 800.17 feet" on that certain Record of Survey Map filed in Book 36, page 22 of Records of Surveys, in the office of the County Recorder of said County, said point being South 48° 24' 11" East, 343.73 feet, measured along said course, from the Northwesterly terminus thereof, said point also being North 48° 24' 11" West, 456.44 feet, measured along said course, from the Southeasterly terminus thereof; thence South 41° 15' 36" West, 3498.35 feet to a point hereinafter referred to as Point 1; thence continuing South 41° 15' 36" West, 3540.81 feet to a point hereinafter referred to as Point 2; thence continuing South 41° 15' 36" West, 1220.84 feet.

PARCEL 2

Beginning at Point 2 hereinbefore referred to; thence South 42° 46' 13" East, 378.81 feet; thence South 22° 52' 59" East, 921.79 feet; thence South 08° 07' 20" West, 706.22 feet; thence South 61° 52' 40" West, 706.22 feet; thence North 87° 07' 00" West, 921.79 feet; thence North 67° 13' 51" West, 519.28 feet; thence North 12° 53' 39" West, 1312.45 feet; thence North 35° 00' 00" East, 700.00 feet; thence North 82° 53' 39" East, 1312.45 feet; thence South 42° 46' 13" East, 140.47 feet to the point of beginning.

EXCEPTING those portions of said Parcels 1 and 2 lying within the land conveyed to Southern California Edison Company by that certain Quitclaim Deed recorded March 24, 1965 as Instrument No. 21837 in Book 2756, page 416 of Official Records, in the office of said County Recorder.