

6. 15-YEAR RIGHT-OF-WAY, SUBMERGED LAND IN THE BED OF THE KINGS RIVER, KINGS COUNTY, ADJACENT TO STATE HIGHWAY 41; SOUTHERN CALIFORNIA GAS COMPANY - W. 20878, PRC 4989.

During consideration of Calendar Item 4 attached, Chairman Cory raised the question as to why a distinction is made as to the kind of utility company exempted from fee requirements. In response to his inquiry, Mr. James F. Trout, Manager, Land Operations, stated that the distinction is based on whether it is a utility engaged in supplying communication services. Chairman Cory then suggested that the staff informally inquire of some legislators as to whether or not they believe communication is a valid distinction in terms of public policy.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2910(a).
2. AUTHORIZES THE ISSUANCE TO SOUTHERN CALIFORNIA GAS COMPANY OF A 15-YEAR RIGHT-OF-WAY FROM MARCH 1, 1975, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO CHANGE THE AMOUNT OF THE ANNUAL RENT AT ANY TIME DURING THE FIRST YEAR OF THE LEASE, RETROACTIVE TO MARCH 1, 1975, AND UPON EACH FIFTH ANNIVERSARY OF THE LEASE THEREAFTER; THE PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$500,000 FOR PROPERTY DAMAGE; FOR A PIPELINE TO BE USED FOR THE TRANSMISSION OF NATURAL GAS; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 4 (3 pages)

CALENDAR ITEM

2/75

4.

ACS

W 20878

RIGHT-OF-WAY

APPLICANT: Southern California Gas Company.

AREA, TYPE LAND AND LOCATION:

A 20' x 308' parcel of submerged land in the bed of the Kings River, Kings County, adjacent to State Highway 41.

LAND USE: Pipeline to be used for the transmission of natural gas.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from March 1, 1975.

Renewal options: 3 successive periods of 10 years each.

Public liability insurance:

\$500,000/\$1,000,000 for personal injury and \$500,000 for property damage.

CONSIDERATION: \$100 per annum, with the State reserving the right to change the amount of the annual rent at any time during the first year of this lease, retroactive to March 1, 1975, and upon each fifth anniversary of the lease thereafter.

BASIS FOR CONSIDERATION:

\$100 minimum rental for this type of lease under proposed changes to 2 Cal. Adm. Code, Article 2.

PREREQUISITE TERMS:

Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 & 10.

OTHER PERTINENT INFORMATION:

1. The proposed gas line facilities constitute a relocation and replacement of existing facilities (now in a trespass status) necessitated by the Division of Highways' construction of State Route 41. State Route 41 will ultimately be a 6-lane freeway from 0.8 mile south of Route 41 and Route 198 Interchange to 0.3 mile south of the Kings/Fresno County line. Such required relocation will be to a designated 20 foot utility easement adjacent to the east boundary of the State Route 41 freeway right-of-way.

CALENDAR ITEM NO. 4. (CONTD)

2. An environmental impact report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2910(a) which exempts the replacement or reconstruction of an existing structure on the same site and substantially for the same purpose and capacity.
3. The present facilities consist of two 8" gas lines, one line is attached to the existing highway bridge and the other is buried in the bed of the Kings River. Each is to be abandoned in place in order to preclude any impact on the environment which might be caused by their removal.

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

IT IS RECOMMENDED THAT THE COMMISSION:

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Attachment: Exhibit "A"

EXHIBIT "A"

W 20878

A strip of submerged land 20 feet in width across the State-owned bed of the South Fork of the Kings River, within Section 16, T 18 S, R 20 E, MDM; Kings County, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the northeast corner of Section 21, T 18 S, R 20 E, MDM; thence N 54 47' W, 3638.78 feet to the TRUE POINT OF BEGINNING; thence N 7 16' W, 307.78 feet to the end of the herein-described centerline.

The basis of bearings for this description is the California Coordinate System, Zone 4.

END OF DESCRIPTION