

MINUTE ITEM

9/29/75
EPW
WP 497

11. 10-YEAR RENEWAL AND AMENDMENT OF LEASE PRC 497, TIDE AND SUBMERGED LAND IN THE BED OF MIDDLE RIVER BETWEEN BACON AND MILDRED ISLANDS, SAN JOAQUIN COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - WP 497, PRC 497

After consideration of Calendar Item 9 attached, and 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 2907.
2. AUTHORIZES THE ISSUANCE TO THE PACIFIC GAS AND ELECTRIC COMPANY OF A 10-YEAR AMENDMENT AND RENEWAL OF LEASE PRC 497 FROM FEBRUARY 10, 1975, IN CONSIDERATION OF RENT IN THE AMOUNT OF \$25.13 FOR PERIOD FEBRUARY 10, 1975 TO JUNE 29, 1975; \$61.64 FOR PERIOD JUNE 30, 1975 TO FEBRUARY 9, 1976 AND \$100 PER ANNUM FROM FEBRUARY 10, 1976 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON OR BEFORE FEBRUARY 10, 1976 AND ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$1,000,000 FOR PROPERTY DAMAGE, AND OTHER AMENDMENTS TO SAID LEASE AS MORE FULLY SET FORTH IN A DOCUMENT ENTITLED "AMENDMENT AND RENEWAL OF LEASE PRC 497" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 497 SHALL REMAIN IN FULL FORCE AND EFFECT; FOR THE CONTINUED MAINTENANCE OF ONE EXISTING 14-INCH NATURAL GAS PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 9 (4 pages)

A 26
S 13

CALENDAR ITEM

9/75
WP 497
EPW

9.

RENEWAL AND AMENDMENT OF LEASE PRC 497

APPLICANT: Pacific Gas and Electric Company
77 Beale Street
San Francisco, California 94106

AREA, TYPE LAND AND LOCATION:
A 0.537-acre strip of tide and submerged land approximately 50 feet by 468 feet in the bed of Middle River between Bacon and Mildred Islands, San Joaquin County.

LAND USE: Continued maintenance of a 14-inch natural gas line.

TERMS OF ORIGINAL LEASE:

Initial Period: 15 years from February 10, 1950.

Renewal Options: 2 additional periods of 10 years each.

Surety Bond: \$1,000.

Consideration: \$49.36 per annum.

First Renewal: On February 21, 1966, lease renewed for 10 years commencing February 10, 1965, for a total rental of \$202.90.

TERMS OF PROPOSED RENEWAL:

Second and last renewal period: 10 years, commencing February 10, 1975.

Public liability insurance: \$1,000,000 per occurrence for bodily injury and property damage inclusive.

CONSIDERATION: \$25.13 for period February 10, 1975 to June 29, 1975; \$61.64 for period June 30, 1975 to February 9, 1976 and \$100 per annum thereafter with the State reserving the right to fix a different rental on or before February 10, 1976 and on each fifth anniversary of the lease.

A 26
S 13

CALENDAR ITEM NO. 9. (CONTD)

BASIS FOR CONSIDERATION.

Used method that yields maximum rent:

For 2-10-75 to 6-29-75: 1¢ per diameter inch, per lineal foot-prorated for period.

For 6-30-75 to 2-9-75: \$100 minimum - prorated for period.

For 2-10-76 thereafter: \$100 minimum.

PREREQUISITE TERMS, FEES AND RENT COLLECTION:

Applicant is permittee of upland.

\$486.77 in rental monies has been deposited with the Division by the applicant.

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. Inasmuch as lease PRC 497 was originally issued March 1, 1950, Division staff has reviewed Lease PRC 497 and recommends amendments in the language of the lease to conform to present practice.

These amendments involve monetary consideration, indemnity bond and insurance, interest on deferred rent during renewal or extension, and paragraph headings. Also, the land description appearing in the original lease is being amended to meet present land description standards. This is a technical change only.

2. This project is situated on State land identified an environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category. The existing line (installed in 1950) is determined to be a compatible use consistent with identified significant environmental values. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907 which

CALENDAR ITEM NO. 9. (CONTD)

exempts an existing structure or facility that is an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE 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 2907.
2. AUTHORIZE THE ISSUANCE TO THE PACIFIC GAS AND ELECTRIC COMPANY OF A 10-YEAR AMENDMENT AND RENEWAL OF LEASE PRC 497 FROM FEBRUARY 10, 1975, IN CONSIDERATION OF RENT IN THE AMOUNT OF \$25.13 FOR PERIOD FEBRUARY 10, 1975 TO JUNE 29, 1975; \$61.64 FOR PERIOD JUNE 30, 1975 to FEBRUARY 9, 1976 AND \$100 PER ANNUM FROM FEBRUARY 10, 1976 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON OR BEFORE FEBRUARY 10, 1976 AND ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$1,000,000 FOR PROPERTY DAMAGE, AND OTHER AMENDMENTS TO SAID LEASE AS MORE FULLY SET FORTH IN A DOCUMENT ENTITLED "AMENDMENT AND RENEWAL OF LEASE PRC 497" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 497 SHALL REMAIN IN FULL FORCE AND EFFECT; FOR THE CONTINUED MAINTENANCE OF ONE EXISTING 14-INCH NATURAL GAS PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 497

A strip of tide and submerged land 50 feet wide lying in the bed of Middle River, San Joaquin County, State of California, being 25 feet on each side of the following described centerline:

BEGINNING at a point that bears N 24° 16' W, 6552.20 feet from USC & GS Triangulation station "Bacon"; said point being on the westerly bank of Middle River; thence S 78° 44' E 580 feet to the easterly bank of said Middle River and the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION