

MINUTE ITEM NO. 18
APPROVED 2 26 76

CALENDAR ITEM

2/76
EPW
WP 390

18.

RIGHT OF WAY

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

AREA, TYPE LAND AND LOCATION: A 50-foot right of way in an 0.126 acre parcel of tide and submerged land in the Mokelumne River, Sacramento and San Joaquin Counties.

LAND USE: Maintenance of a 6 5/8 inch diameter natural gas transmission line.

TERMS OF PROPOSED LEASE:
Initial period: 15 years, from February 25, 1974.
Renewal options: 3 successive periods of 10 years each.
Public liability insurance: \$1,000,000 per occurrence for combined single limit bodily injury and property damage.

CONSIDERATION: \$26.85 for the period February 25, 1974, to June 29, 1975; \$65.75 for the period June 30, 1975 to February 24, 1976; and \$100 per annum thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the lease, and reserving the right to charge rental on a through-put basis, retroactive to June 30, 1975, provided the State Lands Commission amends Title 2 of the California Administrative Code by August 1, 1976.

BASIS FOR CONSIDERATION: \$20 annual minimum rental for this type of lease or \$100 for the period February 25, 1974, to June 29, 1975, and \$100 annual minimum rental thereafter.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.
\$25 filing fee and \$100 rent deposit have been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.

A 7
S 13

CALENDAR ITEM NO. 18 (CONTD)

OTHER PERTINENT INFORMATION:

1. This activity was covered under lease PRG 390.1 which expired February 24, 1974.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in 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.
3. This project is situated on State Land identified as environmentally significant pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

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 PRG 21085; 14 CAL. ADM. CODE, 15100 ET SEQ.; AND 2 CAL ADM. CODE 2907(a).
2. DETERMINE THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECTS UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-YEAR RIGHT OF WAY FROM FEBRUARY 25, 1974, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$26.85 FOR THE PERIOD FEBRUARY 25, 1974 TO JUNE 29, 1975; \$65.75 FOR THE PERIOD JUNE 30, 1975 TO FEBRUARY 24, 1976, AND \$100 PER ANNUM THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE: PROVISION FOR RETROACTIVE RENTAL FROM JUNE 30, 1975, BASED ON A THROUGH-PUT CHARGE IN LIEU OF THE PRESENT RENTAL RATE, PROVIDED THE STATE LANDS COMMISSION AMENDS TITLE 2 OF THE CALIFORNIA ADMINISTRATIVE CODE BY AUGUST 1, 1976; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000 PER OCCURRENCE FOR COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE: FOR THE MAINTENANCE OF A NATURAL GAS TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 390

A strip of land 50 feet in width extending entirely across the State owned bed of the Mokelumne River situated in the Counties of San Joaquin and Sacramento, State of California, described as follows:

COMMENCING at the quarter section corner common to Sections 28 and 33, T5N, R5E, M.D.M.; thence N 45° 27' 30" E a distance of 3542.60 feet to the TRUE POINT OF BEGINNING; thence from said true point of beginning a strip of land 50 feet in width lying 25 feet on each side of a center line which bears N 65° 11' 30" E a distance of 110 feet.

EXCEPTING THEREFROM that portion thereof lying above the ordinary high water mark of the easterly and westerly banks of the Mokelumne River.

END OF DESCRIPTION.

Prepared

R. L. Blake

Checked

John K. A. King

Reviewed

Donald Britton

Date

1/15/76

