

MINUTE ITEM
This Calendar Item No. 07
was approved as Minute Item
No. 07 by the State Lands
Commission by a vote of 3
to 0 at its 3/1/95
meeting.

MINUTE ITEM
07

03/01/95
W 25041PRC 7816
Burks

GENERAL LEASE - PUBLIC AGENCY USE

Calendar Item C07 was moved to regular order of business and amended as follows:

During consideration of Calendar Item C07, which had been removed from the consent calendar to the regular calendar, the Assistant Executive Officer reported that at the request of the applicant, some small language changes were proposed by staff.

Staff recommended approval of the item as submitted with two amendments. One amendment would change the land use and purpose, so that the gas line could be used to supply Sacramento Municipal Utilities District's (SMUD) system rather than just four power plants. The other amendment, is to add a clause that unless prohibited by law, SMUD will negotiate with the state to allow the state to use excess capacity in the line on reasonable terms and conditions that are market based.

Mr. Steve Cohn, representing SMUD, said he would recommend the changes to the SMUD Board of Directors.

With these changes, the Commission approved Item C07.

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C07

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03/01/95
W 25041
Burks
PRC 7816

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Sacramento Municipal Utility District (SMUD)
c/o Doug Erickson
6201 "S" Street
Sacramento, California 95817

AREA, TYPE LAND AND LOCATION:

Tide and submerged land located in the Sacramento River and Babel Slough (APN 044-030-11, 13), Sacramento and Yolo Counties.

LAND USE:

Proposed installation of a 20-inch diameter buried carbon steel line pipe which will transport natural gas to four SMUD cogeneration powerplants, crossing State lands at three locations, two on the Sacramento and one at Babel Slough.

TERMS OF PROPOSED LEASE:

Initial period:
Forty-nine (49) years beginning February 1, 1995.

Consideration:

Public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

CALENDAR ITEM NO. C07 (CONT'D)

AB 884:

07/16/95

OTHER PERTINENT INFORMATION:

1. On May 11, 1994, the California Energy Commission granted the Pipeline Supplement to the Sacramento Ethanol and Power Cogeneration Project Application for Certification under its certified program (14 Cal. Code Regs. 15251 (k)), Docket No. 92-AFC-2P.
2. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253 (b), have been met for the Commission to use the environmental analysis document certified by the California Energy Commission as an EIR substitute in order to comply with the requirements of CEQA.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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 OBTAINED:

No other approvals required.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A-1. Land Description (Southerly Sacramento River crossing)
- A-2. Land Description (Northerly Sacramento River crossing)
- A-3. Land Description (Babel Slough crossing)
- B. Location Map
- C. Notice of Decision and Findings

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (CALIFORNIA ENERGY COMMISSION DECISION DOCKET NO. 92-AFC-2P) WAS CERTIFIED FOR THIS PROJECT BY THE CALIFORNIA ENERGY COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (K)).

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CALENDAR ITEM NO. C07 (CONT'D)

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096 (n) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE ISSUANCE TO THE SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD) OF A 49-YEAR GENERAL LEASE - PUBLIC AGENCY USE, EFFECTIVE FEBRUARY 1, 1995, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE PROPOSED INSTALLATION OF A 20-INCH DIAMETER BURIED CARBON STEEL LINE PIPE WHICH WILL TRANSPORT NATURAL GAS TO FOUR SMUD COGENERATION POWERPLANTS; ON THE LAND DESCRIBED ON EXHIBITS "A-1", "A-2" AND "A-3" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A-1"
Land Description
SMUD Pipeline
Southerly Sacramento River Crossing

W 25041

A parcel of State owned tide and submerged lands situated in the bed of the Sacramento River, within projected Sections 11 and 14, Township 7 North, Range 4 East, Mount Diablo Meridian, Sacramento and Yolo Counties, California, more particularly described as follows:

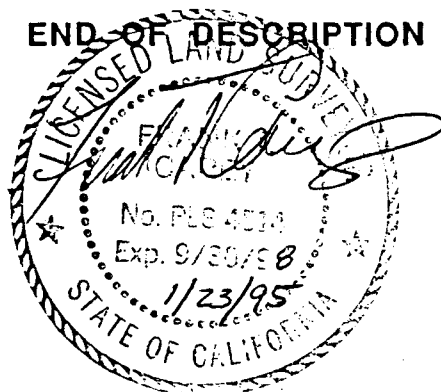
All that portion of the State owned bed of the Sacramento River situated within a strip of land 35.00 feet in width, lying 15.00 feet southerly and 20.00 feet northerly of the following described line:

Commencing at a point on the east line of Parcel C as said parcel is shown on that Record of Survey filed in Book 10 of Maps and Surveys, at Page 29, Yolo County Records, Yolo County, California, from which the southerly line of that certain 100 foot wide easement granted to "Great Western Power Company" recorded in Book 97 of Deeds at Page 254, Yolo County Records, as shown on said Record of Survey bears N07°01'33"W, 20.36 feet, and being also a point from which the southeast corner of Parcel A as shown on said Record of Survey bears N07°01'33"W, 165.30 feet; Thence from said point of commencement along a line parallel with and 20.00 feet southerly of said 100 foot wide easement granted to "Great Western Power Company" S72°08'21"W, 100.00 feet to the **TRUE POINT OF BEGINNING**, Thence from the True Point of Beginning along a line parallel with and 20.00 feet southerly of said 100 foot wide easement granted to "Great Western Power Company", N72°08'21"E, 720.00 feet to a point and the end of the above described line, from which a 2 1/4 inch Brass Disc stamped "CALTRANS MON 24-593" as shown on the State of California Department of Transportation District 3 Right of Way Map No. SAC-5-15.2 Drawing No. A-6177.5W (Sheet 9 of 12) dated April 1976, bears S72°08'21"W, 100.00 feet and S55°19'02"E, 725.91 feet.

EXCEPTING THEREFROM any portion of said strip lying landward of the Ordinary High Water Marks of the Sacramento River.

The basis of bearings of this description is the California Coordinate System (CCS83) Zone 2, NAD 83 (1992), as established from State of California Department of Transportation High Precision Geodetic Network Control points HPGN 0308 and HPGN 0309.

END OF DESCRIPTION



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EXHIBIT "A-2"
Land Description
SMUD Pipeline
Northerly Sacramento River Crossing

W 25041

A parcel of State owned tide and submerged lands situated in the bed of the Sacramento River, within projected Section 28, Township 9 North, Range 4 East, Mount Diablo Meridian, Sacramento and Yolo Counties, California, more particularly described as follows:

All that portion of the State owned bed of the Sacramento River situated within a strip of land 35.00 feet in width, lying 15.00 feet westerly and 20.00 feet easterly of the following described line:

BEGINNING at a point from which a 5/8 inch rebar with a tag stamped LS 3833 marking the most northerly corner of that parcel labeled "Rose Orchard, Inc. 23.939 Acres" as shown on that Record of Survey filed in Book 11 of Maps and Surveys, at Page 60, Yolo County Records, Yolo County, California, bears the following three consecutive courses N24°37'56"E, 100.00 feet, S46°59'58"E, 315.20 feet, and S31°17'02"W, 335.12 feet; Thence from said point of beginning N24°37'56"E, 847.10 feet to a point and the end of the above described line, from which an "axle W/3 inch top" as shown on that Parcel Map filed in Book 2 of Parcel Maps at Page 18, Sacramento County Records, Sacramento County, California, bears S24°37'56"W, 100.00 feet and N68°09'37"E, 328.59 feet.

EXCEPTING THEREFROM any portion of said strip lying landward of the Ordinary High Water Marks of the Sacramento River.

The basis of bearings of this description is the California Coordinate System (CCS83) Zone 2, NAD 83 (1992), as established from State of California Department of Transportation High Precision Geodetic Network Control points HPGN 0308 and HPGN 0309.

END OF DESCRIPTION



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EXHIBIT "A-3"
Land Description
SMUD Pipeline
Babel Slough Crossing

W 25041

A parcel of State owned tide and submerged lands situated in the bed of Babel Slough, Yolo County, California, more particularly described as follows:

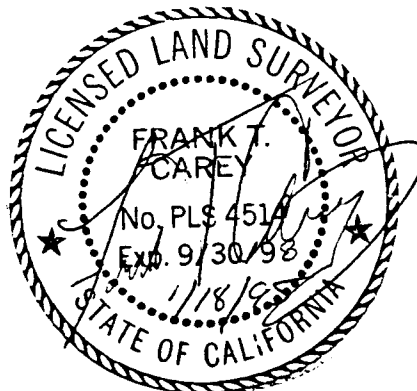
All that portion of the State owned bed of Babel Slough situated within a strip of land 35.00 feet in width, lying 15.00 feet northerly and 20.00 feet southerly of the following described line:

COMMENCING at the southerly corner of Swamp and Overflowed Land Survey 782, Yolo County, thence S43°23'07"W, 374.61 feet to the **TRUE POINT OF BEGINNING**, said true point of beginning having the following California Coordinate System of 1983 Zone 2 Coordinates Y = 1933099.53 feet, X = 6690255.94 feet, thence from said True Point of Beginning S66°34'17"E, 4030.14 feet to a point having the following California Coordinate System of 1983 Zone 2 Coordinates Y = 1934701.95 feet, X = 6686558.05 feet and the end of the above described line.

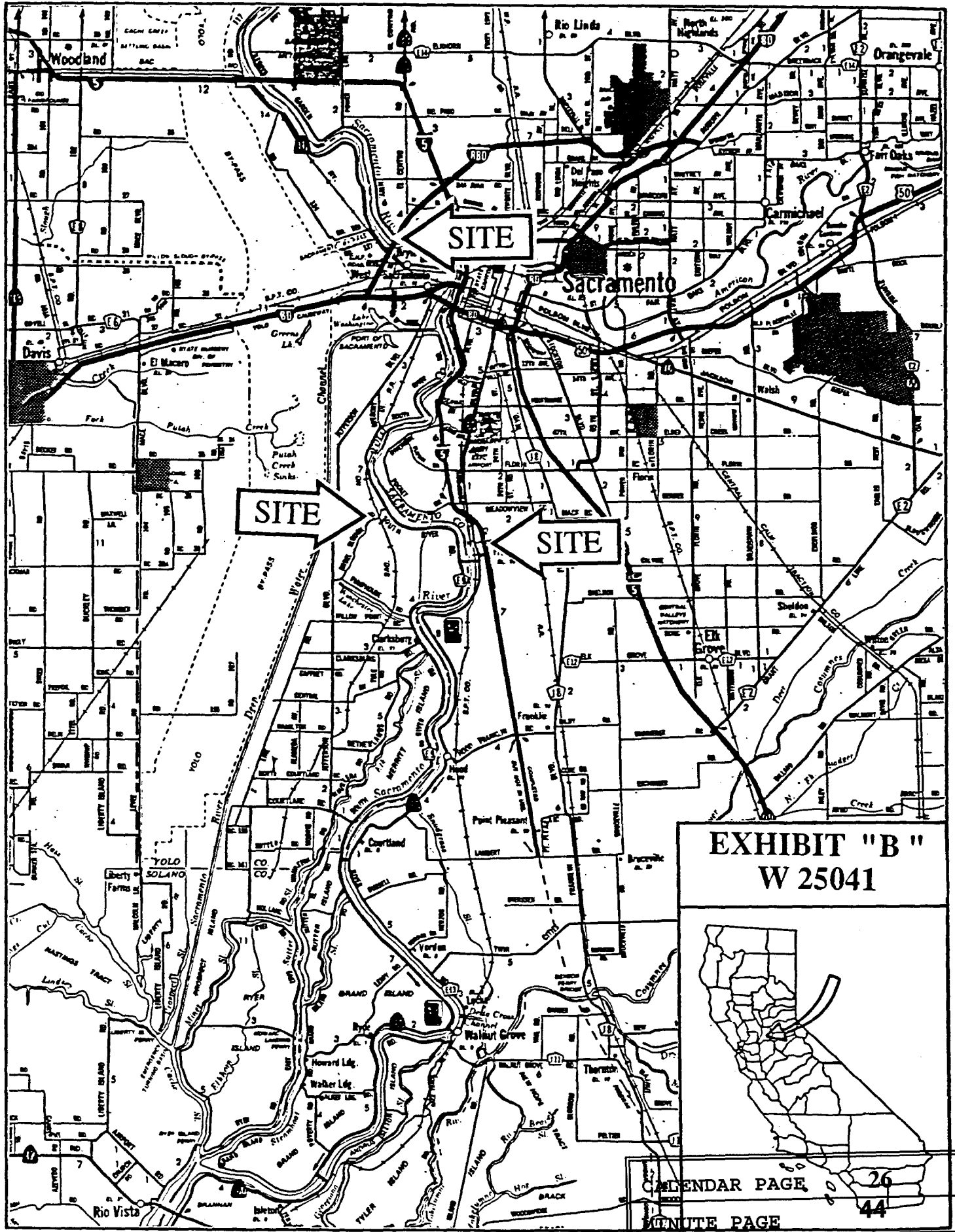
EXCEPTING THEREFROM any portion of said strip lying landward of the Ordinary High Water Marks of Babel Slough.

The basis of bearings and coordinate values of this description is the California Coordinate System (CCS83) Zone 2, NAD 83 (1992), as established from State of California Department of Transportation High Precision Geodetic Network Control points HPGN 0308 and HPGN 0309.

END OF DESCRIPTION



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SITE

SITE

SITE

EXHIBIT "B"
W 25041



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CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



NOTICE OF DECISION
FOR THE
APPLICATION FOR CERTIFICATION
FOR THE

SACRAMENTO MUNICIPAL UTILITY DISTRICT COGENERATION PIPELINE PROJECT

DOCKET NO. 92-AFC-2P

Pursuant to Public Resources Code section 21080.5 (d)(2)(v) and Title 20, California Code of Regulations section 1768, the Executive Director of the California Energy Commission (Commission) hereby submits this **NOTICE OF DECISION** for the Sacramento Municipal Utility District's Cogeneration Pipeline Project, Docket No. 92-AFC-2P.

PROJECT SUMMARY

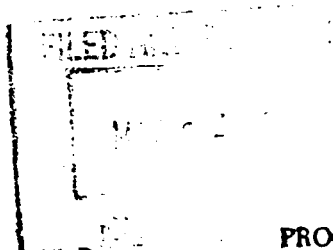
On April 28, 1993 the Sacramento Municipal Utility District (SMUD) filed the Pipeline Supplement to the Sacramento Ethanol and Power Cogeneration (SEPCO) Project Application for Certification (AFC) (92-AFC-2). The Pipeline will service the proposed SEPCO, Campbell Soup, Procter & Gamble, and Carson-Ice cogeneration projects. All of the aforementioned power plants are under the jurisdiction of the Commission. The Commission accepted for filing the Pipeline Supplement on June 9, 1993. On July 14, 1993 the Commission severed the Pipeline Project from the SEPCO proceeding in order to undertake a separate review of the Pipeline Project (92-AFC-2P). On September 24, 1993 SMUD filed a revision to the Pipeline Supplement which connects the SMUD Pipeline to the Mojave Northward Expansion Pipeline (Mojave Project).

The proposed SMUD Pipeline Project will connect with existing Pacific Gas & Electric (PG&E) gas lines 400 and 401 just north of Winters, California, in Yolo County, allowing SMUD to purchase natural gas from Canada. The total length of the proposed Pipeline is approximately 64-miles. In addition to connecting to the PG&E gas lines, SMUD will connect to the Mojave Project at the Carson-Ice Cogeneration facility, allowing SMUD to purchase natural gas from the Southwest. The Mojave Pipeline is being evaluated and licensed by the Federal Energy Regulatory Commission (FERC) and the California State Lands Commission (SLC). The Mojave Pipeline segment length is approximately 32 miles and will connect with the Mojave Main Pipeline near Stockton, San Joaquin County.

COMMISSION DECISION

On May 11, 1994 the Commission approved the project.

RECEIVED BY
Office of the Secretary



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PROOF OF SERVICE (REVISED _____) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 5/24/94

COMMISSION FINDINGS

The following are the Commission's findings on the major aspects of the project.

1. The Conditions of Certification (Mitigation Measures) and Compliance Verifications contained in the Commission Decision, if implemented by the Applicants, ensure that the project will be designed, sited, and operated in conformity with applicable local, regional, state and federal standards, ordinances, regulations and laws, including applicable public health and safety standards, and air and water quality standards.
2. Implementation of the Conditions of Certification and Compliance Verifications contained in the Commission Decision will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure that the project will not result in any significant adverse environmental impacts.
3. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
4. The evidence of record does not persuasively establish the existence of feasible, superior alternatives to the project as considered during these proceedings.
5. The pipeline is not likely to contribute to cumulative environmental impacts of significance caused by construction and operation of the powerplants to be fueled by the pipeline.

ENVIRONMENTAL DOCUMENTS

Pursuant to Public Resources Code section 21080.5 and section 15251 (k) of the California Environmental Quality Act (CEQA) Guidelines, the Commission's regulatory program is certified by the Secretary for Resources as being exempt from the requirements for preparing Environmental Impacts Reports, Negative Declarations and Initial Studies. The Commission's power plant siting process meets all the applicable requirements of CEQA.

STATEMENT OF OVERRIDING CONSIDERATION

Since the Commission found that the project would not result in significant impacts on the environment, the Commission did not make a finding of overriding consideration in this proceeding as defined by CEQA Guidelines section 15093.

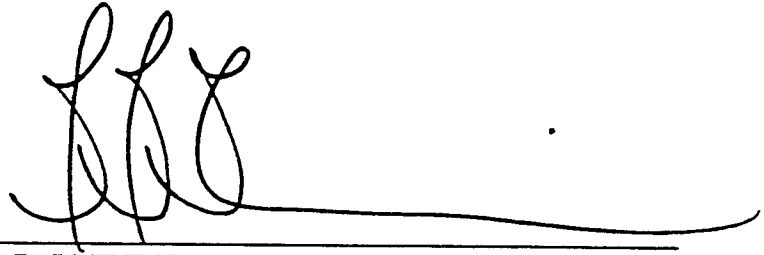
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INSPECTION OF RECORDS

The administrative and evidentiary record of this proceeding is available for public inspection Monday - Friday from 8:00 a.m to 5:00 p.m. at:

DOCKETS OFFICE
California Energy Commission
1816 9th Street
Sacramento, California
(916) 654-5076

Questions related to the proceeding should be directed to Gary C. Heath at (916) 654-3992.



Date: 5/20/94

B. B. BLEVINS
Executive Director

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