

MINUTE ITEM

This Calendar Item No. C36 was approved as
Minute Item No. 36 by the California State Lands
Commission by a vote of 2 to 0 at its
12-14-06 meeting.

**Minute Item
C36**

12-14-06

W 26025

N. Smith

**TRANS BAY CABLE LLC
(APPLICANT)**

Item C36 was moved from Consent to Regular.

Calendar Item 36: The Commission was asked to approve an application for a general lease for Trans Bay Cable for the construction of a new high voltage cable to transmit power from Pittsburg to San Francisco. The item was approved as presented by a 2-0 vote.

The item was approved as presented by a 2-0 vote.

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MINUTE PAGE

CALENDAR ITEM

C36

A 6,7,8,11,13,14

PRC 8736

12/14/06

S 2,3,5,7

W 26025

N. Smith

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Trans Bay Cable LLC
Two Harrison Street, 6th Floor
San Francisco, CA 94105

AREA, LAND TYPE, AND LOCATION:

53.65 acres, more or less, of sovereign lands in the Carquinez Strait, San Francisco, San Pablo, and Suisun Bays, between the San Francisco county line to city of Pittsburg, Marin, Solano and Contra Costa counties.

AUTHORIZED USE:

For construction, installation, operation, maintenance and use of a submarine cable bundle (ten inches in diameter) consisting of approximately 40.25 miles of high voltage direct current cable; the transmission cable will be approximately five inches in diameter and the return cable approximately four inches in diameter, along with a fiber optic communication cable.

LEASE TERM:

25 years, beginning December 15, 2006.

CONSIDERATION:

\$389,000 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$10,000,000

Bond:

\$1,000,000

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.

CALENDAR ITEM NO. C36 (CONT'D)

2. The Trans Bay Cable Project consists of installation of an approximately 53-mile-long High Voltage Direct Current (HVDC) cable below San Francisco Bay and the Carquinez Strait, from a terminus in the city of Pittsburg to a terminus in the vicinity of Potrero Point in the city of San Francisco (Exhibit A). The project will transmit electrical power from a converter station in Pittsburg to a converter station in San Francisco, providing a dedicated connection between the East Bay (which has excess electrical capacity and transmission grid congestion) and San Francisco (which is projected to experience a shortfall of electricity by 2012).
3. The project is proposed by Trans Bay Cable LLC (TBC), an affiliate of Babcock & Brown Sydney, an Australia-based company, with its major overseas office based in San Francisco, in cooperation with the city of Pittsburg and Pittsburg Power Company (PPC), a municipal utility.
4. The proposed HVDC transmission line consists of a transmission cable, a separate metallic return cable, and a fiber optic communication cable. The combined bundle will be approximately ten inches in diameter. The cable will be buried underwater and routed from the Pittsburg Converter Station into the water at Suisun Bay (New York Slough), through the Carquinez Strait and San Francisco Bay to a landing point near the San Francisco-based Converter Station.
5. Over the proposed route, protection to both the cable and the environment would be accomplished through one or more of the following: horizontal directional drilling between the shore and where the cable enters the bay; burial by hydro plow to a target depth of three-to-six feet below the bottom of the bay along the submarine route; direct cover with protective mattresses (e.g., mattress filled with mastic grout and internally lined with a geotextile) where it is not possible to reach the target burial depth due to soil characteristics such as rocky sea bottom, obstacles along the cable route, etc.; and burial to a pre-determined depth below the existing Baldwin Shipping Channel. The alignment of the cable route has been developed based on discussions with key regulatory, resource, and vessel traffic agencies.
6. Pursuant to a Purchase and Sale Agreement between TBC and PPC, entered into as of November 6, 2006, PPC will acquire ownership of the project assets of the TBC project simultaneous with the Commercial

CALENDAR ITEM NO. C36 (CONT'D)

Operation Date. Those assets will include, for example, an assignment of the lease issued by the Commission. Pursuant to a Project Administration Agreement between TBC and PPC, also entered into as of November 6, 2006, PPC will own, operate, manage, and maintain the project assets from and after the Commercial Operation Date, subject to the operational control of the California Independent System Operator.

7. This project will cross 14 existing Commission leases and right-of-way agreements under San Francisco Bay to the Carquinez Strait down to Suisun Bay. Under the terms of these existing leases/agreements, the Commission has reserved the right to unilaterally lease these lands for other uses that are not "inconsistent or incompatible" with the existing authorized uses. TBC has demonstrated that this project, utilizing mitigation methods presented to staff, will not be inconsistent or incompatible with the existing leases/agreements. Additionally, the proposed lease requires TBC to utilize commercially reasonable methods to reach an agreement with the existing lessees as to the crossings. As of this date, TCB has agreements with eight of the 14 existing lessees. These agreements show good faith on the part of TBC, but are not necessary for the Commission to authorize the lease.
8. An EIR was prepared and certified for this project by the city of Pittsburg serving as the CEQA lead agency. The California State Lands Commission staff has reviewed such document. A Mitigation Monitoring Program has been prepared and adopted in conformance with the provisions of the CEQA (Public Resources Code section 21081.6).
9. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.
10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

CALENDAR ITEM NO. C36 (CONT'D)

APPROVALS OBTAINED:

City of Pittsburg

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, Department of Fish and Game, California Department of Transportation, Bay Area Air Quality Management District, Port of San Francisco, city of Martinez, city of San Rafael, Solano and Contra Costa counties, and the San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Location Map
- B. Legal Description

PERMIT STREAMLINING ACT DEADLINE:

November 11, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF PITTSBURG AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C36 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TRANS BAY CABLE LLC OF A GENERAL LEASE – RIGHT OF WAY USE, BEGINNING DECEMBER 15, 2006, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, AND USE OF A SUBMARINE CABLE BUNDLE (TEN INCHES IN DIAMETER) CONSISTING OF APPROXIMATELY 40.25 MILES OF HIGH VOLTAGE DIRECT CURRENT CABLE, THE TRANSMISSION CABLE WILL BE APPROXIMATELY FIVE INCHES IN DIAMETER AND THE RETURN CABLE APPROXIMATELY FOUR INCHES IN DIAMETER, ALONG WITH A FIBER OPTIC COMMUNICATION CABLE, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$389,000, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$10,000,000; AND SURETY IN THE AMOUNT OF \$1,000,000.

NO SCALE

TRANS BAY CABLE LLC, PROPOSED CABLE LEASE AREA

LEGEND

- CABLE LEASE AREAS
- CABLE ROUTE IN NON-CSLC LANDS

**SAN RAFAEL
GRANT TO THE CITY OF
CH. 178 STATS. 1967**

**SAN FRANCISCO
GRANT TO THE CITY &
CO. OF SAN FRANCISCO
CH. 1333 STATS 1968,
AS AMENDED**

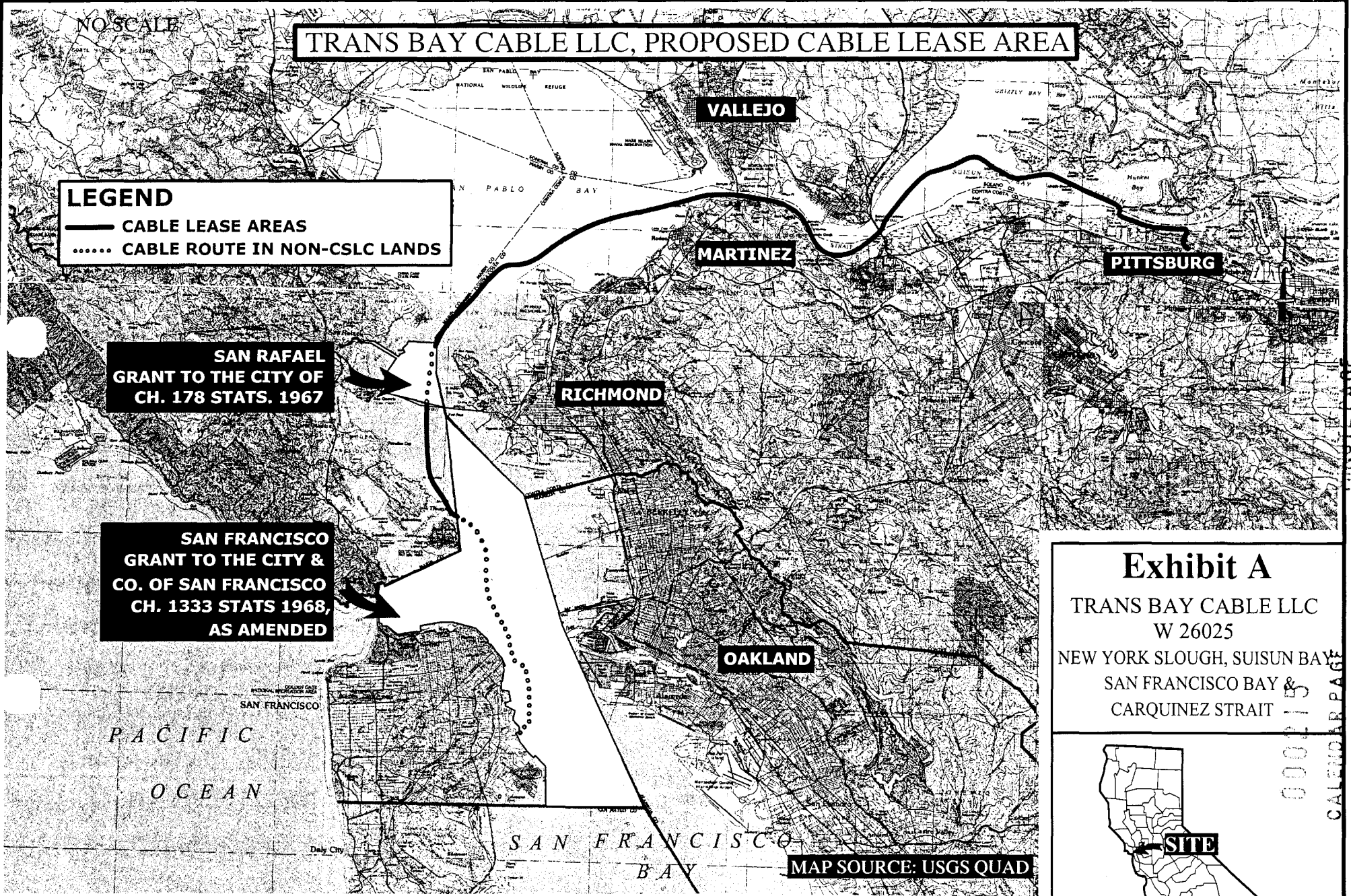


Exhibit A
 TRANS BAY CABLE LLC
 W 26025
 NEW YORK SLOUGH, SUISUN BAY
 SAN FRANCISCO BAY &
 CARQUINEZ STRAIT



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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EXHIBIT B

W 26025

LAND DESCRIPTION

All that tide and submerged land in Suisun Bay, Carquinez Strait, San Pablo Bay, San Pablo Strait and San Francisco Bay, in the Cities of Martinez, Hercules, and Pinole, and the Counties of Contra Costa, Solano and Marin, State of California, described as follows:

Parcel One

A strip of land 11.00 feet in width, the centerline of which is described as BEGINNING at a point on the ordinary high water mark of said Suisun Bay, said point being also described as having CCS83, Zone 3 coordinates: East x-coordinate = 6158841.8626 feet, North y-coordinate 2204079.5291 feet; thence along said centerline through the following two hundred six (206) angle points:

| <u>Ang. Pt. No.</u> | <u>East x-coordinate (ft)</u> | <u>North y-coordinate (ft)</u> |
|---------------------|-------------------------------|--------------------------------|
| 1) | 6158599.4343 | 2204566.7890 |
| 2) | 6158075.1015 | 2204942.0975 |
| 3) | 6157850.5449 | 2205044.5195 |
| 4) | 6157492.4380 | 2205158.4148 |
| 5) | 6156617.6100 | 2205080.5043 |
| 6) | 6155768.4368 | 2205111.4907 |
| 7) | 6154823.8419 | 2205180.3628 |
| 8) | 6153977.6476 | 2205408.0202 |
| 9) | 6152995.2072 | 2205513.9477 |
| 10) | 6152094.9303 | 2205655.0806 |
| 11) | 6151243.0769 | 2205824.6410 |
| 12) | 6150373.4465 | 2206085.5461 |
| 13) | 6149523.9001 | 2206404.4420 |
| 14) | 6148660.1174 | 2206730.8670 |
| 15) | 6147796.7738 | 2207086.4482 |
| 16) | 6146895.2968 | 2207457.2118 |
| 17) | 6146080.1638 | 2207823.0324 |
| 18) | 6145270.4799 | 2208228.8544 |
| 19) | 6145370.3557 | 2209101.3595 |
| 20) | 6145079.5959 | 2209852.4371 |
| 21) | 6144324.1128 | 2210344.8562 |
| 22) | 6143541.8787 | 2210659.2603 |
| 23) | 6142612.5834 | 2211081.5890 |
| 24) | 6141850.1880 | 2211432.1532 |
| 25) | 6141038.6575 | 2211710.6688 |
| 26) | 6140230.2478 | 2212185.8223 |
| 27) | 6139416.8310 | 2212646.5116 |

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| 203) | 6001961.6567 | 2184407.9965 |
| 204) | 6001483.5717 | 2183598.4390 |
| 205) | 6001221.2204 | 2182766.1953 |
| and | | |
| 206) | 6001125.5210 | 2181861.2893, |

the terminus of said centerline.

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EXCEPTING therefrom any portions lying landward of the ordinary high water marks of said Bays and Straits.

ALSO EXCEPTING therefrom any portions lying within the city limits of the City of San Rafael.

ALSO EXCEPTING therefrom any portions lying within those lands conveyed by that certain State Patent for Tideland Survey 39, a Contra Costa survey, dated June 6, 1873, and filed in the records of the California State Lands Commission in Tideland Patent Book 1 at Page 76.

ALSO EXCEPTING therefrom any portions lying within those lands described as Parcels 1 and 2 in that certain Judgment in Solano County Superior Court, Case No. 40184, recorded November 9, 1964 in Book 1304 at Page 675, Official Records of Solano County.

Parcel Two

A strip of land 11.00 feet in width, the centerline of which is described as BEGINNING at a point on the southerly city limit line of the City of San Rafael, said point being also described as having CCS83, Zone 3 coordinates: East x-coordinate = 5999388.8721 feet, North y-coordinate 2170238.9562 feet; thence along said centerline through the following twenty-eight (28) angle points:

| <u>Ang. Pt. No.</u> | <u>East x-coordinate (ft)</u> | <u>North y-coordinate (ft)</u> |
|---------------------|-------------------------------|--------------------------------|
| 1) | 5999351.8125 | 2169383.8297 |
| 2) | 5999331.4045 | 2168404.5245 |
| 3) | 5999310.9206 | 2167421.5793 |
| 4) | 5999278.4464 | 2166555.4324 |
| 5) | 5999241.0327 | 2165682.1046 |
| 6) | 5999294.3115 | 2164777.7504 |
| 7) | 5999257.2487 | 2163922.6268 |
| 8) | 5999291.9047 | 2163047.7986 |
| 9) | 5999273.0164 | 2162141.3077 |
| 10) | 5999292.1479 | 2161212.1725 |
| 11) | 5999378.3157 | 2160270.7150 |
| 12) | 5999470.3224 | 2159376.4841 |
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| 15) | 6000028.3103 | 2156607.8034 |
| 16) | 6000387.4220 | 2155835.4960 |
| 17) | 6000765.7213 | 2155059.1534 |
| 18) | 6001197.3770 | 2154303.5617 |
| 19) | 6001683.4496 | 2153619.6906 |
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| 25) | 6004455.8924 | 2149038.8831 |
| 26) | 6005172.4938 | 2148324.8304 |
| 27) | 6006002.4863 | 2147976.3119 |
| and | | |
| 28) | 6006797.8522 | 2147581.1843, |

the terminus of said centerline.

EXCEPTING therefrom any portions lying landward of the ordinary high water marks of said Bays and Straits.

ALSO EXCEPTING therefrom any portions lying within the city limits of the City of San Rafael and the city and county limits of the City and County of San Francisco.

END OF DESCRIPTION

CHESTER J. PATCH III PE

CALIFORNIA PROFESSIONAL ENGINEER
 LICENSE NUMBER 23697

SEAL