

**CALENDAR ITEM
C97**

A 35
S 17

12/02/13
W 26674
D. Simpkin

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Pacific Gas and Electric Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the intake cove, Diablo Canyon Power Plant near Avila Beach, San Luis Obispo County.

AUTHORIZED USE:

Use and maintenance of a salp bubble curtain pilot project.

LEASE TERM:

5 years, beginning December 2, 2013.

CONSIDERATION:

The lease premises are assessed rent under Lease No. PRC 4307.1. No annual rent will be charged for the proposed new lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000 per occurrence. Applicant may satisfy all or part of the insurance requirements through maintenance of a self-insurance program as outlined in the lease.

Other:

Lessee shall submit a year-end pilot project report on the effectiveness of the salp bubble curtain pilot project and any change in behavior of marine mammals no later than December 31, 2013, and every subsequent year.

OTHER PERTINENT INFORMATION:

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

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2. On August 28, 1969, the Commission authorized a General Lease – Industrial Use, Lease No. PRC 4307.1, to the Applicant for the construction of a water intake structure and breakwaters associated with the Diablo Canyon Power Plant (DCPP). The lease expires on August 27, 2018.
3. On May 20, 2013, Commission staff issued a Letter of Non-Objection to the Applicant for the installation and use of a salp bubble curtain. On July 29, 2013, the Applicant deployed the bubble curtain. A condition of the letter required the Applicant to submit a lease application for a General Lease – Protective Structure Use. The Applicant is now requesting a General Lease – Protective Structure Use for the use and maintenance of a salp bubble curtain pilot project.
4. Salp (gelatinous ocean dwellers similar to jellyfish) can pose a threat to the intake system at DCPP. The bubble curtain is similar to an aquarium aeration system using compressed air through perforated piping at the bottom of the ocean floor to create a curtain of air. The air bubbles lift the salp and similar organisms to the surface where a boom is used to redirect them away from the intake system.
5. The bubble curtain is comprised of four rows of perforated underwater piping, 142 parking lot car stop anchors, and a 700-foot surface boom. The Applicant anticipates deploying the SBC 6 to 12 times per year for a period of approximately 1 week, or until the salp threat has passed. It is anticipated that the anchors will be deployed each April and remain in place until November of each year.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, Title 14, section 15306.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

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EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, Title 14, section 15306.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to Pacific Gas and Electric Company beginning December 2, 2103, for a term of 5 years, for the use and maintenance of a salp bubble curtain pilot project as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no consideration with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirements through maintenance of a self-insurance program as outlined in the lease.

EXHIBIT A

W 26674

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Pacific Ocean, County of San Luis Obispo, State of California, more particularly described as follows:

All those lands as described in Exhibit "A" of Document No. 18496, recorded August 28, 1969 in Volume 1529 Pages 349 to 355 in Official Records of said County.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

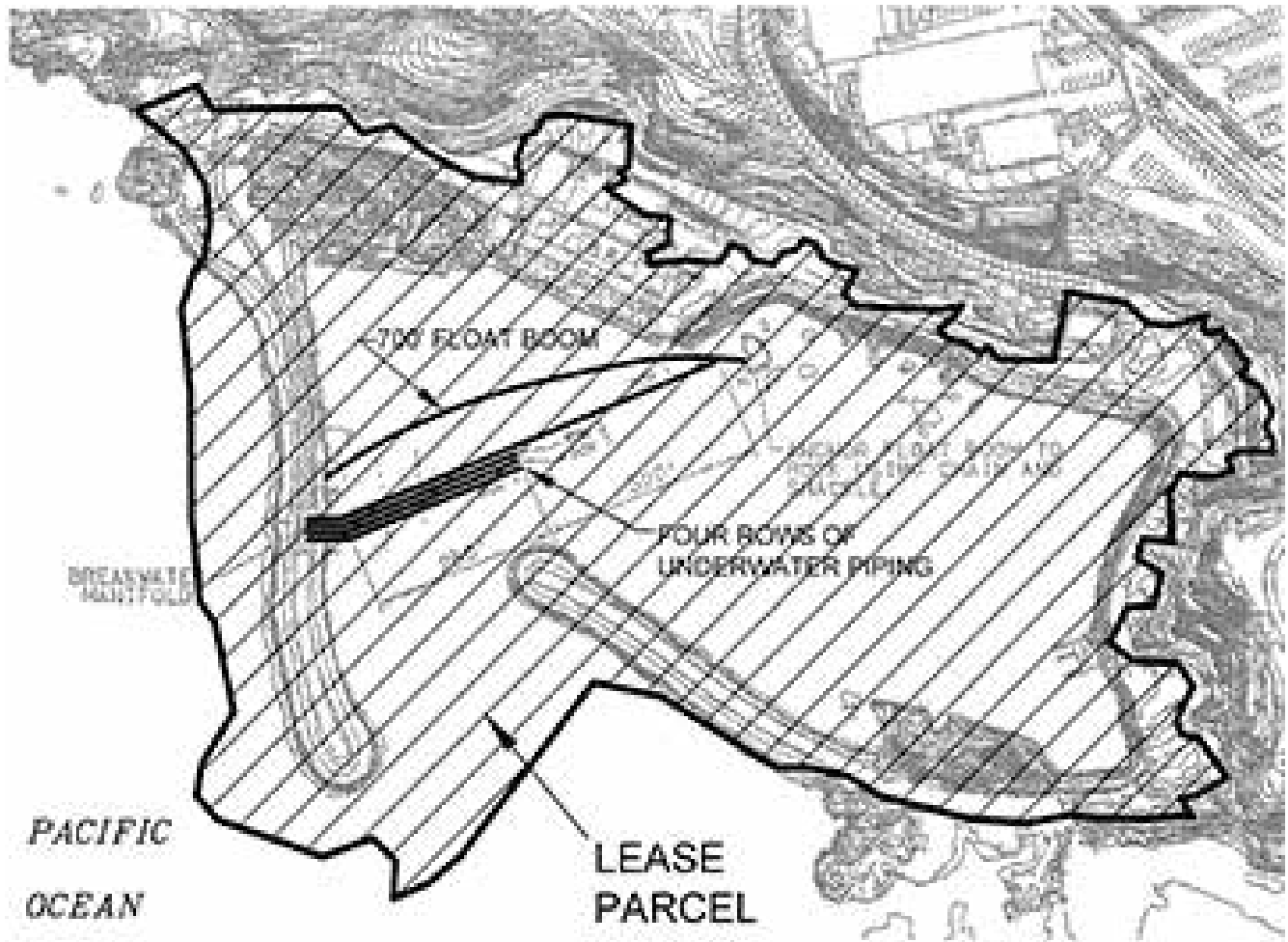
END OF DESCRIPTION

Prepared 10/14/13 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



DIABLO CANYON POWER PLANT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26674
 PACIFIC GAS & ELECTRIC
 COMPANY
 GENERAL LEASE -
 PROTECTIVE
 STRUCTURE USE
 SAN LUIS OBISPO COUNTY



'S 10/14/13

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.