

MINUTE ITEM

9/29/75
EPW
WP 495

12. AMENDMENT AND 10-YEAR RENEWAL OF LEASE PRC 495, TIDE AND SUBMERGED LAND IN LATHAM SLOUGH, SAN JOAQUIN COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - WP 495, PRC 495.

After consideration of Calendar Item 10 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 ISSUANCE TO THE PACIFIC GAS AND ELECTRIC COMPANY OF A 10-YEAR RENEWAL AND AMENDMENT OF LEASE PRC 495 FROM FEBRUARY 10, 1975 IN CONSIDERATION OF RENT IN THE AMOUNT OF \$35.87 FOR THE PERIOD OF FEBRUARY 10, 1975 TO JUNE 29, 1975; \$86.47 FOR THE PERIOD OF JUNE 30, 1975 TO FEBRUARY 9, 1976 AND \$140.28 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 ARE MORE FULLY SET FORTH IN A DOCUMENT ENTITLED "AMENDMENT AND RENEWAL OF LEASE PRC 495" 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 495 SHALL REMAIN IN FULL FORCE AND EFFECT; FOR THE 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 10 (4 pages)

A 26
S 13

CALENDAR ITEM

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10.

AMENDMENT AND RENEWAL OF LEASE PRC 495

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

AREA, TYPE LAND AND LOCATION:
An 0.767 acre parcel of tide and submerged
land in Latham Slough, San Joaquin County.

LAND USE: Maintenance of one 14-inch natural gas pipeline.

TERMS OF ORIGINAL LEASE:

Initial Period: 15 years, from February 10, 1950.

Renewal Options: 2 successive periods of 10
years each.

Surety Bond: \$1,000.

Consideration: \$53.36 per annum.

TERMS OF PROPOSED RENEWAL OF LEASE:

Second Period: 10 years from February 10, 1975.

Public Liability
Insurance: \$1,000,000 per occurrence for
bodily injury and \$1,000,000 for
property damage.

Consideration: \$35.87 for period February 10,
1975 to June 29, 1975; \$86.47
for period June 30, 1975 to
February 9, 1976 and \$140.28
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.

BASIS FOR CONSIDERATION:

One cent per diameter inch of pipeline per
linear foot for period February 10, 1975 to
June 29, 1975; 1½ cents per diameter inch of
pipeline per linear foot for period commencing
June 30, 1975.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

Received rent in the amount of \$683.46 for period of February 10, 1975 to February 9, 1980.

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 495 was originally issued March 1, 1950, Division staff has reviewed Lease PRC 495 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.

2. This existing facility is situated on State land identified as environmentally significant pursuant to Public Resources Code 6370.1.
3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907 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.

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.
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CALENDAR ITEM NO. 10. (CONTD)

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 ARE MORE FULLY SET FORTH IN A DOCUMENT ENTITLED "AMENDMENT AND RENEWAL OF LEASE PRC 495" 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 495 SHALL REMAIN IN FULL FORCE AND EFFECT; FOR THE 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 495

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

COMMENCING AT U.S.C. & G.S. Triangulation Station "Bacon"; thence N $37^{\circ} 46'$ E 8626.50 feet; thence S $61^{\circ} 57' 30''$ W 170.60 feet to the TRUE POINT OF BEGINNING; thence S $61^{\circ} 57' 30''$ W 668 feet more or less, across Latham Slough to the end of the herein described line.

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

END OF DESCRIPTION