

MINUTE ITEM NO. 16

APPROVED 2/26/76

MINUTE ITEM

2/26/76
GRH

16. RIGHT OF WAY, TIDE AND SUBMERGED LAND IN THE BED OF BLK SLOUGH, YOLO COUNTY; PACIFIC GAS & ELECTRIC COMPANY - W 20378, PRC 5093.

During consideration of Calendar Item 16, Chairman Kenneth Cory stressed concern over P.G. & E.'s inability to cooperate with public power companies in Northern California in arranging for transmittal of its power. Mr. Cory stated that he is questioning whether the State Lands Commission should lease its public property to P.G. & E. if the uncooperative attitude continues.

Mr. Phil DeYoung, Planning Analyst, representing P.G. & E. appeared and stated that he was unaware of the problem, but would investigate it.

Mr. William F. Northrop, Executive Officer, noted for the record that he had informed Mr. Clem Whitaker, Legislative Advocate for P.G. & E., of the situation, and indicated Mr. Whitaker is also looking into the matter.

After instructing the staff to enter into discussions with P.G. & E. concerning the above, and report the results of those discussions at the next Commission meeting, the Commission unanimously approved the resolution as presented on Calendar Item 16 attached.

Attachment:
Calendar Item 16 (3 pages)

(NOTE: The above also applies to Minute Items 17 and 19 of this meeting.)

CALENDAR ITEM

2/76
GRM
W 20378

16.

RIGHT OF WAY

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

AREA, TYPE LAND AND LOCATION: A 4,345 square foot (0.10-acre) parcel of tide and submerged land in the bed of Elk Slough, Yolo County, immediately south of the Courtland Road Bridge.

LAND USE: For the maintenance of a 12 KV overhead electricity transmission line.

TERMS OF PROPOSED LEASE:

Initial Period: 10 years, from July 1, 1973.

Renewal Options: 3 successive periods of 10 years each.

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

CONSIDERATION:

\$20 per annum from July 1, 1973 to June 30, 1975;
\$100 per annum thereafter with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$100 minimum rental for this type of lease or permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

Filing fee has been received by the Division.

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.

OTHER PERTINENT INFORMATION:

1. This project is not situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370, and is not classified in a significant use category.

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2. The Division conducted an initial study based upon information provided by the applicant, and contacted all known responsible agencies. Based on the initial study, the project was found not to have a significant effect on the environment and a Negative Declaration has been prepared.

EXHIBITS: A. Land Description, B. Location Map.
 C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE STATE LANDS DIVISION.
2. CERTIFY THAT THE NEGATIVE DECLARATION, # EIR ND 183 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 10-YEAR RIGHT OF WAY FROM JULY 1, 1973 WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20 FROM JULY 1, 1973 TO JUNE 30, 1975; \$100 PER ANNUM THEREAFTER WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL 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, FOR THE MAINTENANCE OF A 12 KV OVERHEAD ELECTRICITY TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20378

A strip of tide and submerged land 25 feet wide lying in the bed of Elk Slough, approximately 3,500 feet northerly of its junction with Sutter Slough, Yolo County, State of California, being 12.5 feet on each side of the following described centerline:

COMMENCING at a 2-inch iron pipe set in concrete, marking the northwest corner of Tract 13 as shown on the "Plat of Tract of Land (owned by Estate of C. V. Talmadge," filed in Book 4 of Maps, page 27, Yolo County records; thence $S 13^{\circ} 28' 24'' E$ 4,110.92 feet to the TRUE POINT OF BEGINNING; thence $S 61^{\circ} 14' 30'' E$ 328.20 feet to the end of the herein described centerline.

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

Basis of bearings of this description is true North, based on solar observations.

END OF DESCRIPTION