

MINUTE ITEM NO. 25
APPROVED ... 2 26 76

CALENDAR ITEM

2/76
EPW
WP 590

25.

AMENDMENT AND RENEWAL OF A RIGHT OF WAY LEASE PRC 590.1

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

AREA, TYPE LAND AND LOCATION:
An 0.734 acre parcel of tide and submerged
land in the Tuolumne River at Modesto, Stanislaus
County.

LAND USE: Maintenance of one 8-inch pipe for the trans-
mission of natural gas.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from February 6, 1951.

Renewal Options: 3 successive periods of 10
years each.

Surety bond: \$1,000.

Consideration: \$42.80 per annum.

Special: Renewed for period of 10 years ending
February 5, 1976.

TERMS OF PROPOSED AMENDMENT AND RENEWAL:

Initial period: 10 years, from February 6, 1976.

Renewal options: One successive period of 10
years.

Public liability insurance: \$500,000 per occur-
rence for combined single limit
bodily injury and property damage.

CONSIDERATION: \$100 per annum with the State reserving the
right to fix a different rental on August 1, 1976,
retroactive to February 6, 1976, and on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:

\$100 per annum minimum rental for this type of
lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

A rental deposit of \$500 has been received.

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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. Inasmuch as Paragraph 19 and 20 of the parent lease PRC 590.1 executed March 2, 1951, provides for changes, alternations, amendments, and such other reasonable terms and conditions as the State might impose, staff recommends that all amendments to the terms and conditions of the existing lease document, and amendments thereto, be accomplished by the issuance of a lease document in current use, a copy of which is on file in the office of the State Lands Division.

2. This project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category: Class B: Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907 (a) 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(a).

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2. DETERMINE THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY AMENDMENT AND 10-YEAR RENEWAL OF RIGHT-OF-WAY LEASE PRC 590.1, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, FROM FEBRUARY 6, 1976, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF 10 YEARS: IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON AUGUST 1, 1976, RETROACTIVE TO FEBRUARY 5, 1976, AND ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISIONS OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURRENCE FOR COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE; FOR THE MAINTENANCE OF ONE 8-INCH PIPE FOR THE TRANSMISSION OF NATURAL GAS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A".

EXHIBIT "A"

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A strip of submerged land 100 feet wide lying in the State owned bed of the Tuolumne River, Stanislaus County, State of California, being 50 feet on each side of the following described centerline:

COMMENCING at a 4" x 4" post set at the southwesterly corner of the parcel of land conveyed to Carl E. Tatting, et ux., by deed recorded in Book 314 of Deeds at page 95, records of Stanislaus County; thence from said corner N 18° 57' 46" W 197.96 feet to the TRUE POINT OF BEGINNING; thence N 04° 04' E 363.50 feet to the end of the herein described centerline.

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

The bearings used in this description are based on the southwesterly line of said parcel described in Book 314 of Deeds, page 95, which is S 52° 26' E.

END OF DESCRIPTION.

Prepared *Tom Hunter* Checked *Royce R. Blake*
Reviewed *James Colvin* Date *9/25/75*

