

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 2
to 0 at its 7-22-76
meeting.

MINUTE ITEM

7/22/76
SJS

25. RIGHT OF WAY LEASE, TIDE AND SUBMERGED LAND IN MONTEZUMA
SLOUGH, SOLANO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY -
W 20978. PRC 5163.

During consideration of Calendar Item 25, Commissioner-Alternate
Sid McCausland asked why no reference has been made in the permit
to the "wheeling" requirements. He questioned what the status
was concerning that portion of the proposal.

Mr. R. C. Hight, Staff Counsel, advised that the staff had been
investigating the legality of imposing such a requirement. He
also advised that tentative review indicated the requirement
would be legal. However, the review is not completed. He stated
it was his opinion the Commission could approve this item with
the condition that the "wheeling" language would be added later.
Commission-alternate McCausland so moved that the Commission
adopt the staff's recommendation with the condition that the
wheeling language be added, provided that the staff return to
the Commission if problems arise.

Upon motion duly made and carried, the following resolution,
as amended, was adopted by a vote of 2-0.

THE COMMISSION:

1. DETERMINES 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. CERTIFIES THAT THE NEGATIVE DECLARATION, EIR ND #193, HAS
BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRON-
MENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE
GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CON-
SIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT
EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A
15-YEAR RIGHT OF WAY LEASE FROM JULY 1, 1976; WITH THE
STIPULATION THAT "WHEELING" LANGUAGE BE INCORPORATED IN
THE LEASE AT A LATER DATE PROVIDED THAT STAFF RETURNS TO
THE COMMISSION IF PROBLEMS ARISE; WITH LESSEE'S OPTION TO
RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CON-
SIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100 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 CON-
STRUCTION AND MAINTENANCE OF A 12 KV UNDERWATER POWERLINE
ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY
REFERENCE MADE A PART HEREOF.

Attachment: Calendar Item 25. (3 pages)

CALENDAR ITEM

25.

7/76
W 20978
SJS

RIGHT OF WAY LEASE

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

AREA, TYPE LAND AND LOCATION: An 0.051 acre of tide and submerged land in Montezuma Slough, near Fairfield, Solano County.

LAND USE: For construction and maintenance of a 12 KV underwater powerline.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from July 1, 1976.

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: \$100 per annum, 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.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland. Filing fee has been received.

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 situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class A.

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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, #ETR ND 193, 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 15-YEAR RIGHT OF WAY LEASE FROM JULY 1, 1976; WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100 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 CONSTRUCTION AND MAINTENANCE OF A 12 KV UNDERWATER POWER-LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20978

A strip of tide and submerged land, 25 feet in width lying in the State owned bed of Montezuma Slough approximately 6 miles southerly of the City of Fairfield, Solano County, California being 12.5 feet on each side on the following described centerline:

BEGINNING at a point from which N.G.S. station "Kirby" (California Zone 2 coordinates $X = 2,023,097.83$, $Y = 182,444.10$) bears $S 89^{\circ} 43'$ E a distance of 30,057.4 feet; thence $N 00^{\circ} 37' 11''$ E a distance of 1,020.4 feet to the point of termination.

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

END OF DESCRIPTION

Prepared R. L. Blake Checked Alan K. Gering
Reviewed H. H. Zimmerman Date 11/25/75