

MINUTE ITEM

This Calendar Item No. 19  
was approved as Minute Item  
No. 19 by the State Lands  
Commission by a vote of 3  
to 0 at its 8/26/82  
meeting.

CALENDAR ITEM

19

8/26/82  
W 22877  
Horn  
PRC 6205

APPROVAL OF THE TERMINATION  
OF 82 RIGHT-OF-WAY LEASES  
AND ISSUANCE OF ONE NEW MASTER  
GENERAL LEASE - RIGHT-OF-WAY USE

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

AREA, TYPE LAND AND LOCATION: Tidelands, and submerged lands throughout California.

LAND USE: Distribution of electrical energy.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from September 1, 1982 with an option to extend the term an additional 15 years upon such terms as may be negotiated between the parties.

Public liability insurance: combined single single limit average of \$2,000,000 for bodily injury and/or property damage or alternatives acceptable to the State.

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Special: State agrees to waive normal filing and processing fees for future minor modifications to the lease.

CONSIDERATION: \$6,000 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

Lessee is owner, lessee or permittee of uplands adjacent to the State's lands.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. For some time staff has been negotiating with the Pacific Gas and Electric Company (PG & E) to develop a master lease for its many electrical distribution lines. Combining the existing 82 leases into one new agreement will result in greater efficiency and less cost to both the State and PG & E. In addition to the minor increase in annual rental, the State will gain greater discretion and flexibility than it currently has with the existing leases.

In order to maximize the benefits that are possible under the master lease concept, staff is recommending that the Commission delegate authority to its staff to approve minor modifications to the master lease, once fully executed and operative. Such minor modifications may include: the addition of new lines, the abandonment, repair, replacement

or reconstruction of existing facilities together with minor land use changes to accomplish such activities. Provided, however, that such minor modifications do not require the preparation of environmental documents pursuant to CEQA and its implementing guidelines. Staff has already been delegated authority by the Commission to file any notices that may be required under CEQA and its implementing guidelines.

2. A listing of affected leases is attached. For convenience, staff has not redescribed the State parcels under lease. The new lease will incorporate, by reference, those descriptions now appearing in the various leases, as modified by the Commission-approved Lyon/Fogerty policy statement.
3. This activity is exempt from CEQA in that it is a non-project within the meaning of CEQA and its implementing guidelines.

Authority: PRC 21065 and 14 Cal. Adm. Code 15037 and 15060.

4. Many of the existing electrical distribution facilities cross State lands which have been identified as possessing significant environmental values pursuant to P.R.C. Section 6370.1 and are classified in one or other of the use categories. Inasmuch as this action of the Commission is administrative in nature, there will be no significant effect upon the identified environmental values. Future modifications to the lease will be governed by the existing regulations of the Commission in 2 Cal. Adm. Code, Article 11, which provide for the permanent protection of any identified significant environmental values.

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EXHIBIT: A. List of affected leases.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065 AND 14 CAL. ADM. CODE 15037 AND 15060; AND THAT THE LEASE IS COMPATIBLE WITH THE USE CLASSIFICATIONS OF THE RESPECTIVE STATE PARCELS OCCUPIED BY ELECTRICAL DISTRIBUTION FACILITIES.
2. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 30-YEAR GENERAL LEASE - RIGHT OF WAY USE FROM SEPTEMBER 1, 1982, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF 15 YEARS; IN CONSIDERATION OF \$6,000 PER ANNUM; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 FOR COMBINED SINGLE LIMIT OR ALTERNATIVES ACCEPTABLE TO THE STATE; FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ELECTRICAL DISTRIBUTION FACILITIES ON THOSE STATE LANDS LISTED IN THE ATTACHED LIST OF AFFECTED STATE LEASES.
3. DELEGATE AUTHORITY TO STAFF TO APPROVE MINOR MODIFICATIONS TO THE LEASE REFERENCED ABOVE; WHICH MODIFICATIONS MAY INCLUDE THE ADDITION OF NEW LINES, RECONDUCTORING. THE ABANDONMENT, REPAIR, REPLACEMENT OR RECONSTRUCTION OF EXISTING FACILITIES TOGETHER WITH MINOR LAND USE ALTERATIONS NECESSARY TO ACCOMPLISH SUCH MODIFICATIONS; PROVIDED THAT SUCH MINOR MODIFICATIONS DO NOT REQUIRE THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO CEQA AND ITS IMPLEMENTING GUIDELINE'.
4. TERMINATE THOSE LEASES LISTED ON THE ATTACHED EXHIBIT "A" INCORPORATED HEREIN AND BY REFERENCE MADE A PART HEREOF; SAID TERMINATION TO BE EFFECTIVE AUGUST 31, 1982.
5. WAIVE NORMAL FILING AND PROCESSING FEES ON FUTURE MINOR MODIFICATIONS TO THE LEASE.
6. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS ITEM.

# Exhibit "A"

## PACIFIC GAS AND ELECTRIC COMPANY ELECTRIC DISTRIBUTION FACILITIES (UNDER 60KV)

|     | <u>LAND DEPT. NO.</u> | <u>P.R.C.'S</u> | <u>COUNTY</u>            |
|-----|-----------------------|-----------------|--------------------------|
| 1.  | 2201-04-0140          | 1750.1          |                          |
| 2.  | 2304-02-0766          | 3411.1          | Alameda                  |
| 3.  | 2305-01-0986          | 5153.1          | Alameda                  |
| 4.  | 2423-02-0063          | 848.1           | Alameda                  |
| 5.  | 2422-01-0127          | 1565.1          | Butte/Tehama             |
| 6.  | 2421-01-0082          | 2174.1          | Butte/Glen               |
| 7.  | 2117-03-0277          | 5448.1          | Butte/Glen               |
| 8.  | 2423-01-0033          | 6012.1          | Butte                    |
| 9.  | 2416-01-0192 (0248)   | 3723.1          | Butte                    |
| 10. | 2416-01-0265 (Amend)  | 4084.1          | Colusa                   |
| 11. | 2417-01-0106          | 4646.1          | Colusa                   |
| 12. | 2418-01-0192          | 4984.1          | Colusa                   |
| 13. | 2402-02-1728          | 741.1           | Colusa/Glen              |
| 14. | 2102-04-0068          | 789.1           | Contra Costa             |
| 15. | 2402-02-1727          | 790.1           | Contra Costa/San Joaquin |
| 16. | 2103-04-0055          | 2155.1          | Contra Costa             |
| 17. | 2102-04-0086          | 2157.1          | Contra Costa/San Joaquin |
| 18. | 2102-04-0199          | 4628.1          | Contra Costa/San Joaquin |
| 19. | 2419-01-0085          | 923.1           | Contra Costa/San Joaquin |
| 20. | 1111-06-0051          | 513.1           | Glen                     |
| 21. | 1403-02-0020          | 2903.1          | Humboldt                 |
| 22. | 2218-20-0147          | 4988.1          | Humboldt                 |
| 23. | 2403-06-0363          | 2419.1          | Kings                    |
| 24. | 2403-09-0188          | 4659.1          | Marin                    |
| 25. | 2403-09-0230          | 5154.1          | Marin                    |
| 26. | 2207-10-0015          | 5973.1          | Marin                    |
| 27. | 2405-04-0756          | 2251.1          | Merced                   |
| 28. | 2103-02-0095          | 406.1           | Napa                     |
| 29. | 2103-03-0143          | 534.1           | Sacramento               |
| 30. | 2106-04-0136          | 727.1           | Sacramento               |
| 31. | 2109-04-0208          | 840.1           | Sacramento/Yolo          |
| 32. | 2105-04-0202          | 2758.1          | Sacramento/Yolo          |
| 33. | 2104-03-0316          | 3192.1          | Sacramento               |
| 34. | 2104-03-0442          | 3770.1          | Sacramento               |
| 35. | 2103-03-0314          | 4118.1          | Sacramento               |
| 36. | 2103-03-0289          | 4181.1          | Sacramento               |
| 37. | 2104-03-0463          | 4466.1          | Sacramento               |
| 38. | 2106-04-0167          | 4710.1          | Sacramento               |
| 39. | 2105-03-0217          | 4814.1          | Sacramento/Yolo          |
| 40. | 2104-04-0016          | 4848.1          | Sacramento/Solano        |
| 41. | 2103-04-0095          | 5197.1          | Sacramento               |
| 42. | 2101-05-0105          | 804.1           | Sacramento/San Joaquin   |
| 43. | 2101-04-0090          | 872.1           | San Joaquin              |
| 44. | 2102-04-0072          | 959.1           | San Joaquin              |
| 45. | 2104-04-0147          | 1447.1          | San Joaquin              |
| 46. | 2202-05-0622          | 1456.1          | San Joaquin              |
| 47. | 2102-04-0073          | 1477.1          | San Joaquin              |

|     | <u>LAND DEPT. NO.</u> | <u>P.R.C.'S</u> | <u>COUNTY</u> |
|-----|-----------------------|-----------------|---------------|
| 48. | 2201-04-0141          | 1753.1          | San Joaquin   |
| 49. | 2104-06-0349          | 2356.1          | San Joaquin   |
| 50. | 2104-06-0406          | 2463.1          | San Joaquin   |
| 51. | 2102-05-0129          | 2474.1          | San Joaquin   |
| 52. | 2101-06-1432          | 3290.1          | San Joaquin   |
| 53. | 2104-07-0470          | 3769.1          | San Joaquin   |
| 54. | 2104-06-1045          | 4019.1          | San Joaquin   |
| 55. | 2101-06-1070          | 4083.1          | San Joaquin   |
| 56. | 2103-04-0093          | 4636.1          | San Joaquin   |
| 57. | 2202-06-0388          | 5094.1          | San Joaquin   |
| 58. | 2202-06-0008          | 5927.1          | San Joaquin   |
| 59. | 2102-04-0188          | 6001.1          | San Joaquin   |
| 60. | 2431-04-1207          | 3002.1          | Shasta        |
| 61. | 2105-03-0179          | 764.1           | Solano        |
| 62. | 2404-05-0056          | 1408.1          | Solano/Sonoma |
| 63. | 2105-03-0180          | 1530.1          | Solano        |
| 64. | 2103-01-0102          | 1640.1          | Solano        |
| 65. | 2103-01-0081          | 3025.1          | Solano        |
| 66. | 2104-03-0385          | 3218.1          | Solano        |
| 67. | 2105-03-0118          | 1446.1          | Solano        |
| 68. | 2404-04-0274          | 3799.1          | Solano        |
| 69. | 2104-03-0445          | 4022.1          | Solano        |
| 70. | 2105-02-0179          | 4606.1          | Solano        |
| 71. | 2404-01-0082          | 5163.1          | Solano        |
| 72. | 2403-04-0502          | 803.1           | Sonoma        |
| 73. | 2403-05-0034          | 845.1           | Sonoma        |
| 74. | 2407-11-0174          | 3797.1          | Sonoma        |
| 75. | 2407-11-0175          | 3798.1          | Sonoma        |
| 76. | 2404-05-0005          | 6018.1          | Sonoma        |
| 77. | 2114-03-0253          | 2759.1          | Sutter        |
| 78. | 2112-01-0049          | 3219.1          | Sutter/Yolo   |
| 79. | 2115-03-1344          | 5704.1          | Sutter/Yolo   |
| 80. | 2106-04-0171          | 4903.1          | Yolo          |
| 81. | 2106-04-0175          | 5093.1          | Yolo          |
| 82. | 2106-04-0002          | 5620.1          | Yolo          |