

**CALENDAR ITEM  
C41**

A 15  
S 33

10/22/09  
PRC 4307.1  
J. Smith

**REVISION OF RENT**

**LESSEE:**

Pacific Gas & Electric Company  
Mailcode N10A  
P.O. Box 77000  
77 Beale Street, Room 2150  
San Francisco, California 94177

**AREA, LAND TYPE, AND LOCATION:**

22.11 acres, more or less, of sovereign lands in the Pacific Ocean, near Point Buchon, San Luis Obispo County.

**AUTHORIZED USE:**

Maintenance of water intake structures and breakwaters associated with the Diablo Canyon Nuclear Power Plant.

**LEASE TERM:**

49 years, beginning August 28, 1969.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$35,000 per year to \$260,000 per year, effective August 28, 2010, which will be due and payable to the State by January 31, 2011. Thereafter, annual rent will be due and payable on the anniversary date of the lease, which is August 28.

**OTHER PERTINENT INFORMATION:**

On August 28, 1969, the Commission authorized the issuance of a 49-year Industrial Lease to the Pacific Gas and Electric Company for construction and maintenance of a water intake channel, cooling water conduits, two breakwaters, and the deposition of approximately 250,000 cubic yards of fill associated with the Diablo Canyon Nuclear Power Plant. The lease will expire on August 27, 2018.

CALENDAR ITEM NO. **C41** (CONT'D)

The Plant utilizes once-through cooling water to provide condenser cooling water to Units 1 and Unit 2. PG&E operates the Plant pursuant to an administrative extension of NPDES Permit No. CA0003751 originally issued by the Regional Water Quality Control Board (RWQCB), Central Coast Region, on May 11, 1990 (Order No. 90-09). The RWQCB will consider the issuance of a revised NPDES permit after the State Water Resources Control Board adopts the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling, a draft of which is currently out for public comment.

Pursuant to the terms of the lease issued by the Commission, PG&E is required to be in compliance with and be bound by all presently existing or subsequently enacted rules, regulations, statutes or ordinances of the Commission or any other governmental agency or entity having lawful authority and jurisdiction.

**EXHIBIT:**

- A. Location and Site Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**AUTHORIZATION:**

APPROVE THE REVISION OF RENT FOR LEASE NO. PRC 4307.1 FROM \$35,000 PER YEAR TO \$260,000 PER YEAR, EFFECTIVE AUGUST 28, 2010, WHICH WILL BE DUE AND PAYABLE TO THE STATE BY JANUARY 31, 2011. THEREAFTER, ANNUAL RENT WILL BE DUE AND PAYABLE ON THE ANNIVERSARY DATE OF THE LEASE, WHICH IS AUGUST 28<sup>TH</sup>.