

MINUTE ITEM

8/28/69

17. 49-YEAR INDUSTRIAL LEASE, T&S LANDS AT DIABLO CANYON, SAN LUIS OBISPO COUNTY, PACIFIC GAS AND ELECTRIC COMPANY - W-6445, P.R.C. 4307.1.

During consideration of Calendar Item 34 attached, appearances were made by the following:

Fred Bissler, a member of the Sierra Club and other conservation organizations, but speaking as an individual, who spoke at length in opposition to granting of the lease.

William E. Johns, Attorney for the Pacific Gas and Electric Company, who testified on behalf of the applicant, outlining reasons why it was important that issuance of the lease be approved promptly.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR LEASE FROM AUGUST 28, 1969, IN CONSIDERATION OF AN ANNUAL RENTAL OF \$4,860, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WATER-INTAKE CHANNEL, TWO WATER-INTAKE STRUCTURES TOGETHER WITH FOUR CONDUITS, AND TWO BREAKWATERS APPROXIMATELY 800 AND 1000 FEET IN LENGTH FOR THE PROTECTION OF THE INTAKE STRUCTURES. THE LEASE ALSO WILL AUTHORIZE THE PERFORMANCE OF THE FOLLOWING ACTIVITIES RELATED TO SITE DEVELOPMENT:

THE DEPOSITION OF 250,000 CUBIC YARDS OF FILL LANDWARD OF THE INTAKE STRUCTURES.

A TEMPORARY CONSTRUCTION FILL OF APPROXIMATELY 8000 CUBIC YARDS IN FRONT OF THE INTAKE STRUCTURES, WITH THE FILL TO BE REDEPOSITED ON STATE LANDS WITHIN THE MAIN FILL AREA.

THE CREATION OF AN INTAKE CHANNEL IN FRONT OF THE INTAKE STRUCTURES BY THE EXCAVATION OF AN ESTIMATED 7500 CUBIC YARDS OF MATERIAL TO BE REDEPOSITED ON STATE LANDS WITHIN THE MAIN FILL AREA.

THE LANDS ARE DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment

Calendar Item 34 (9 pages)

CALENDAR ITEM

8/69  
W-6445

34.

INDUSTRIAL LEASE

APPLICANT: Pacific Gas and Electric Company.

LOCATION: Tide and submerged lands in the vicinity of Diablo Canyon, San Luis Obispo County.

PROPOSED USE: The construction and maintenance of a water intake channel, cooling water conduits, two breakwaters, and the deposition of approximately 250,000 cubic yards of fill, all related to the construction of a multiple-unit atomic-fueled power plant.

TERMS: Initial period: 49 years, from August 28, 1969.

CONSIDERATION: \$4,860 per annum.

BASIS FOR CONSIDERATION:  
6% of appraised value of land.

PREREQUISITE ITEMS:  
U. S. Army Corps of Engineers navigational permit issued.

Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509.
- b. Administrative Code: Title 2, Div. 3, Articles 1 & 2 as amended May 10, 1969.

EXHIBITS: A. Legal description. B. Location map. C. Plot plan.

OTHER PERTINENT INFORMATION:

Pacific Gas and Electric Company has applied for a lease of tide and submerged lands at Diablo Canyon, San Luis Obispo County, for the construction of cooling water conduits and ancillary facilities related to their protection and maintenance. The installation is necessary to the operation of a multiple-unit atomic-fueled power plant under construction on the adjacent upland.

The site is seven miles northwest of Avila and twelve miles southwest of San Luis Obispo. Pacific Gas and Electric Company occupies the upland as a sublessee for a term of 99 years on lands leased by Luigi Marré Land and Cattle Company to San Luis Obispo Bay Properties, Inc. Due to the fact that some 250,000 cubic yards of fill will be deposited on the tide and submerged lands, thus obliterating the natural boundary, approval of a boundary line agreement is being requested under a separate calendar item.

CALENDAR ITEM 34. (CONTD.)

The California Public Utilities Commission granted a certificate of public convenience and necessity for Unit 1 on November 7, 1967. A like certificate for Unit 2 was granted on March 25, 1969. Under an agreement executed on December 6, 1966, with the Resources Agency on behalf of the Departments of Conservation, Water Resources, Parks and Recreation, Fish and Game, and Harbors and Watercraft, the applicant signified compliance with the various departmental requirements in the conduct of its operations both during and after completion of construction.

The Board of Supervisors of San Luis Obispo County endorsed the proposal in a resolution of September 26, 1966.

An application is currently under submission to the Central Coastal Regional Water Quality Control Board. Application also has been made to the Bureau of Land Management for use of those United States Lands above Mean High Water, namely, a number of rock outcroppings within the project limits. It is anticipated that the latter permit will be forthcoming on or about September 1, 1969.

The lease site is in a rugged coastal area characterized by rock outcroppings and steep bluffs. Initial construction calls for water-intake structures for Units 1 and 2. Each unit requires two conduits 11 feet 9 inches square, connecting the intake structures to the power building. Approximate lengths of conduits on State land for Units 1 and 2 are as follows:

<u>Unit 1</u>		<u>Unit 2</u>	
Conduit 1 - 1	Conduit 1 - 2	Conduit 2 - 1	Conduit 2 - 2
203 feet	217 feet	115 feet	128 feet

Two breakwaters, 800 and 1000 feet long, will be constructed to function as wave barriers for protection of the intake structures.

The area landward of the intake structures is to be filled to elevation 20 feet above M.L.L.W. datum to provide a working area for construction and maintenance of the breakwaters and intake structures. A temporary fill of approximately 8000 cubic yards will be necessary in front of the intake structures during construction. The fill will then be deposited in the main fill area. An intake channel will be excavated in front of the structures. The estimated 7500 cubic yards will also be utilized as fill. The approximate volume of fill required in the area landward of the intake structures is 250,000 cubic yards. 100,000 cubic yards will be imported granular material, with the balance from the plant site excavation on the uplands.

Plans and construction schedules for future units will be provided when they are scheduled for construction. A total of six units is ultimately planned. The additional units will be built within the existing lease area.

CALENDAR ITEM 34. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR LEASE FROM AUGUST 28, 1969, IN CONSIDERATION OF AN ANNUAL RENTAL OF \$4,860, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WATER-INTAKE CHANNEL, TWO WATER-INTAKE STRUCTURES TOGETHER WITH FOUR CONDUITS, AND TWO BREAKWATERS APPROXIMATELY 800 AND 1000 FEET IN LENGTH FOR THE PROTECTION OF THE INTAKE STRUCTURES. THE LEASE ALSO WILL AUTHORIZE THE PERFORMANCE OF THE FOLLOWING ACTIVITIES RELATED TO SITE DEVELOPMENT:

THE DEPOSITION OF 250,000 CUBIC YARDS OF FILL LANDWARD OF THE INTAKE STRUCTURES.

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THE CREATION OF AN INTAKE CHANNEL IN FRONT OF THE INTAKE STRUCTURES BY THE EXCAVATION OF AN ESTIMATED 7500 CUBIC YARDS OF MATERIAL TO BE REDEPOSITED ON STATE LANDS WITHIN THE MAIN FILL AREA.

THE ISSUANCE OF THE LEASE IS TO BE SUBJECT TO APPLICANT'S OBTAINING PERMITS AS REQUIRED FROM THE CENTRAL COASTAL REGIONAL WATER QUALITY CONTROL BOARD AND THE BUREAU OF LAND MANAGEMENT.

THE LANDS ARE DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

Beginning at a point from which the United States Coast and Geodetic Survey Triangulation Station "Cove" (coordinates N = 633,993.238 and E = 1,146,621.796) bears north  $1^{\circ} 41' 05.6''$  west 136.305 feet distant and running thence as follows:

Course	Station to Station		Bearing	Distance (feet)
1	534	16	N. $67^{\circ} 59' 26.4''$ E.	84.037
2	16	17	S. $33^{\circ} 24' 02.2''$ E.	39.528
3	17	18	N. $87^{\circ} 43' 26.9''$ E.	58.406
4	18	19	N. $89^{\circ} 29' 45.6''$ E.	114.905
5	19	20	S. $40^{\circ} 51' 55.4''$ E.	45.898
6	20	21	N. $76^{\circ} 01' 50.0''$ E.	41.384
7	21	22	S. $52^{\circ} 51' 06.1''$ E.	58.125
8	22	23	S. $62^{\circ} 01' 53.4''$ E.	73.969
9	23	24	S. $83^{\circ} 24' 19.6''$ E.	64.950
10	24	25	N. $10^{\circ} 43' 09.5''$ W.	34.247
11	25	26	N. $22^{\circ} 47' 42.1''$ E.	32.238
12	26	27	N. $72^{\circ} 15' 20.3''$ E.	12.862
13	27	28	N. $26^{\circ} 31' 28.3''$ E.	25.326
14	28	29	N. $84^{\circ} 45' 00.7''$ E.	28.198
15	29	30	S. $80^{\circ} 28' 12.7''$ E.	91.929
16	30	31	S. $04^{\circ} 18' 04.5''$ W.	56.930
17	31	32	S. $65^{\circ} 13' 50.2''$ W.	12.533
18	32	33	S. $30^{\circ} 32' 42.3''$ E.	15.013
19	33	34	S. $63^{\circ} 53' 42.9''$ W.	27.316
20	34	35	S. $56^{\circ} 04' 34.3''$ E.	51.158
21	35	36	S. $61^{\circ} 33' 00.5''$ E.	12.386
22	36	37	S. $81^{\circ} 59' 38.7''$ E.	31.588
23	37	38	S. $02^{\circ} 34' 47.8''$ W.	35.325
24	38	39	S. $65^{\circ} 31' 46.6''$ W.	30.203
25	39	40	S. $12^{\circ} 12' 59.9''$ E.	15.500
26	40	41	N. $83^{\circ} 47' 52.0''$ E.	50.908
27	41	42	S. $85^{\circ} 12' 00.7''$ E.	43.031
28	42	43	N. $34^{\circ} 39' 52.4''$ E.	30.469
29	43	44	S. $72^{\circ} 38' 00.7''$ E.	21.479
30	44	45	S. $30^{\circ} 28' 08.2''$ E.	16.033
31	45	46	S. $76^{\circ} 39' 18.0''$ E.	29.507
32	46	47	N. $37^{\circ} 00' 38.7''$ E.	20.100
33	47	48	N. $78^{\circ} 05' 59.2''$ E.	18.957
34	48	49	N. $39^{\circ} 56' 40.9''$ E.	17.740
35	49	50	S. $69^{\circ} 55' 18.9''$ E.	17.972

Course	Station to Station		Bearing	Distance (feet)
36	50	51	S. 21° 02' 51.4" E.	19.491
37	51	52	S. 65° 04' 16.6" E.	25.220
38	52	53	S. 75° 19' 44.6" E.	24.519
39	53	54	S. 27° 24' 33.2" W.	37.646
40	54	55	S. 50° 10' 08.6" E.	22.528
41	55	56	S. 85° 56' 38.0" E.	45.243
42	56	57	S. 88° 01' 40.0" E.	70.912
43	57	58	N. 77° 40' 26.3" E.	28.999
44	58	59	S. 36° 28' 41.3" W.	18.368
45	59	60	S. 49° 16' 28.9" W.	29.122
46	60	61	S. 47° 03' 29.8" E.	16.834
47	61	62	S. 75° 53' 14.8" E.	25.881
48	62	63	S. 56° 09' 49.5" E.	22.826
49	63	64	N. 54° 09' 15.3" E.	12.842
50	64	65	S. 42° 35' 41.9" E.	23.256
51	65	66	S. 88° 53' 30.5" E.	74.984
52	66	67	N. 11° 23' 04.5" E.	94.785
53	67	68	S. 79° 37' 21.0" E.	80.995
54	68	69	S. 45° 57' 30.6" E.	39.731
55	69	70	S. 81° 34' 47.7" E.	28.204
56	70	71	N. 76° 23' 54.1" E.	25.979
57	71	72	N. 70° 17' 56.4" E.	27.500
58	72	73	S. 18° 38' 04.1" W.	19.154
59	73	74	S. 53° 58' 23.6" E.	13.329
60	74	75	N. 66° 43' 40.8" E.	17.994
61	75	76	S. 22° 40' 21.9" E.	12.453
62	76	77	S. 55° 39' 24.0" E.	17.283
63	77	78	S. 16° 00' 31.3" E.	10.226
64	78	79	S. 45° 20' 21.2" E.	18.952
65	79	80	S. 18° 25' 37.0" W.	22.145
66	80	81	S. 62° 08' 57.1" E.	25.730
67	81	82	S. 26° 53' 33.4" E.	37.584
68	82	83	S. 24° 41' 59.7" W.	23.093
69	83	84	S. 27° 33' 07.2" E.	21.057
70	84	85	S. 01° 38' 18.4" E.	16.087
71	85	86	N. 88° 16' 02.0" W.	44.310
72	86	87	S. 60° 05' 04.5" W.	19.209
73	87	88	S. 15° 42' 00.4" E.	18.957
74	88	89	S. 74° 07' 51.1" W.	27.207
75	89	90	N. 84° 19' 36.7" W.	44.297
76	90	91	S. 26° 49' 33.8" W.	31.444
77	91	92	S. 04° 23' 57.7" E.	65.835
78	92	93	N. 82° 15' 16.4" W.	41.034
79	93	94	S. 15° 29' 00.7" W.	27.570
80	94	95	S. 56° 49' 34.4" E.	37.813
81	95	96	S. 11° 05' 13.1" W.	44.358
82	96	97	S. 86° 12' 59.9" W.	36.660

Course	Station to Station		Bearing	Distance (feet)
83	97	98	S. 25° 49' 27.8" W.	53.281
84	98	99	S. 51° 57' 05.2" E.	39.899
85	99	100	S. 87° 29' 01.2" E.	58.767
86	100	101	S. 34° 57' 05.4" E.	38.420
87	101	102	S. 26° 14' 39.3" W.	52.691
88	102	103	S. 24° 32' 33.5" E.	21.162
89	103	104	S. 82° 43' 51.4" E.	22.128
90	104	105	S. 34° 21' 55.2" E.	66.824
91	105	106	S. 60° 36' 00.1" W.	44.650
92	106	107	S. 71° 45' 26.1" W.	23.291
93	107	500	S. 32° 09' 16.8" E.	27.140

to a point from which the United States Coast and Geodetic Survey Triangulation Station "Patton" (coordinates N = 633,169.174 and E = 1,148,540.161) bears north 59° 16' 43.2" east 519.723 feet distant; thence continuing

94	500	501	N. 84° 17' 22.2" W.	13.441
95	501	502	S. 84° 48' 20.0" W.	55.227
96	502	503	N. 89° 03' 38.9" W.	61.008
97	503	541	N. 81° 36' 25.3" W.	35.635
98	541	542	S. 78° 16' 01.5" W.	60.001
99	542	543	N. 85° 42' 39.2" W.	80.225
100	543	544	N. 75° 30' 00.0" W.	119.817
101	544	545	N. 60° 07' 28.1" W.	56.010
102	545	509	N. 77° 00' 19.3" W.	53.811
103	509	510	S. 88° 40' 04.0" W.	43.012
104	510	511	N. 58° 36' 51.0" W.	186.253
105	511	512	N. 78° 12' 23.6" W.	92.962
106	512	513	S. 37° 27' 02.0" W.	296.015
107	513	514	S. 49° 17' 20.9" W.	56.727
108	514	515	S. 66° 22' 14.2" W.	52.393
109	515	516	N. 03° 18' 06.7" E.	52.086
110	516	517	N. 46° 50' 51.4" W.	43.863
111	517	518	S. 69° 32' 15.8" W.	71.512
112	518	519	N. 70° 43' 40.0" W.	151.489
113	519	520	N. 41° 18' 31.0" W.	43.932
114	520	521	N. 09° 14' 46.0" E.	43.566

Course	Station to Station		Bearing	Distance (feet)
115	521	522	N. 31° 33' 42.5" E.	82.152
116	522	523	N. 11° 46' 05.8" W.	122.577
117	523	524	N. 34° 59' 31.2" W.	36.620
118	524	525	N. 05° 30' 41.3" W.	114.529
119	525	526	N. 00° 40' 12.3" W.	171.012
120	526	527	N. 06° 06' 55.8" W.	112.641
121	527	528	N. 18° 45' 31.1" E.	55.973
122	528	529	N. 39° 05' 37.9" E.	20.616
123	529	530	N. 09° 16' 21.3" E.	49.649
124	530	531	N. 06° 50' 33.9" W.	50.359
125	531	532	N. 32° 19' 11.0" W.	57.983
126	532	533	N. 50° 29' 32.3" W.	73.878
127	533	534	N. 13° 39' 39.8" W.	7.591

more or less, to the point of beginning; containing 24.138 acres, more or less.

A 12 inch oak with tag (stamped L.S. 2685) set in the northeasterly boundary line of Rancho Canada De Los Osos y Pecho y Islay marking corner LO No. 15 of said rancho bears north 84° 56' 21.1" east 14533.372 feet distant from said Triangulation Station "Cove" and bears north 80° 28' 47.3" east 12733.727 feet distant from said Triangulation Station "Patton".

Excepting from said 24.138 acre parcel of land the following described parcels of land:

Rock 1. Beginning at a point in the boundary line of said 24.138 acre parcel of land from which said Triangulation Station "Cove" bears north 28° 42' 22.7" west 219.306 feet distant and running thence south 32° 19' 11.0" east, along the boundary line of said 24.138 acre parcel of land, 30.895 feet; thence north 13° 47' 34.5" east 26.723 feet; thence north 78° 40' 20.9" west 26.616 feet to the point of beginning; containing 0.008 acre, more or less.

Rock 2. Beginning at a point in said 24.138 acre parcel of land from which said Triangulation Station "Cove" bears north 56° 12' 27.2" west 219.306 feet distant and running thence the following twenty-three (23) courses:

Course	Station to Station		Bearing	Distance (feet)
1	315	316	S. 77° 24' 41.1" E.	190.274
2	316	317	S. 55° 38' 01.8" E.	98.250
3	317	318	S. 77° 04' 28.0" E.	21.146
4	318	319	S. 25° 29' 10.2" E.	47.503
5	319	320	S. 56° 04' 22.9" W.	33.540
6	320	300	N. 63° 21' 10.0" W.	18.707
7	300	301	S. 38° 00' 00.3" W.	10.444

Course	Station to Station		Bearing	Distance (feet)
8	301	302	S. 57° 59' 40.6" E.	6.792
9	302	303	S. 17° 29' 14.4" E.	22.563
10	303	304	S. 82° 54' 12.2" W.	47.514
11	304	305	N. 87° 59' 04.6" W.	68.813
12	305	306	N. 76° 05' 32.0" W.	15.144
13	306	307	S. 77° 46' 04.6" W.	21.570
14	307	308	N. 73° 49' 02.1" W.	65.984
15	308	309	N. 3° 53' 04.2" E.	9.742
16	309	310	N. 87° 34' 01.0" W.	64.308
17	310	311	N. 54° 41' 02.1" W.	27.954
18	311	312	N. 35° 15' 41.7" W.	23.159
19	312	313	N. 5° 47' 36.7" E.	57.061
20	313	314	N. 11° 05' 53.4" W.	44.574
21	314	315	N. 61° 30' 58.2" E.	54.895

more or less, to the point of beginning; containing 1.088 acres, more or less.

Rock 3. Beginning at a point in said 24.138 acre parcel of land from which said Triangulation Station "Patton" bears north 75° 57' 18.8" east 693.647 feet distant and running thence the following thirteen (13) courses:

1	437	438	S. 36° 39' 49.5" E.	81.157
2	438	541	S. 23° 48' 51.0" E.	32.288

to a point in the boundary line of said 24.138 acre parcel of land; thence running along the boundary line of said 24.138 acre parcel of land the following four (4) courses:

3	541	542	S. 78° 16' 01.5" W.	60.001
4	542	543	N. 85° 42' 39.2" W.	80.225
5	543	544	N. 75° 30' 00.0" W.	119.817
6	544	547	N. 60° 07' 28.1" W.	47.380

thence leaving the boundary line of said 24.138 acre parcel of land;

7	547	431	N. 34° 45' 13.5" E.	54.878
8	431	432	N. 4° 24' 54.7" E.	29.227
9	432	433	N. 32° 31' 17.8" W.	34.263
10	433	434	N. 80° 03' 49.7" W.	77.716
11	434	435	S. 28° 13' 14.6" E.	21.211
12	435	436	N. 51° 33' 49.2" E.	21.282
13	436	437	S. 72° 18' 03.1" E.	121.733

more or less, to the point of beginning; containing 0.671 acre, more or less.

Further excepting from said 24.138 acre parcel of land twenty-five (25) scattered rocks which comprise an aggregate area of 0.264 acre, more or less,

which rocks are shown upon a survey map entitled "Pacific Gas and Electric Company's Proposed Breakwaters, Intake Structure and Intake Channel on Lands of the State of California at Diablo Canyon Site", dated March 1969 and signed by J. W. Page, L.S. 2756, and Richard S. Bower, L.S. 3576. Said map is on file in the Los Angeles office of the State Lands Division.

Containing 24.138 acres, more or less, of which 2.031 acres lie within the boundary lines of said rocks, leaving a net acreage of 22.107 acres.

The bearings, distances and coordinates used in the above descriptions are on the California Coordinate System, Zone V.