

MINUTE ITEM

3/1/71
CRK

3. INDUSTRIAL LEASE, THREE PARCELS OF TIDE AND SUBMERGED LANDS ADJACENT TO U.S. MARINE CORPS BASE, CAMP PENDLETON, SAN DIEGO COUNTY; SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS & ELECTRIC COMPANY - W 9225, PRC 4560.1.

During consideration of Calendar Item 12 attached, the Executive Officer called attention for the record to a request that had been received from the Scenic Shoreline Preservation Conference, Inc., signed by Mr. Fred Eissler, that a memorandum which they had prepared be presented in connection with this matter. The Executive Officer read the essential points of their memorandum into the record. The organization was seeking a postponement or continuance of the matter on the basis of not having had sufficient time to review it or to obtain the necessary information for that review. They felt that a deferment would not work a hardship on the applicants.

The Executive Officer informed the Commission that the matter had been presented for review to all pertinent agencies, including the Board of Supervisors of San Diego County, that notices were published in fourteen newspapers, and that adequate notice had been given to the people in the area in which the project is located and to the Sierra Club. An environmental impact report had been prepared, which was available to the public and the Legislature. The Regional Water Quality Control Board and the U.S. Corps of Engineers both made environmental control reports, both issued notices and held public hearings, and both have issued the necessary permits.

Mr. Charles R. Kocher, Assistant Counsel, Southern California Edison Company, appeared on behalf of his company. He stated that normally the first applications to be filed and the last permits to be issued are the Public Utility Commission Certificate of Public Convenience and Necessity, and the Atomic Energy Commission construction permit, which are in process, although the applicants do not yet have them; however, both agencies have indicated that preliminary work may proceed prior to issuance of those permits. Mr. Kocher stated that it would be very desirable for his company to have the State Lands Commission lease at that point in the development of the project, that he felt a very comprehensive review already had been conducted in accordance with State power plant siting policy, that waste disposal requirements had been established, and that a certification of compliance with water quality had been provided. The matter had been carefully reviewed by the U.S. Corps of Engineers and by the Atomic Energy Commission. He indicated that if there were a delay in the issuance of the State leases, it would work a hardship, as the entire project might then be delayed.

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

THE COMMISSION:

1. APPROVES ENVIRONMENTAL IMPACT REPORT NO. 2 ON FILE IN THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF AND FINDS, PURSUANT TO SECTION 6371 OF THE PUBLIC RESOURCES CODE, THAT A LEASE AS RECOMMENDED HEREIN WILL NOT HAVE ANY SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.

MINUTE ITEM 3. (CCNTD.)

2. AUTHORIZES THE ISSUANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS & ELECTRIC COMPANY OF AN INDUSTRIAL LEASE, IN THE FORM ATTACHED TO ENVIRONMENTAL IMPACT REPORT NO. 2, FOR FIVE YEARS AS TO PARCEL "A" AND FOR THREE YEARS AS TO PARCELS "B" AND "C" FROM MARCH 1, 1971, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$12,978.00 FOR PARCEL "A" AND \$4,650.00 FOR PARCELS "B" AND "C", FOR DEPOSIT OF SAN MATEO FORMATION SAND AND FOR USE AS A TEMPORARY WORK AREA (PARCEL "A" ONLY) ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 12 (5 pages)

CALENDAR ITEM

2/71
W 9225
CRK

12.

INDUSTRIAL LEASE

APPLICANT: Southern California Edison Company and San Diego Gas & Electric Company.

LOCATION: Three parcels (6.008, 11.712 and 3.363 acres) of tide and submerged lands adjacent to U.S. Marine Corps Base, Camp Pendleton, San Diego County.

LAND USE: The deposition of San Mateo formation sand to be excavated from upland sites of Units 2 and 3 of the San Onofre Nuclear Generating Station. In addition, Parcel "A" will be used as a temporary work area.

TERMS: Initial period: Parcel "A": 5 years from March 1, 1971.
Parcels "B" and "C": 3 years from March 1, 1971.

CONSIDERATION: \$12,978.00 per annum for Parcel "A" and \$4,650.00 per annum for Parcels "B" and "C".

BASIS FOR CONSIDERATION:
6% of appraised value of Parcel "A" and nominal rental of \$4,650.00 per annum for Parcels "B" and "C".

PREREQUISITE ITEMS:
U.S. Army Corps of Engineers permit issued.
Applicant is lessee of upland.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Arts. 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:
1. It is to be noted specifically that the lease recommended herein and the Environmental Impact Report, Exhibit "B", covers only the deposit of sand on 3 parcels of tideland and bulkheading of Parcel "A" for use as a temporary work area. The bulkheading is to be removed at expiration of the lease in 5 years. Issuance of this lease is not intended to be construed as approval by the State Lands Commission of any expansion, per se, of the existing nuclear generating facility including contemplated placement of conduits on State land. The lease will, therefore, contain a provision to hold the State harmless if, for any reason, the overall project is not ultimately approved by cognizant authority.

2. A nominal annual rental for the use of Parcels "B" and "C" for sand deposit is justified by potential enhancement of downcoast beach areas by sand replenishment through littoral processes.

CALENDAR ITEM 12. (CONTD.)

3. The U.S. Army Corps of Engineers has issued a permit that provides that no material shall be deposited on Parcels "B" and "C" seaward of the mean lower low waterline. The lease recommended herein will have the same restriction.

EXHIBITS:

- A. Land description.
- B. Environmental Impact Report No. 2.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE ENVIRONMENTAL IMPACT REPORT NO. 2 ON FILE IN THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF AND FIND, PURSUANT TO SECTION 6371 OF THE PUBLIC RESOURCES CODE, THAT A LEASE AS RECOMMENDED HEREIN WILL NOT HAVE ANY SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS AND ELECTRIC COMPANY OF AN INDUSTRIAL LEASE, IN THE FORM ATTACHED TO ENVIRONMENTAL IMPACT REPORT NO. 2, FOR FIVE YEARS AS TO PARCEL "A" AND FOR THREE YEARS AS TO PARCELS "B" AND "C" FROM MARCH 1, 1971, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$12,978.00 FOR PARCEL "A" AND \$4,650.00 FOR PARCELS "B" AND "C", FOR DEPOSIT OF SAN MATEO FORMATION SAND AND FOR USE AS A TEMPORARY WORK AREA (PARCEL "A" ONLY) ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

LAND DESCRIPTION

Lessee: Southern California Edison Company and San Diego Gas and Electric Company.

TEMPORARY WORK AREA

That certain real property in the County of San Diego, State of California, described as follows:

Those certain tide and submerged lands, lying within a parcel of land, described as follows:

PARCEL "A"

Beginning at the Northwesterly terminus of that certain course in the Southwesterly boundary line of the 83.63 acre parcel of land shown on the Licensed Surveyor's Map filed on June 13, 1963, as Map No. 6242 of Records of Surveys in the office of the County Recorder of said San Diego County shown as having a bearing of "S. 50° 06' 17" E. and a length of 300.13 feet"; thence along said boundary line S. 50° 06' 17" E. a distance of 183.66 feet of a point, said point being the True Point of Beginning of this description; thence continuing along said Southwesterly boundary line the following course and distance: S. 50° 06' 17" E., 116.47 feet; S. 49° 34' 15" E., 300.24 feet; S. 57° 24' 41" E., 146.24 feet; S. 65° 24' 53" E., 169.60 feet and S. 73° 50' 00" E., 284.85 feet; thence leaving said Southwesterly boundary line S. 33° 00' 00" W., 338.36 feet; thence N. 57° 00' 00" W., 1000.00 feet; thence N. 33° 00' 00" E., 282.80 feet to the True Point of Beginning of this description, containing approximately 6.008 acres.

EXHIBIT "A" (CONTD.)

SAND DISPOSAL AREA

That certain real property in the County of San Diego, State of California, described as follows:

Those certain tide lands lying within two strips of land two-hundred (200) feet wide, hereinafter described and designated as Parcel "B" and Parcel "C", the Northeasterly line of said parcels are described as follows:

PARCEL "B"

Beginning at the Northwestern terminus of that certain course in the Southwesterly boundary line of the 83.63 acre parcel of land shown on the Licensed Surveyor's Map filed on June 13, 1963, as Map No. 6242 of Records of Surveys in the Office of the County Recorder of said San Diego County, shown as having a bearing of "S. 50° 06' 17" E. and a length of 300.13"; thence S. 50° 06' 17" E. along said Southwesterly boundary line a distance of 183.66 feet to a point, said point being the True Point of Beginning of this description; thence continuing along said Southwesterly boundary line the following course and distances: South 50° 06' 17" E., 116.47 feet; S. 49° 34' 15" E., 300.24 feet; S. 57° 24' 41" E., 146.24 feet, S. 65° 24' 53" E., 169.60 feet; S. 73° 50' 00" E., 301.73 feet; S. 68° 35' 07" E., 299.99 feet; S. 62° 34' 52" E., 301.10 feet; S. 64° 46' 32" E., 224.38 feet; S. 60° 59' 25" E., 364.49 feet; S. 55° 13' 23" E., 299.98 feet and S. 56° 06' 51" E., 334.54 feet to the Southwest corner of said 83.63 acre parcel, containing approximately 11.712 acres of tideland.

PARCEL "C"

Beginning at the Southerly terminus of that certain course in the Easterly boundary line of the 83.63 acre parcel of land shown on the Licensed

EXHIBIT 'A' (CONTD.)

Surveyor's Map filed on June 13, 1963 as Map No. 6242 of Record of Surveys in the Office of the County Recorder of said San Diego County, shown as having a bearing of "N. 33° 00' 00" E. and a length of 663.39 feet"; thence along the Southerly prolongation of said Easterly line S. 33° 00' 00" W., 64.46 feet to a point in the Mean High Water Line of the Pacific Ocean, elevation 1.84 as of 6-3-70 (U.S.G.S. 1929 Datum) said point being the True Point of Beginning of this description; thence along the Mean High Water Line of the Pacific Ocean the following course and distances: S. 56° 20' 09" E., 197.76 feet; S. 54° 53' 22" E., 492.82 feet; S. 53° 31' 37" E., 109.80 feet; S. 52° 45' 36" E., 89.57 feet; S. 53° 53' 53" E., 100.14 feet; S. 51° 11' 06" E., 195.40 feet; S. 47° 42' 47" E., 498.37 feet; S. 50° 05' 56" E., 98.55 feet and S. 48° 01' 20" E., 99.43 feet to a point said point bears S. 31° 27' 06" E., 2074.25 feet from the Northeast corner of said 83.63 acre parcel, containing approximately 3.363 acres of tideland.