

MINUTE ITEM NO. 19
APPROVED 2 26 76

MINUTE ITEM

2/26/76
RPW

19. RIGHT OF WAY, TIDE AND SUBMERGED LAND IN THREE MILE SLOUGH, SOUTH OF RIO VISTA, SACRAMENTO COUNTY; PACIFIC GAS & ELECTRIC COMPANY - WP 406, PRC 406.

During consideration of Calendar Item 19, Chairman Kenneth Cory stressed concern over P.G. & E.'s inability to cooperate with public power companies in Northern California in arranging for transmittal of its power. Mr. Cory stated that he is questioning whether the State Lands Commission should lease its public property to P.G. & E. if the uncooperative attitude continues.

Mr. Phil DeYoung, Planning Analyst, representing P.G. & E. appeared and stated that he was unaware of the problem, but would investigate it.

Mr. William F. Northrop, Executive Officer, noted for the record that he had informed Mr. Clem Whitaker, Legislative Advocate for P.G. & E. of the situation, and indicated Mr. Whitaker is also looking into the matter.

After instructing the staff to enter into discussions with P.G. & E. concerning the above, and report the results of those discussions at the next Commission meeting, the Commission unanimously approved the resolution as presented on Calendar Item 19 attached.

Attachment:
Calendar Item 19 (3 pages)

(NOTE: The above also applies to Minute Items 16 and 17 of this meeting.)

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CALENDAR ITEM

2/76
EPW
WP 406

19.

RIGHT OF WAY

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

AREA, TYPE LAND AND LOCATION: A 1.49 acre parcel of tide and submerged land in Three Mile Slough, south of Rio Vista, Sacramento County.

LAND USE: An overhead 22 kv electrical line and private telephone lines.

TERMS OF PROPOSED LEASE:
Initial period: 15 years, from April 27, 1974.
Renewal options: 3 successive periods of 10 years each.

CONSIDERATION: \$37.88 for the period April 27, 1974, to June 29, 1975;
\$112.15 for the period June 30, 1975, to April 26, 1976; and
\$136 per annum thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
\$20 minimum rental for this type of lease or permit, for the period April 27, 1974, to June 29, 1975, and 8% of the appraised value of the land thereafter.

PREREQUISITE TERMS FEES AND EXPENSES:
Applicant is permittee of upland.

\$25 filing fee and \$649.03 rental deposit have 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.

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CALENDAR ITEM NO. 19. (CONTD)

OTHER PERTINENT INFORMATION:

1. This activity was previously covered under lease PRC 406.1, which expired April 26, 1974.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. 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 B: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL ADM. CODE 2907(a).
2. DETERMINE THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECTS UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-YEAR RIGHT OF WAY FROM APRIL 27, 1974, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$37.88 FOR THE PERIOD APRIL 27, 1974, TO JUNE 29, 1975; \$112.15 FOR THE PERIOD JUNE 30, 1975, TO APRIL 27, 1976; AND \$136 PER ANNUM THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL, ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE MAINTENANCE OF AN OVERHEAD 22 KV ELECTRICAL LINE AND PRIVATE TELEPHONE LINES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 406

A strip of tide and submerged land 100 feet wide lying in the bed of Three Mile Slough, Sacramento County, State of California, being 50 feet on each side of the following described centerline:

COMMENCING at a found 2 1/2-inch iron pipe tagged L.S. 1818 in the southwesterly line of the herein-after described 5.02 acre parcel, said iron pipe is N 24° 21' W, 107.30 feet from the south corner of the 5.02 acre parcel of land described as an exception in the deed from Louis Patrick and wife to Carlos Silva and wife dated February 15, 1952, and recorded in Book 2178 of Official Records at page 331, Sacramento County Records; thence from said iron pipe S 59° 44' 18" W, 5,397.30 feet to the TRUE POINT OF BEGINNING; thence N 11° 55' 24" E, 1,062.60 feet to the end of the herein described centerline.

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

The basis of bearings in this description is true north, based on solar observations.

END OF DESCRIPTION

Prepared John C. Hanson Checked Regina L. Blake
Reviewed James Colvin Date 10/21/75

