

This Calendar Item No. C5
was approved as Calendar Item
No. C5 by the State Lands
Commission by a vote of 2
0 at its 10/28/76
meeting.

CALENDAR ITEM

10/76
W 20422
AS
PRC 5197

C 5

RIGHT OF WAY LEASE

APPLICANT: Pacific Gas and Electric Company
P. O. Box 7444
Sacramento, California 95826

AREA, TYPE LAND AND LOCATION: A 10' x 877' (.201 ac) strip of tide and submerged land in the bed of the Mokelumne River, Sacramento and San Joaquin Counties.

LAND USE: Continued maintenance of existing 21 KV submarine cable installed as an emergency in June 1972.

TERMS OF PROPOSED LEASE: Initial period: 49 years, from June 30, 1972.

CONSIDERATION: \$20 per annum, for the period June 30, 1972, through June 29, 1975, and \$100 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 per annum, June 30, 1972 through June 29, 1975, and \$100 per annum thereafter through June 29, 1977, as a minimum rental for this type of lease or permit.

PREREQUISITE TERMS, FEES AND EXPENSES: Applicant is permittee of upland.
Filing fee has 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.

OTHER PERTINENT INFORMATION:
1. 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.

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2. 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.

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.

3. This facility was originally installed in June 1972, as an emergency facility in order to provide an alternate source of power to pumps protecting Tyler Island from flooding. The primo source of power to Tyler Island at that time was across Andrus Island which was flooding due to a levee break and the power line was in danger of failing.
4. Pacific Gas and Electric Company notified the State Lands Division by letter of the nature of this emergency installation in June, 1972.
5. Although this existing facility was installed without the preparation of appropriate environmental documents in accordance with CEQA, the staff feels that the project would have qualified as an emergency project as defined in the Resources Agency guidelines.
6. When staff negotiates amendments to existing leases or new leases with power companies, we have as a matter of policy, included provisions which would allow the Commission to include provisions for "wheeling" of power provided pertinent regulations were adopted by the Commission within 1 year of approval of the subject amendment or new lease.
Provisions allowing the inclusion of "wheeling" language within this amendment have not been included. "Wheeling" has application only to high-voltage transmission facilities. The facilities covered by this proposed Right-of-Way Lease are distribution facilities for Tyler Island only and, therefore, would have no use under proposed "wheeling" regulations.

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

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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..
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR RIGHT OF WAY LEASE FROM JUNE 30, 1972; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$20 PER ANNUM, FOR THE PERIOD JUNE 30, 1972, THROUGH JUNE 29, 1975, AND \$100 PER ANNUM THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE CONTINUED MAINTENANCE OF AN EXISTING 21 KV SUBMARINE POWER CABLE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20422

A strip of tide and submerged land 10 feet wide in the State owned bed of the Mokelumne River, situated in the Counties of Sacramento and San Joaquin, State of California, and being 5 feet on each side of the following described centerline:

COMMENCING at USC&GS monument "Jackson", having California Coordinate System Zone 2 coordinates of X = 2,108,695.81 and Y = 171,900.91; thence S 77° 49' 05" E, 14,639.92 feet to the POINT OF BEGINNING of said centerline; thence N 37° 59' W, 1077 feet to the point of termination.

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

END OF DESCRIPTION

Prepared R. L. Blake Checked M. L. Shaf
Reviewed H. W. Busnecke Date 6/28/76
RAB