

MINUTE ITEM

This Calendar Item No. C9
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
0 at its 9/29/81
meeting.

CALENDAR ITEM

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9/29/81
W 20832
PRC 6032
Townsend

AMENDMENT OF PRC 6032
GENERAL PERMIT - PUBLIC AGENCY USE
TO GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: Pacific Gas and Electric Company
P. O. Box 2669
San Rafael, California 94901
Attention: Mr. Harry Irwin
Commercial Representative

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands located in the Novato Creek flood plain, north of State Highway Route 37, in the City of Novato, Marin County; for the installation of two temporary power poles and approximately 1,180 feet of conductor line, to provide the necessary power for an electric crossing gate, as required by Northwestern Pacific Railroad of Novato Center, in the transporting of excavated fill from the State's Parcel B, across the railroad tracks, to Novato Center's Parcel A, as more particularly shown on the attached Exhibit "A".

TERMS OF PROPOSED AMENDMENT:

The State Lands Commission, at its July 23, 1981 meeting (Minute Item No. 1), authorized issuance to Pacific Gas and Electric Company, of a 15-month General Permit - Public Agency Use. Pacific Gas and Electric is not a Public Agency, and it is proposed that the permit be amended to read "General Lease - Right-of-Way Use", effective August 1, 1981. All filing fees, processing costs and annual consideration will continue to be waived. This project is a necessary and integral part of the State's plan and specifications for Novato Center's offsite mitigation which is being performed on the State's Parcels B and C.

TERMS OF ORIGINAL PERMIT:

Initial period: 15 months from August 1, 1981.

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CONSIDERATION. The public health and safety; with the State reserving the right to set a monetary rental if the Commission finds such action to be in the State's best interest. This is necessary as an incident to the easement for extraction and transportation of fill material from the State's parcel established by BLA 150, for which the State is receiving royalty.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

AB 884:

N/A.

PERTINENT BACKGROUND:

On April 28, 1976, the Commission entered into a Compromise Title Settlement (BLA 150) with Novato Center, receiving fee title to 278 acres of land (Parcels B and C) and clearing title to 127 acres in Novato Creek flood plain north of State Highway Route 37, in the City of Novato, Marin County.

As a part of the Agreement, and later amended by Commission action on April 7 and June 24, 1981 (Minute Item Nos. 24 and 28 respectively), Novato Center reserved an easement to extract 500,000 cubic yards of fill material from Parcel B, to be used to raise the elevation of the Novato Center parcel for construction of a regional shopping center. The resulting pond, to be created by the extraction would serve as a holding pond for flood control, for water purity, and for other environmental concerns.

Novato Center has obtained a temporary right-of-way crossing from Northwestern Pacific Railroad in order to transport the excavated fill from State-owned land to property being developed by Novato Center. However, as a condition of the temporary crossing, the Railroad is requiring Novato Center to install an electric crossing gate.

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Pursuant to the Railroad's requirement, and in order for Novato Center to commence excavation and transporting of fill during the remaining summer months, it is therefore necessary for Pacific Gas and Electric Company to provide power for the electric crossing gate.

A final EIR was prepared by the City of Novato, pursuant to CEQA and the State EIR Guidelines; a Notice of Determination has been received.

This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. Section 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values.

APPROVALS OBTAINED:

Northwestern Pacific Railroad.

EXHIBITS:

- A. Plat of Settlement Parcels.
- B. Project Drawing.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ALL NECESSARY ENVIRONMENTAL FINDINGS FOR SAID LEASE WERE MADE UPON ISSUANCE OF THE ORIGINAL LEASE (MINUTE ITEMS NO. 1, JULY 23, 1981) AND THAT ADDITIONAL DOCUMENTATION IS NOT REQUIRED.
2. DETERMINE THAT ALL FILING FEES, PROCESSING COSTS AND ANNUAL CONSIDERATION CONTINUE TO BE WAIVED AS THE PROJECT IS A NECESSARY AND INTEGRAL PART OF THE STATE'S PLAN AND SPECIFICATIONS FOR NOVATO CENTER'S OFFSITE MITIGATION WHICH IS BEING PERFORMED ON THE STATE'S PARCELS B AND C; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMLSSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

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3. AUTHORIZE AMENDMENT OF A 15-MONTH GENERAL PERMIT-PUBLIC AGENCY USE, TO PACIFIC GAS AND ELECTRIC COMPANY, AMENDING IT TO BE A GENERAL LEASE-RIGHT-OF-WAY USE, EFFECTIVE AUGUST 1, 1981; FOR THE INSTALLATION OF TWO TEMPORARY POWER POLES AND APPROXIMATELY 1,180 FEET OF CONDUCTOR LINE, FOR AN ELECTRIC RAILROAD CROSSING GATE; ON THE LAND SHOWN ON THE ATTACHED EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

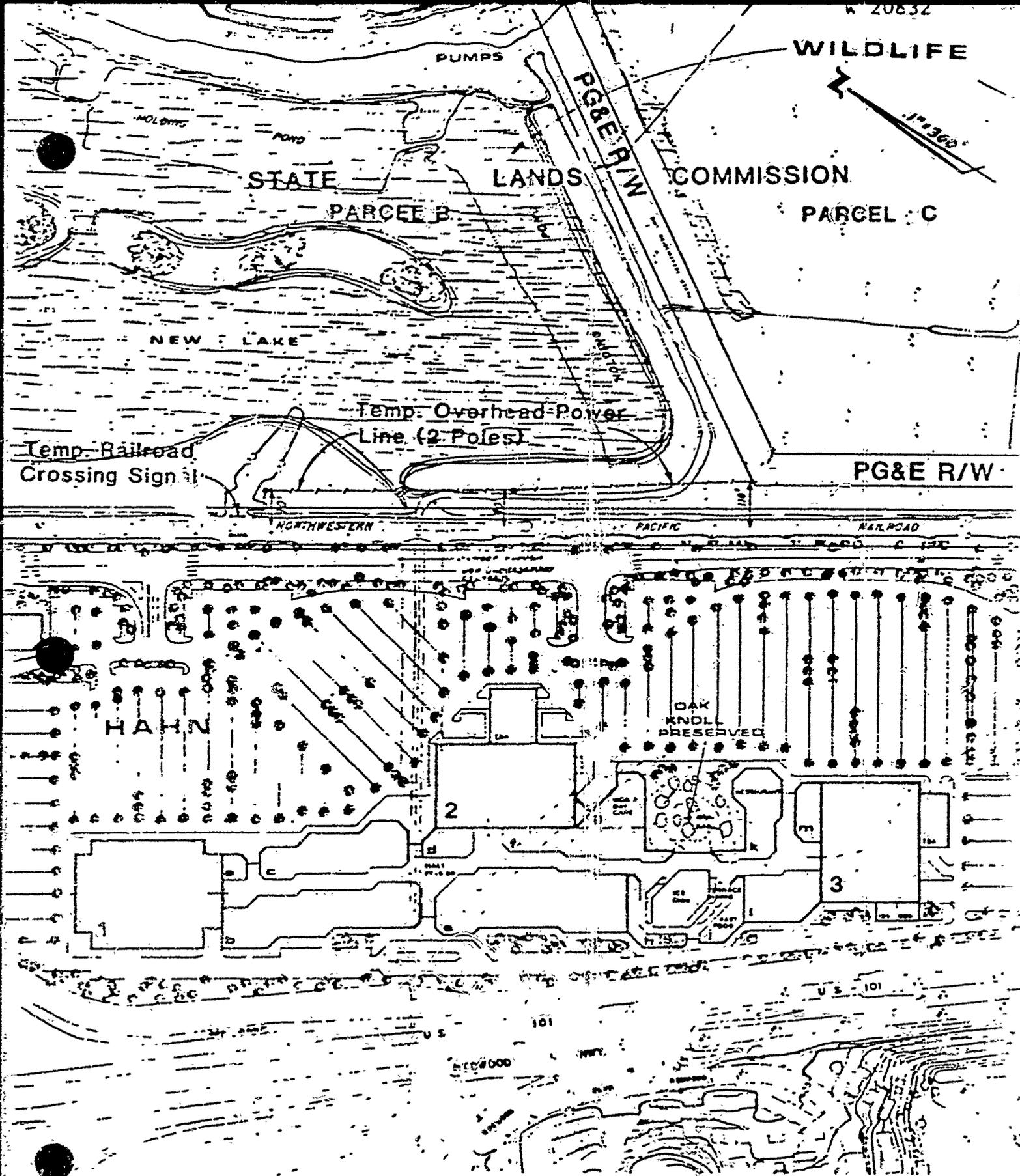


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