

MINUTE ITEM
C3

6/29/82
WP 331
Reese

Calendar Item C3 was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C3.

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CALENDAR ITEM

C 0 3

6/29/82
WP 331
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RENT REVIEW

LESSEE: Tosco Corporation
10100 Santa Monica Boulevard
Los Angeles, California 90067

This is a Right-of-Way Lease for a term of 25 years from August 19, 1972, with an existing annual rent of \$257.44, covering a 0.468-acre parcel of tide and submerged land in Pacheco Creek, Contra Costa County, for a telephone cable line and pipelines.

The lease provides that the State may adjust the annual rental at a different amount for the five-year term following the fifth anniversary of the lease, effective on such anniversary date.

During review of this lease it was determined that volumetric rental is applicable. However, the volumetric rental alternative provided for in the Commission's rules and regulations (currently 2 Cal. Adm. Code 2003) has been challenged in the Federal Court system. Lessee has been advised that if the Federal Court finds that the States' volumetric rental regulations to be lawful, the State reserves the right to re-adjust the annual rental provided for in this lease, effective on the next fifth anniversary. Such rental adjustment shall be for the purpose of incorporation into the lease as appropriate consideration, a volumetric rental in accordance with the above-cited regulations.

This activity is exempt from CEQA because it is not a project as defined within the State CEQA guidelines per amendment adopted by Secretary for Resources on January 27, 1982.

Authority: 14 Cal. Adm. Code 15037 and 15060.

AB 884: N/A.

BASIS FOR ADJUSTED RENTAL:

\$100 minimum rental for the telephone cable line and two cents per diameter inch of pipeline per lineal foot.

EXHIBIT: A. Site Map.

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CALENDAR ITEM NO. C 0 3 (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060.
2. APPROVE SETTING THE NEW ANNUAL RENTAL FOR PRC 331.1 AT \$309.92 FOR THE FIVE-YEAR PERIOD BEGINNING AUGUST 19, 1982.

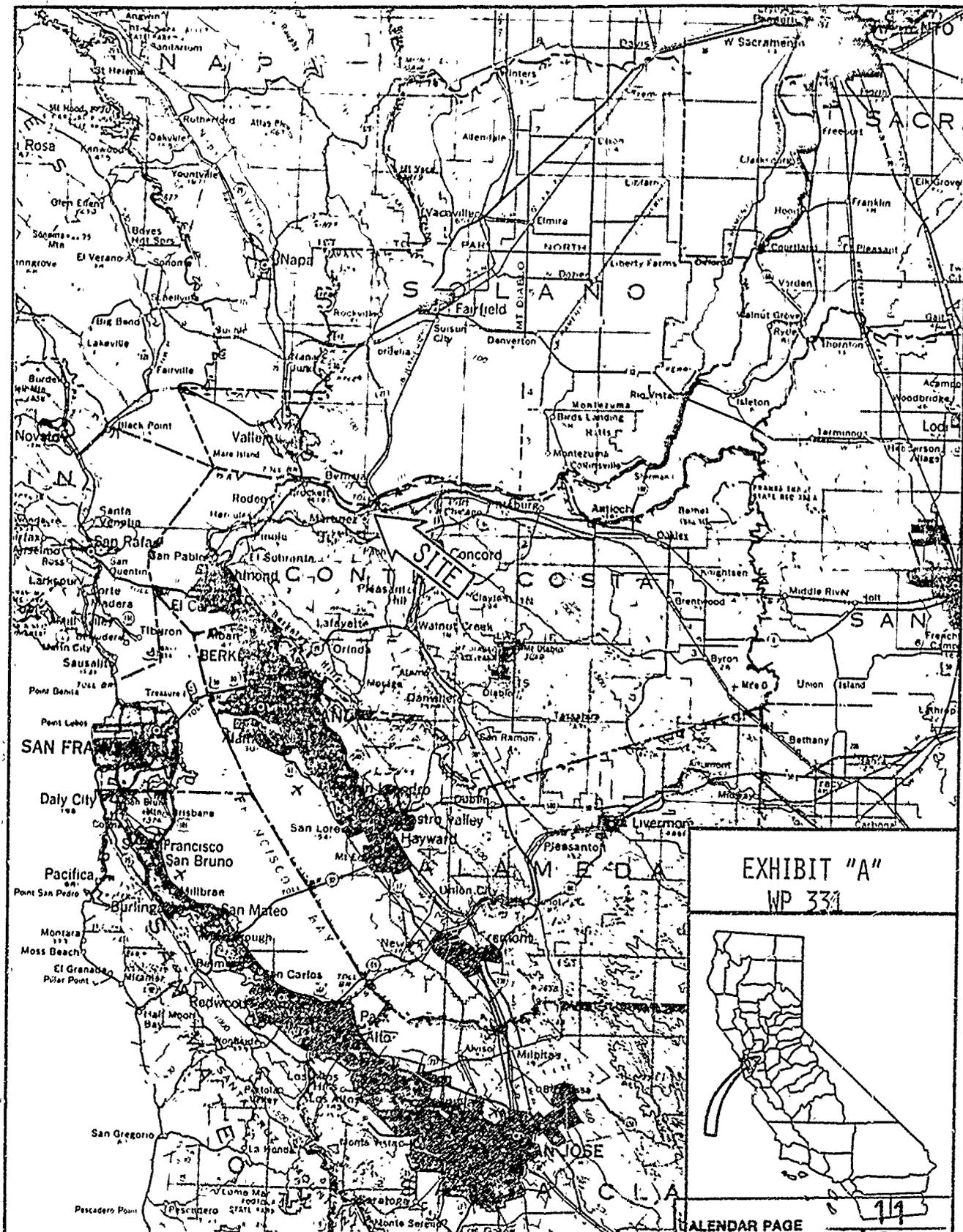


EXHIBIT "A"
 WP 331



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