MINUTE ITEM

This Calendar Item No. C6
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/82
meeting.

CALENDAR ITEM

C06

9/23/82
WP 6032
Townsend
PRC 6032

REPLACEMENT OF
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:
Two temporary poles and approximately 1,180 feet of conductor line above State-owned tide and submerged lands in the Novato Creek Flood Plain, Marin County.

LAND USE: Temporary overhead power line for temporary railroad crossing gate.

TERMS OF ORIGINAL LEASE:
Initial period: 15 months from August 1, 1981.

CONSIDERATION: The public safety, with the State reserving the right at any time to set a monetary rental if the State finds such action to be in the State's best interest.

TERMS OF PROPOSED LEASE:
Initial period: Three years, five months and 27 days from October 31, 1982.

CONSIDERATION: The public safety, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

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BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

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

All filing fees and processing costs are being 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 Parcel's B and C, as delineated in BLA 150.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. Pursuant to the terms of BLA 150, Novato Center reserved an easement to extract 500,000 cubic yards of fill material from the State's Parcel B. The fill is 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, will serve as a holding pond for flood control and water purity, together with other environmental concerns.

As a condition to the transporting of fill across the Northwestern Pacific Railroad tracks from State-owned lands to the Novato Center parcel, the railroad required that a temporary electric crossing gate be installed. Pacific Gas and Electric Company, at their sole expense, has provided power for the gate.

The developer of the property, E. W. Hahn, has been delayed with his construction schedule due to extended negotiations

and present economic conditions, and has requested an extension for the electrical right-of-way to Pacific Gas and Electric.

2. Inasmuch as this project is an integral part of the Compromise Title Settlement Agreement (BLA 150), staff recommends the continued waiver of rental.

3. The annual rental value of the site is estimated to be $100, the minimum annual rental required for right-of-way use.

4. This project is exempt from CEQA because it involves an existing facility pursuant to 2 Cal. Adm. Code, Div. 3, Section 2905, Class 1.

5. This project is situated on lands 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. The project as proposed will not have a significant effect upon the identified environmental values.

APPROVALS REQUIRED:
Northwestern Pacific Railroad.

EXHIBITS:
A. Plat of Settlement Parcels.
B. Project Drawing.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.

2. WAIVE ALL FILING FEES AND PROCESSING COSTS.

3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A THREE-YEAR, FIVE-MONTH AND 27-DAY REPLACEMENT

OF GENERAL LEASE - RIGHT-OF-WAY USE, FROM OCTOBER 31, 1982; IN CONSIDERATION OF THE PUBLIC SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR A TEMPORARY OVERHEAD POWERLINE, FOR A TEMPORARY RAILROAD CROSSING GATE, AS REQUIRED BY NORTHWESTERN PACIFIC RAILROAD, FOR OFFSITE MITIGATION BEING PERFORMED ON THE STATE-OWNED LAND AS DELINEATED IN BLA 150, AND ON THE LANDS DEPICTED ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

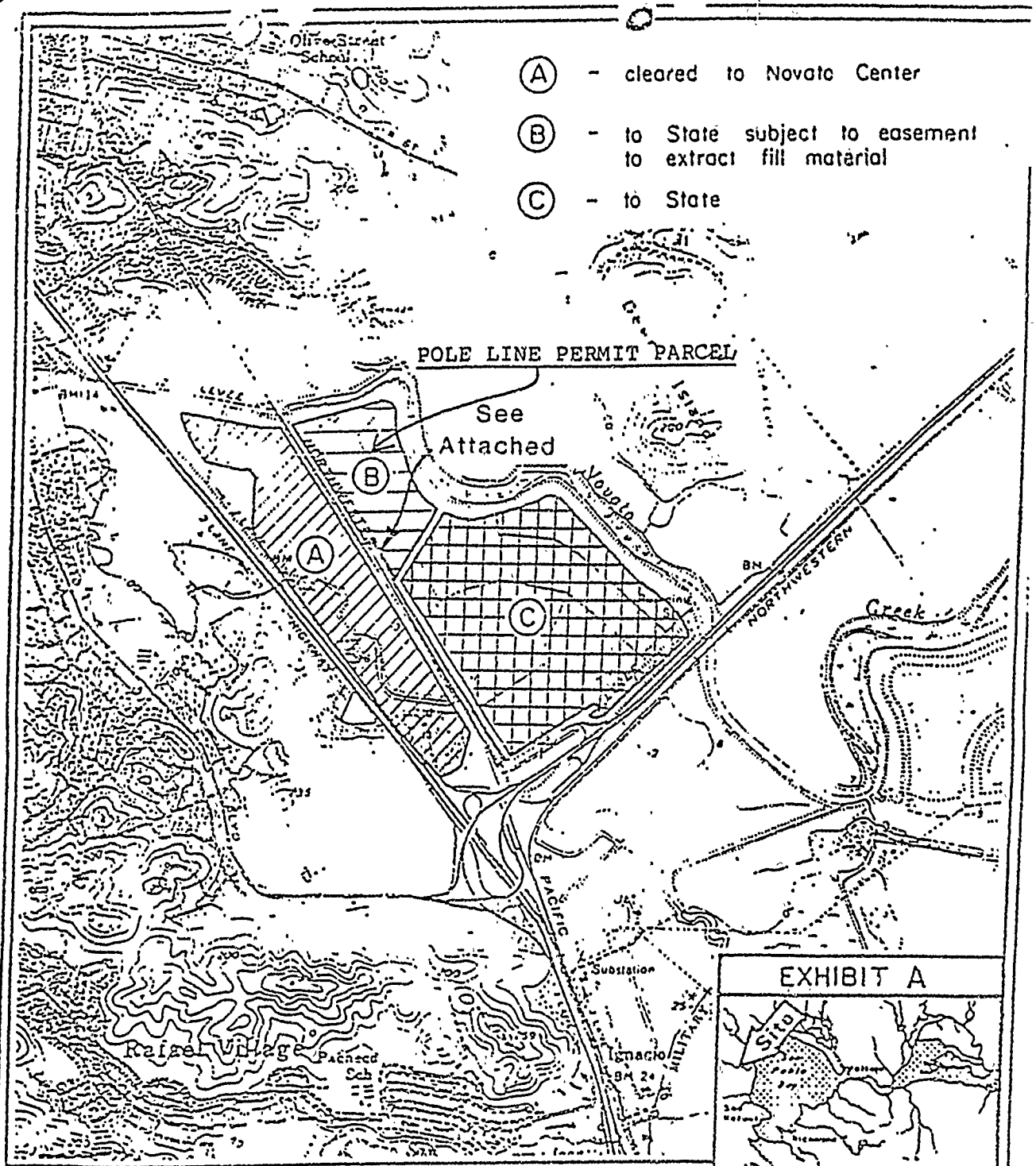
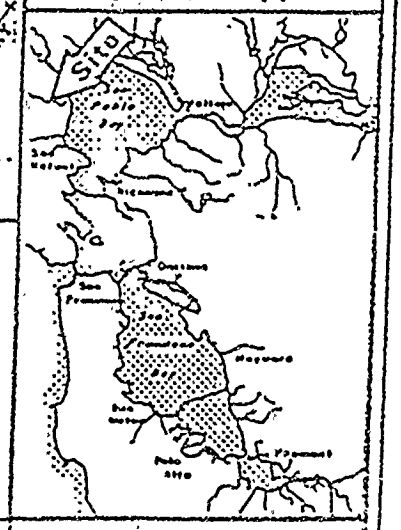


EXHIBIT A



STATE LANDS COMMISSION

PLAT OF SETTLEMENT PARCELS

Prepared by jsf

Rev.
Date: 3-25-81 A: 9 S: 2

Title Study: Novato Center W 20832

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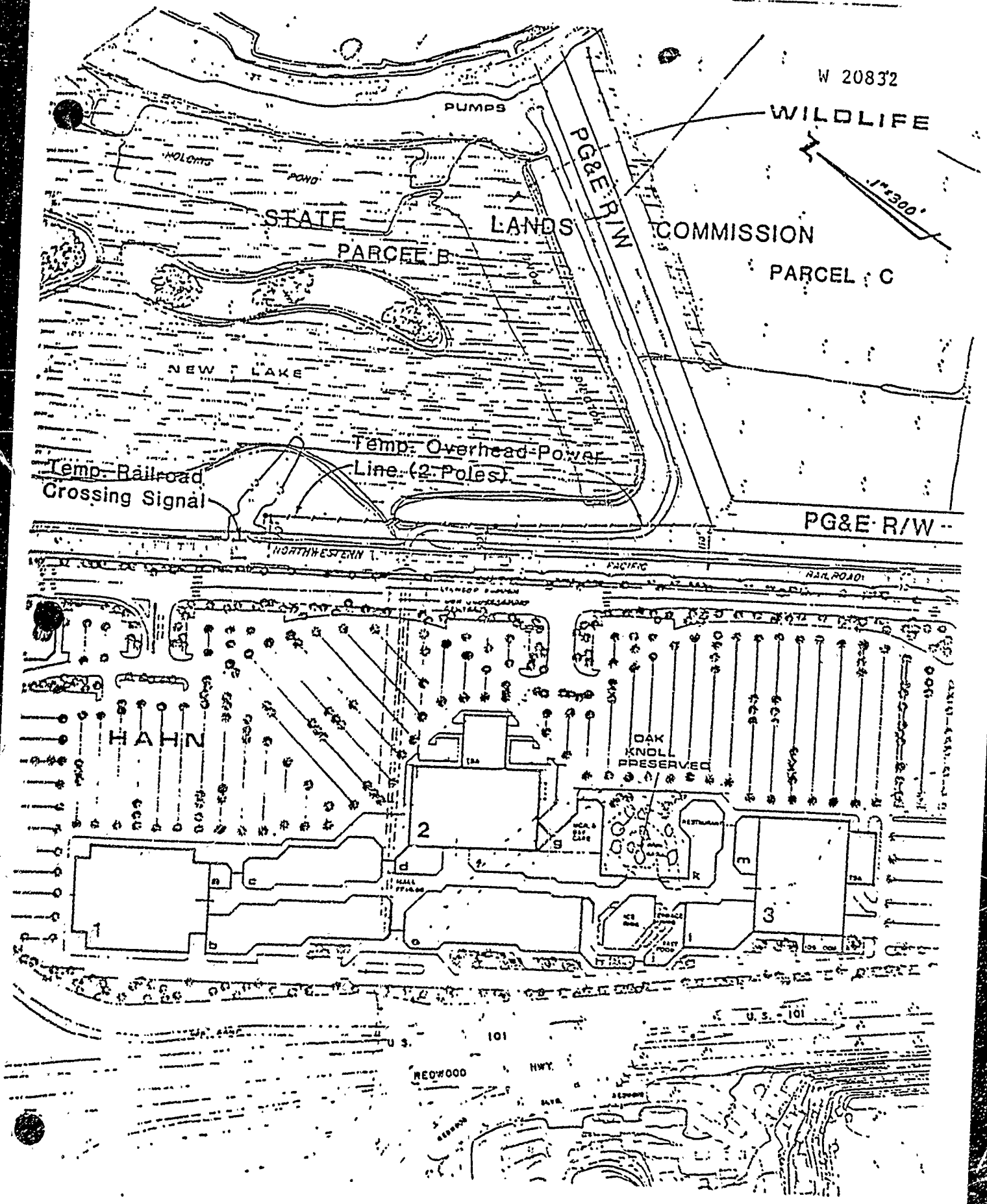

EXHIBIT B

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