

MINUTE ITEM

13.

3/22/84  
WP 5438  
Lane

AMENDMENT TO LEASE PRC 5438.1, GENERAL LEASE --  
RIGHT-OF-WAY USE

Calendar Item 13, attached, was pulled from the agenda prior to  
the meeting.

Attachment: Calendar Item 13.

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CALENDAR ITEM

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3/22/84  
P 5438  
Lane

AMENDMENT TO LEASE PRC 5438.1, GENERAL LEASE -  
RIGHT-OF-WAY USE

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

AREA, TYPE LAND AND LOCATION:  
Tidelands, submerged lands and school lands  
throughout California.

LAND USE: Transportation of natural gas and synthetic  
gas.

TERMS OF ORIGINAL LEASE:

Initial period: 20 years from January 1,  
1978.

Renewal options: Two successive periods  
of ten years each.

Public liability insurance: \$1,000,000  
per occurrence for bodily  
injury and \$1,000,000  
for property damage,  
or insurance alternatives  
acceptable to the State  
Lands Commission.

A )  
 ) Statewide  
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CONSIDERATION: Annual rental was calculated by multiplying each 1,000 cubic feet of natural or synthetic gas passing through any portion of PG&E's pipeline system by \$0.000035. Minimum annual rental set at \$15,000; with a five-year rent review.

OTHER PERTINENT INFORMATION:

1. On January 28, 1978, by Calendar Item 24, the Commission approved Master Lease PRC 5438.1, whereby many PG&E gas pipeline leases were consolidated into one lease to streamline them into a systemwide approach. The lease rental rate was based on an apportioned volumetric rental rate of \$0.000035 for each 1,000 cubic feet of natural or synthetic gas passing through PG&E's gas pipeline system, with a minimum rental and a five-year rent review.
2. The Executive Officer (or designee) was delegated authority to approve minor modifications within existing pipeline rights-of way. However, the addition of new pipelines or additional land use areas adjacent to existing lease areas in situations where needed protection or reconstruction of the facilities were called for was not permitted.
3. Permission was granted to PG&E to allow for emergency bank protection on State lands to stop erosion of a levee supporting main gas pipelines crossing the Upper Sacramento River, Glenn County, per December 22, 1983 EO report to the Commission.
4. Staff recommends that Commission authorize the Executive Officer or designee to approve minor modifications to the lease which may include the addition of new gas pipelines, addition of adjacent land use areas to supplement existing lease use areas, and emergency work for bank protection. Executive Officer

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approval of lease modifications will be allowed only when it is determined, pursuant to CEQA, and implementing guidelines, that a Negative Declaration or EIR is not required. Each proposed will be subject to environmental review pursuant to CEQA, the State CEQA Guidelines, and P.R.C. 6370, et seq.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15351), the staff has determined that these activities are exempt from the requirements of the CEQA, because the Master Lease Amendment is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15300 and 15378.

6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined the bank protection ratified herein is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves a specific action to prevent or mitigate an emergency.

Authority: PRC 21080(b)(4) and 14 Cal. Adm. Code 15269(c).

7. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Gas Pipeline Leases.

CALENDAR ITEM NO. 13 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. CODE 15061, BECAUSE THE MASTER LEASE AMENDMENT IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THE BANK PROTECTION RATIFIED HEREIN IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5) AND 14 CAL. ADM. CODE 15259(6), SPECIFIC ACTIONS NECESSARY TO PREVENT OR MITIGATE AN EMERGENCY.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE AN AMENDMENT TO LEASE PRC 5438.1 WHICH EXPANDS THE EXECUTIVE OFFICER'S (OR DESIGNEE) APPROVAL AUTHORITY OF LEASE MODIFICATIONS TO INCLUDE THE ADDITION OF NEW GAS PIPELINES AND ADDITIONAL LAND-USE AREAS TO SUPPLEMENT EXISTING LEASE USE AREAS, AS SPECIFIED HEREIN.
5. RATIFIED APPROVAL OF EMERGENCY WORK PERMITTED PER DECEMBER 22, 1983 EC REPORT TO THE COMMISSION.

EXHIBIT A  
STATE LANDS COMMISSION/PG&E  
GAS PIPELINE LEASES

PRC'S

2906.1	2639.1	2805.1
498.1	2905.1	2804.1
4020.1	1402.1	2803.1
2592.1	2536.1	2807.1
1867.1	2538.1	726.1
2480.1	3956.1	1981.1
2570.1	4037.1	643.1
2572.1	4018.1	646.1
3202.1*	4902.1	762.1
3422.1	2941.1	5039.1
497.1	2940.1	3054.1
2495.1	2477.1	4586.1
2904.1	2612.1	3771.1*
2907.1	1835.1	1993.1*
4868.1	390.1	1483.1
499.1	870.1	1838.1*
5079.1	1777.1	3410.1
5075.1	461.1	2571.1*
2663.1	2817.1	846.1
2806.1	1429.1	2573.1
1868.1	4021.1	2820.1
2539.1	5049.1	2821.1
2481.1	2953.1	2822.1
728.1	3610.1	1695.1
2009.1	3772.1	2625.1
1571.1	407.1	
2479.1	590.1	
3201.1	3641.1	
579.1	353.1	
611.1	4672.1	
596.1	459.1	
1511.2	1487.1	

\* - LINES LISTED AS ABANDONED BY PG&E