

MINUTE ITEM

This Calendar item No. C7  
was approved as Minute Item  
No. 7 by the State Lands  
Commission by a vote of 3  
to 0 at its 4/24/86  
meeting.

A 9

S 3

CALENDAR ITEM

C 07

4/24/86  
WP 6032 PRC 6032  
J. Ludlow

RENEWAL OF GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: Pacific Gas and Electric  
Company  
Attn: Mr. Thomas G. Martinez  
Regional Land Superintendent  
P. O. Box 2669  
San Rafael, California 94912

AREA, TYPE LAND AND LOCATION:  
Two temporary poles and approximately  
1,180 feet of conductor line, located above  
State-owned tide and submerged lands in the  
Novato Creek Floodplain, 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 health and 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.

TERMS OF FIRST RENEWAL TO LEASE:  
Initial period: Three years, five months and  
27 days beginning October 31,  
1982.

CONSIDERATION: The public health and 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.

CALENDAR ITEM NO. C 07 (CONT'D)

TERMS OF PROPOSED LEASE:

Initial period: Five years beginning April 28, 1986.

CONSIDERATION: The public health and 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.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is permitted of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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 resulting from BLA 150 which is being performed on the State's Parcels B and C, and as delineated on Exhibit "A".

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.

BACKGROUND:

Pursuant to the terms of BLA 150, Novato Center reserved an easement to extract up to 500,000 cubic yards of fill material from the State's Parcel B, which has been leased to the State Department of Fish and Game (PRC 5455). The fill was 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, was to serve as a holding pond for flood control and water purity together with other environmental benefits.

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

CALENDAR ITEM NO. COT<sup>1</sup> (CONT'D)

The developer of the property, E. W. Hahn, was delayed with his construction schedule due to extended negotiations and economic conditions and on September 23, 1982, by Minute Item 6, Pacific Gas and Electric Company was granted a three and one-half year extension of time to allow for the excavation to be completed.

**CURRENT STATUS:**

Due the current economic considerations, the developer's proposal to excavate and use the 500,000 cubic yards of fill has been deleted from the developer's plans and the United States Army Corps of Engineers permit has been modified. In lieu of the pond, the developer will (1) regrade the lake area surface to improve the drainage to the existing ponds; (2) reshape the pond bank slopes; (3) dig a perimeter ditch for security; (4) create an island from the surface grading spoils; (5) install one water control structure; and (6) plant trees. The Department of Fish and Game approves of the modification for the State's parcel.

**OTHER PERTINENT INFORMATION:**

1. The developer has requested an extension for the electrical right-of-way to Pacific Gas and Electric Company.
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 rental required for right-of-way use.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

CALENDAR ITEM NO. C07 (CONT'D)

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. significant environmental values that were originally identified are either no longer there or that such values are not within the project site and will not be affected by the proposed project.

APPROVALS OBTAINED:

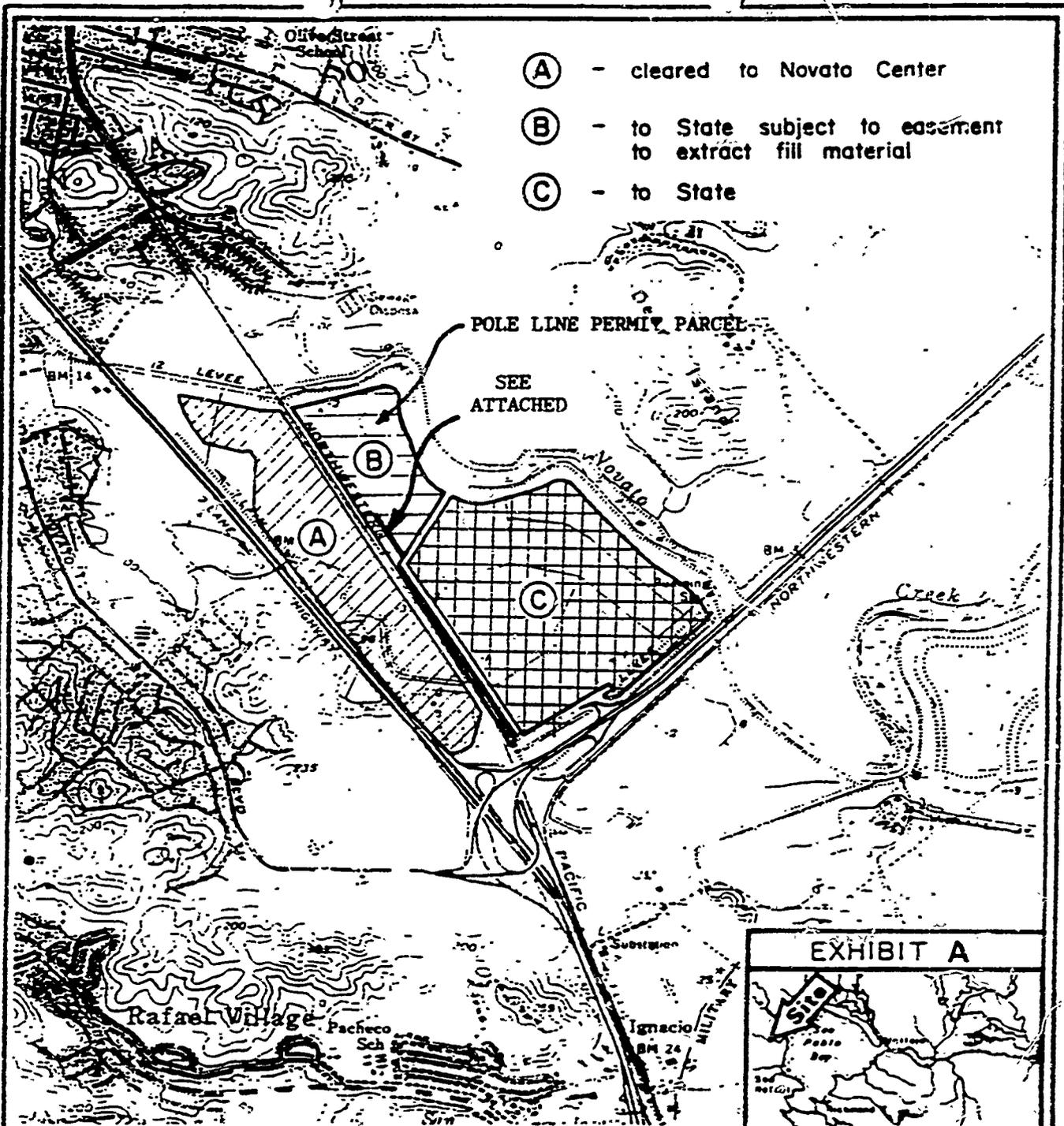
Northwestern Pacific Railroad, and the State Department of Fish and Game.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
3. WAIVE ALL FILING FEES AND PROCESSING COSTS.
4. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A FIVE-YEAR RENEWAL OF GENERAL LEASE - RIGHT-OF-WAY, FROM APRIL 28, 1986; IN CONSIDERATION OF THE PUBLIC HEALTH AND 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 POWER LINE, 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 DESCRIBED ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

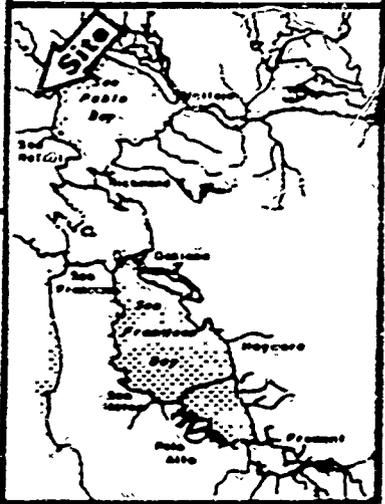


- (A) - cleared to Novato Center
- (B) - to State subject to easement to extract fill material
- (C) - to State

POLE LINE PERMIT PARCEL

SEE ATTACHED

EXHIBIT A



STATE LANDS COMMISSION

PLAT OF SETTLEMENT PARCELS

Prepared by jsf

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

Title Study Novato Center

WB 6032  
CALENDAR PAGE  
MINUTE PAGE

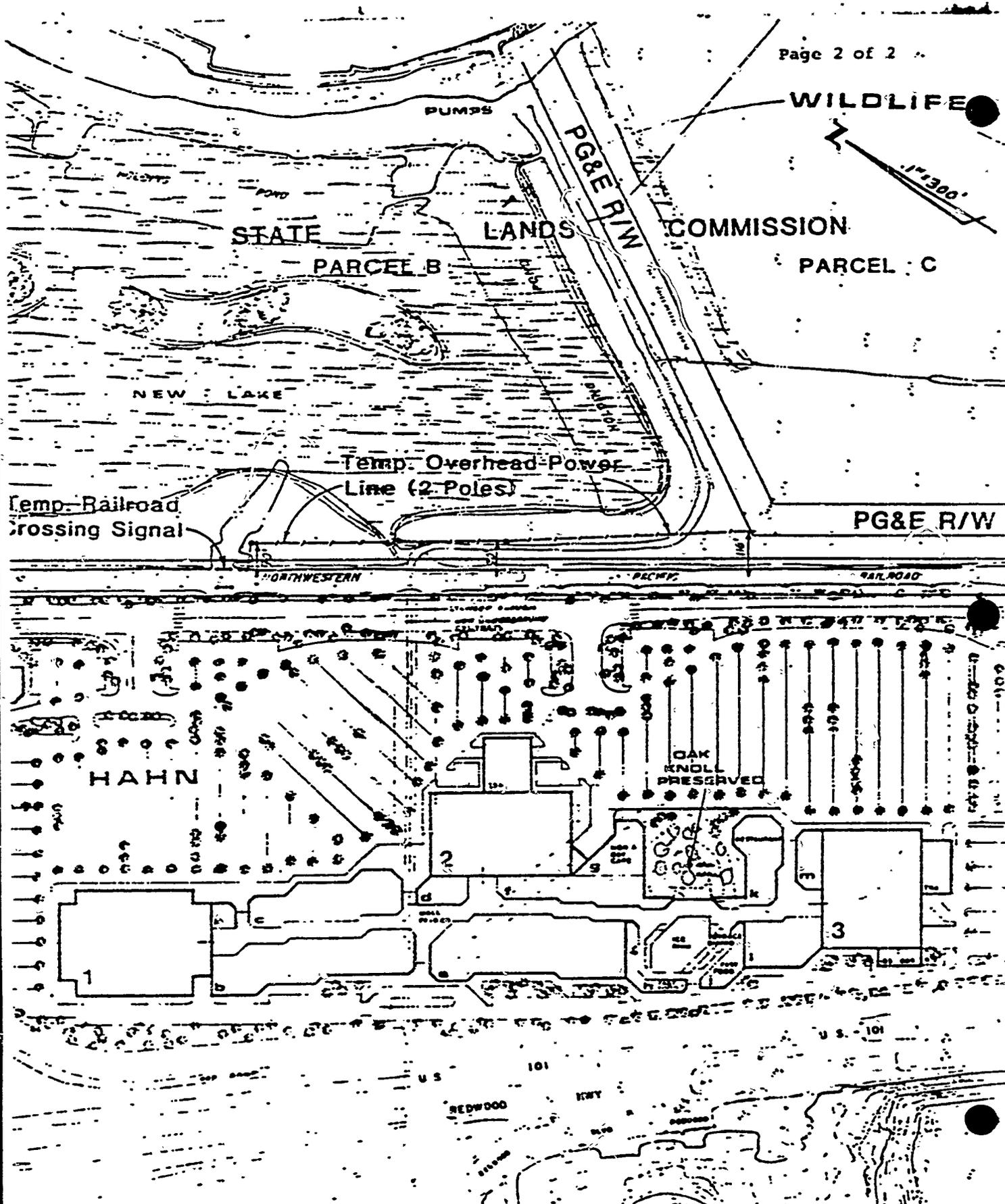


EXHIBIT "B"

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