MINUTE ITEM
This Calendar Item No. C07
was approved as Minute Item
No. 07 by the State Lands
Commission by a vote of 3
to Ø at its 4-13-99
meeting.

CALENDAR ITEM
C07

A 11

S 7

04/13/99
PRC 415 WP 415.1
PRC 3124 WP 3124.1
PRC 4444.1 WP 4444.1
L. Burks

ASSIGNMENT OF LEASES

LESSEE/ASSIGNOR:

Pacific Gas and Electric Company
P.O. Box 770000 - Mail Code N10A
San Francisco, California 94177

ASSIGNEE:

Southern Energy Delta, LLC
a Delaware limited liability company
50 California Street, Suite 3220
San Francisco, California 94111

AREA, LAND TYPE, AND LOCATION:

60.22 acres, more or less, of tide and submerged lands in the Sacramento River at the Pittsburg Power Plant, near the city of Pittsburg, and in the San Joaquin River at the Contra Costa Power Plant, near the city of Antioch, Contra Costa County.

AUTHORIZED USE:

PRC 415.1 - Cooling water intake structure: two 12-inch diameter water intake pipelines 354 feet in length, and appurtenances (Antioch).

PRC 3124.1 - Offloading barge dock: 300 foot long barge dock; six 7-pile dolphins; walkway; 12-inch diameter standby oil pipeline(Antioch);

PRC 4444.1 - Cooling water intake and discharge structure and wharf: 12-inch diameter water intake and discharge pipeline; approximately 700 foot wide industrial wharf consisting of a 350 foot long barge dock, a 100 foot long barge dock, and various other facilities ancillary to a condenser cooling water system (Pittsburg).

LEASE TERM:

PRC 415.1 - 10 years, beginning June 14, 1989.
PRC 3124.1 - 30 years, beginning April 29, 1979.
PRC 4444.1 - 35 years, beginning June 21, 1980.

CONSIDERATION:

PRC 415.1 - $3,253 per year
PRC 3124.1 - $2,320 per year
PRC 4444.1 - $74,238 per year
(The State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.)

OTHER PERTINENT INFORMATION:

1. Assignor owns the uplands adjoining the lease premises.

2. In response to the California deregulation of the electric industry, Pacific Gas and Electric Company (PG&E) is currently selling its fossil fuel power plants at Pittsburg and Antioch. PG&E has entered into a contract with Southern Energy Delta, LLC, a Delaware limited liability company, to purchase the Pittsburg and Contra Costa Power Plants.

3. Operation of these power plants are subject to a number of existing regulatory permits and licenses including leases issued by the California State Lands Commission (CSLC) for these facilities.

4. As part of the sale of the Pittsburg and Contra Costa Power Plants, PG&E has requested the CSLC to consider assigning all of its right, title and interest in Lease Nos. PRC 415.1, 3124.1 and 4444.1 to Southern Energy Delta, LLC.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

EXHIBITS:

A-1. Land Description (PRC 415.1)
A-2. Land Description (PRC 3124.1)
A-3. Land Description (PRC 4444.1)
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT OF LEASE NOS. PRC 415.1, 3124.1 AND 4444.1, EACH A GENERAL LEASE - INDUSTRIAL USE, OF LANDS DESCRIBED ON EXHIBITS A-1, A-2 AND A-3 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; FROM PACIFIC GAS AND ELECTRIC COMPANY TO SOUTHERN ENERGY DELTA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, EFFECTIVE IMMEDIATELY UPON THE CONVEYANCE OF THE PITTSBURG AND CONTRA COSTA POWER PLANTS TO ASSIGNEE. ASSIGNEE WILL NOTIFY THE LESSOR, IN WRITING, OF THE EFFECTIVE DATE OF THE ASSIGNMENT WITHIN TEN DAYS OF THE OCCURRENCE THEREOF.

EXHIBIT A-1

Lessee: Pacific Gas & Electric Company PRC 415.1

A parcel of tide and submerged land in the bed of the San Joaquin River, in Section 16, T 2 N, R 2 E, MDM, Contra Costa County, California described as follows:

BEGINNING at a point in the northwesterly boundary line of the 15.172 acre parcel of land described and designated PARCEL TWO in the deed from American Securities Company to Pacific Gas and Electric Company dated September 28, 1948 and recorded in the office of the County Recorder of said County of Contra Costa in Book 1304 of Official Records at page 308 from which the southwesterly terminus of a course in the boundary line of said 15.172 acre parcel of land, which course has a bearing of South 73° 05' West and a length of 981.22 feet, said southwesterly terminus also being the southwesterly terminus of a course in the boundary line of the parcel of land designated Tide Land Location No. 271 on the map of the Survey of Lot 2 of Section 16, Twp. 2 N., R.2E., M.D.B. & M., Contra Costa County, California, filed for record in the office of said County Recorder in Book 16 of Surveys at page 21, said course is designated on said map as N. 73° 05' E. 981.22', bears South 73° 05' West 272.40 feet distant and running thence the following sixteen courses, namely:

1. N 73° 05' E, along the boundary line of said 15.172 acre parcel of land, 160.97 feet;
2. N 27.83 feet;
3. W 40.00 feet;
4. N 276.79 feet;
5. E 5.00 feet;
6. N 6.00 feet;
7. W 5.00 feet;
8. N 16.00 feet;
9. W 100.00 feet;
10. S 16.00 feet;
11. W 5.00 feet;
12. S 6.00 feet;
13. E 5.00 feet;
14. S 272.21 feet;
15. W 14.00 feet; and
16. S 79.26 feet, more or less, to the point of beginning; containing 0.870 acre.

EXCEPTING THEREFROM any portion landward of the ordinary high water mark.

END OF DESCRIPTION

EXHIBIT A-2

LAND DESCRIPTION

PRC 3124.1

A parcel of tide and submerged land in the San Joaquin River approximately two and one-half miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

BEGINNING at a point in the northwesterly boundary line of the 15.172 acre parcel of land described and designated as "Parcel 2" in the deed from American Securities Company to Pacific Gas and Electric Company, dated September 28, 1948, and recorded in the office of the County Recorder of said Contra Costa County in Book 1304 of Official Records at page 308, from which the northeasterly terminus of the course in the boundary line of said 15.172 acre parcel of land which has a bearing of S 67°18'00"W and a length of 693.71 feet bears N 67°18'00"E 72.50 feet distant; thence along the following eight courses:

1. N 13°23'00"W 239.10 feet;
2. N 76°37'00"E 74.00 feet;
3. N 13°23'00"W 60.00 feet;
4. S 76°37'00"W 208.00 feet;
5. S 13°23'00"E 60.00 feet;
6. N 76°37'00"E 74.00 feet;
7. S 13°23'00"E 248.90 feet to a point on the northwesterly boundary of said 15.172 acre parcel of land;
8. N 67°18'00"E along last-mentioned boundary line 60.80 feet to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said San Joaquin River.

END OF DESCRIPTION

REVIEWED JUNE 12, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

EXHIBIT A-3

PRC 4444.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River, in the vicinity of Pittsburg, Contra Costa County, California, described as follows:

BEGINNING at Station 2 as shown on the map entitled "Plat of the North Property Line of P.G.E." filed for record in Book 19, page 33, Licensed Land Surveys, Contra Costa County Records; thence from said point of beginning along said north property line the following three courses:

1. N 70° 38' 27" E, 1113.75 feet;
2. N 72° 16' 57" E, 527.03 Feet;
3. S 88° 52' 32" E, 703.85 feet to the westerly line of the City of Pittsburg lease PRC 5011.9, a copy of said lease on file with the State Lands Commission in Sacramento, California; thence along said lease PRC 5011.9 lines the following three courses:

4. N 01° 07' 28" E, 200 feet;
5. S 88° 52' 32" E, 75 feet;
6. S 01° 07' 28" W, 200 feet to said north property line; thence along said north property line:

7. S 88° 52' 32" E, 207.00 feet to the westerly line of the City of Pittsburg lease PRC 7063.9, a copy of said lease on file with the State Lands Commission in Sacramento, California; thence leaving said north property line and along said lease PRC 7063.9 lines the following two courses:

8. N 15° 52' 01" E, 450.00 feet;
9. N 70° 00' 26" E, 99.08 feet; thence leaving said lease PRC 7063.9 the following three courses:

10. N 38° 25' 11" W, 889.98 feet;
11. S 80° 52' 58" W, 1699.47 feet;
12. S 20° 26' 15" W, 1499.34 feet to the point of beginning.

This description is based on the California Coordinate System, Zone 3, NAD 1927, with grid coordinates for the point of beginning being X = 1,597,522.06 and Y = 563,685.44.

END OF DESCRIPTION

REVISED AUGUST 27, 1990 BY LLB.

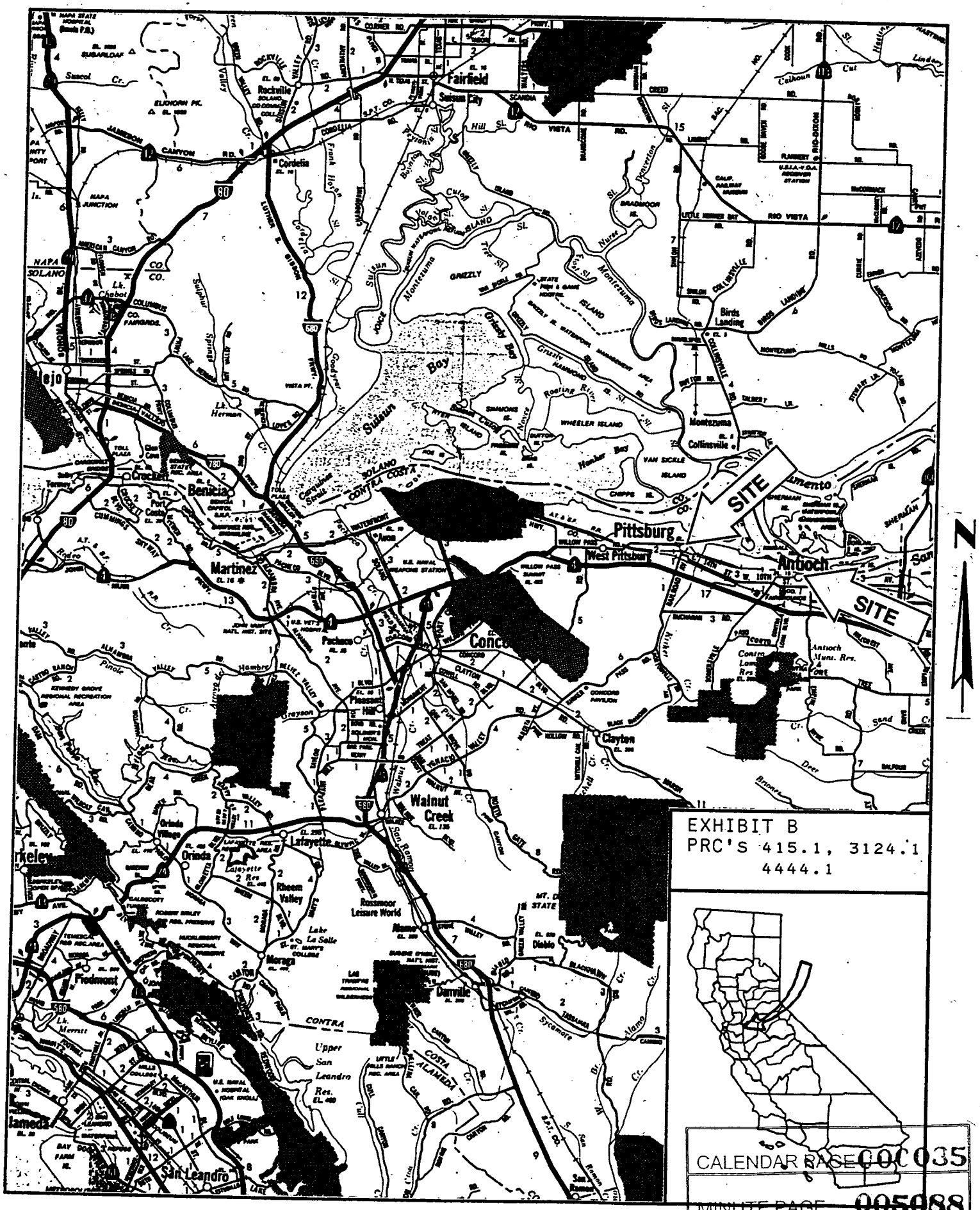

EXHIBIT B
PRC'S 415.1, 3124.1
4444.1

CALENDAR PAGE 000035

MINUTE PAGE 005088