

MINUTE ITEM

5/28/70
CRK

8. 49-YEAR RIGHT-OF-WAY, P.R.C. 4449.1; 18-MONTH RIGHT-OF-WAY AND INDUSTRIAL LEASE, P.R.C. 4450.1; TIDE AND SUBMERGED LAND AT DIABLO CANYON, SAN LUIS OBISPO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W-9093.

After consideration of Calendar Item 15 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF:

1. A 0.076-ACRE RIGHT-OF-WAY FOR 49 YEARS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$20, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR CONSTRUCTION OF A COOLING WATER DISCHARGE CHANNEL ON THE LAND DESCRIBED ON EXHIBIT "A"; AND
2. (a) AN INDUSTRIAL LEASE FOR 18 MONTHS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$432, FOR A COFFERDAM ON THE LAND DESCRIBED ON EXHIBIT "B"; AND (b) A 0.501-ACRE RIGHT-OF-WAY FOR 18 MONTHS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$111, FOR A ROAD ON THE LAND DESCRIBED ON EXHIBIT "C".

ALL EXHIBITS ARE ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 15 (6 pages)

CALENDAR ITEM

5/70
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15.

RIGHTS-OF-WAY AND AN INDUSTRIAL LEASE

APPLICANT: Pacific Gas and Electric Company.

LOCATION: Three parcels: (No. 1 - 0.076 acre; No. 2 - 1.951 acre; No. 3 - 0.501 acre) of tide and submerged lands at Diablo Canyon, San Luis Obispo County.

PROPOSED USE: Parcel 1 - a channel to discharge cooling water from an onshore atomic-fueled power plant.

Parcel 2 - a cofferdam appurtenant to construction of the discharge channel and related structures on upland.

Parcel 3 - a construction road.

TERMS: Parcel 1 - forty-nine years from June 1, 1970.

Parcels 2 and 3 - eighteen months from June 1, 1970.

CONSIDERATION:	<u>Parcel No.</u>	<u>Rental</u>	<u>Basis</u>
	1	\$20 per annum, to be reviewed every 5 years.	\$20 minimum.
	2	\$432 per annum.	6% of appraised land value.
	3	\$111 per annum.	6% of appraised land value.

PREREQUISITE ITEMS:

U.S. Army Corps of Engineers navigational permit has been issued. Applicant is lessee of the upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-09.
- b. Administrative Code: Title 2, Div. 3, Arts. 1 and 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

On August 28, 1969, the Commission authorized the issuance of Lease P.R.C. 4307.1 to Pacific Gas and Electric Company. The lease covered the construction of a water-intake channel, cooling-water conduits, and two breakwaters, all related to the construction of a multiple-unit, atomic-fueled power plant.

CALENDAR ITEM 15. (CONTD.)

Approximately 42 cubic yards of material will be removed from the proposed discharge channel. This material will be removed from the tidelands and either deposited on the uplands in accordance with paragraph 4 of an agreement dated December 6, 1966, between the Resources Agency of the State of California and the company concerning the power plant to be constructed at Diablo Canyon, or, if the material meets certain specifications, it may be used as fill around the intake structures or in constructing the adjacent breakwaters or access roads. Paragraph 4 of this agreement provides "...that any spoil material deposited on the land will be placed, graded, and compacted so as to minimize any transfer by erosion of the material to the beaches and ocean waters."

The area requested for a road to the cofferdam and discharge channel during construction is preferable, from an aesthetic standpoint, as an alternate to constructing a road down the face of the sea cliff to the cofferdam. The temporary construction road will begin at an existing road on the upland, thence continue along and down Diablo Creek and thence across the tidelands to the cofferdam.

Approximately 15,000 cubic yards of material will be required for the temporary construction road. The material will be granular where the road fill will be deposited on the tidelands.

The fill material for the temporary cofferdam and the temporary construction road will be of such character that it will not disintegrate from the action of the weather or the sea and will minimize turbidity in the ocean.

Upon completion of construction of the discharge channel and structure, the materials used to construct the temporary cofferdam and the temporary construction road will be removed from the tidelands and from Diablo Creek and disposed of in accordance with the December 6, 1966, agreement. If the fill material meets specifications, it may be used as fill around the intake structures or in constructing the adjacent breakwaters or access roads. No fill material utilized for this purpose that will cause an unreasonable increase in turbidity shall be deposited in or permitted to enter the ocean.

EXHIBITS:

- A. Land description, discharge channel.
- B. Land description, cofferdam.
- C. Land description, construction road.
- D. Location map.

CALENDAR ITEM 15. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF:

1. A 0.076-ACRE RIGHT-OF-WAY FOR 49 YEARS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$20, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH 5TH ANNIVERSARY, FOR CONSTRUCTION OF A COOLING WATER DISCHARGE CHANNEL ON THE LAND DESCRIBED ON EXHIBIT "A"; AND
2. AN INDUSTRIAL LEASE FOR EIGHTEEN MONTHS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$432, FOR A COFFERDAM ON THE LAND DESCRIBED ON EXHIBIT "B"; AND
3. A 0.501-ACRE RIGHT-OF-WAY FOR EIGHTEEN MONTHS FROM JUNE 1, 1970, AT AN ANNUAL RENTAL OF \$111, FOR A ROAD ON THE LAND DESCRIBED ON EXHIBIT "C".

ALL EXHIBITS ARE ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Attachments:

Exhibits "A", "B", "C"

EXHIBIT "A"

A parcel of tide and submerged land in the Pacific Ocean, San Luis Obispo County, California, described as follows:

BEGINNING at a point from which the United States Coast and Geodetic Survey Triangulation Station "Cove" bears S. $32^{\circ} 00' 48.6''$ W., 952.533 feet distant and running thence along the mean high water line of the Pacific Ocean, the following two (2) courses:

Course	Station to Station		Bearing	Distance (feet)
1	811	810	N. $23^{\circ} 36' 37.1''$ W.	31.940
2	810	814	N. $46^{\circ} 12' 32.9''$ W.	49.030

thence leaving the mean high water line of the Pacific Ocean;

3	814	813	S. $67^{\circ} 00' 00.0''$ W.	29.004
4	813	812	S. $23^{\circ} 00' 00.0''$ E.	77.000
5	812	811	N. $67^{\circ} 00' 00.0''$ E.	48.667,

to the point of beginning.

EXHIBIT "B"

A parcel of tide and submerged land in the Pacific Ocean, San Luis Obispo County, California, described as follows:

BEGINNING at a point from which the United States Coast and Geodetic Survey Triangulation Station "Cove" bears S. $32^{\circ} 00' 48.6''$ W., 952.533 feet distant and running thence along the mean high water line of the Pacific Ocean, the following seven (7) courses:

Course	Station to Station		Bearing	Distance (feet)
1	811	112	S. $23^{\circ} 36' 37.1''$ E.	64.361
2	112	113	S. $53^{\circ} 30' 37.1''$ E.	15.672
3	113	114	S. $33^{\circ} 43' 30.1''$ W.	13.635
4	114	115	S. $13^{\circ} 14' 16.6''$ E.	51.180
5	115	116	S. $06^{\circ} 43' 27.7''$ W.	16.141
6	116	117	S. $30^{\circ} 57' 49.5''$ E.	39.942
7	117	202	S. $10^{\circ} 13' 57.4''$ E.	22.205

thence leaving the mean high water line of the Pacific Ocean;

8	202	201	from a tangent which bears S. $70^{\circ} 35' 26.7''$ W. on a curve to the right with a radius of 250.00 feet through a central angle of $157^{\circ} 39' 41.7''$ an arc distance of 687.928 feet	
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to a point in the mean high water line of the Pacific Ocean and running thence along said mean high water line the following twelve (12) courses:

9	201	101	S. $78^{\circ} 34' 05.5''$ E.	14.086
10	101	102	S. $21^{\circ} 12' 46.8''$ E.	25.315
11	102	103	S. $35^{\circ} 37' 26.7''$ E.	16.190
12	103	104	S. $76^{\circ} 25' 10.6''$ W.	17.376
13	104	105	S. $03^{\circ} 03' 30.4''$ E.	32.986
14	105	106	S. $87^{\circ} 43' 54.0''$ E.	15.412
15	106	107	S. $35^{\circ} 59' 38.1''$ E.	10.073
16	107	108	S. $08^{\circ} 10' 21.0''$ W.	11.466
17	108	109	N. $89^{\circ} 08' 25.9''$ E.	54.666
18	109	110	S. $22^{\circ} 57' 09.5''$ E.	34.567
19	110	810	S. $46^{\circ} 12' 32.9''$ E.	92.150
20	810	811	S. $23^{\circ} 36' 37.1''$ E.	31.940

to the point of beginning.

EXHIBIT "C"

A parcel of tide and submerged land in the Pacific Ocean, San Luis Obispo County, California, described as follows:

BEGINNING at a point from which the United States Coast and Geodetic Survey Triangulation Station "Cove" bears S. 17° 18' 43.0" W., 1,077.201 feet distant and running thence along the mean high water line of the Pacific Ocean, the following ten (10) courses:

Course	Station to Station		Bearing	Distance(feet)
1	201	100	N. 78° 34' 05.5" W.	16.338
2	100	99	N. 3° 27' 31.9" E.	24.034
3	99	98	N. 40° 41' 28.4" W.	24.188
4	98	97	N. 8° 06' 52.1" E.	25.930
5	97	96	N. 49° 48' 12.5" W.	23.644
6	96	95	N. 71° 13' 03.9" W.	33.388
7	95	94	N. 27° 04' 05.8" W.	20.877
8	94	93	N. 18° 38' 18.0" E.	32.072
9	93	92	N. 39° 54' 01.8" W.	78.041
10	92	91	N. 46° 30' 15.0" W.	25.156

thence leaving the mean high water line of the Pacific Ocean;

11	91	90	S. 7° 11' 09.3" W.	150.175
12	90	89	S. 39° 04' 29.9" E.	173.644
13	89	201	from a tangent which bears N. 27° 57' 29.8" E. on a curve to the right with a radius of 250.00 feet, an arc distance of 88.549 feet,	

to the point of beginning.