

7. 49-YEAR RIGHT-OF-WAY PERMIT, TIDE AND SUBMERGED LAND IN THE BED OF OLD RIVER AT BRA'S ISLAND, SAN JOAQUIN AND CONTRA COSTA COUNTIES; PACIFIC GAS AND ELECTRIC COMPANY - W 8954, PRC 4628.1.

After consideration of Calendar Item 7 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 28 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A PERMIT AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR RIGHT-OF-WAY PERMIT, FROM JULY 1, 1971, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20, WITH THE FIRST FIVE YEARS PAID IN ADVANCE; AND WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR THE CONSTRUCTION AND MAINTENANCE OF A 12 KV DISTRIBUTION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 7 (3 pages)

CALENDAR ITEM

10/71
W 8954
EWC

7.

RIGHT OF WAY

APPLICANT: Pacific Gas and Electric Company.

LOCATION: A 0.023-acre parcel of tide and submerged land in the bed of Old River at Bra's Island, San Joaquin and Contra Costa Counties.

LAND USE: An overhead 12 KV distribution line.

TERMS: 49 years, from July 1, 1971.

CONSIDERATION: \$20 per annum, with the first five years paid in advance; and with the State reserving the right to review and reset a reasonable rental on each fifth anniversary if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
\$20 minimum rental for this type of permit.

PREREQUISITE ITEMS:
U. S. Army Corps of Engineers permit for overhead wires has been issued.

Applicant is permittee of upland.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Arts. 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:
1. An environmental impact report has been prepared and circulated to agencies and persons having jurisdiction and expertise. No adverse comments have been received.
2. This lease will replace one executed in 1963 (PRC 2868.1) but never consummated by construction, which has been effectively terminated. Mr. King has an unauthorized fill on State lands at this location, and is concurrently making application to the Division and to the Corps of Engineers for the necessary permits. In the staff's opinion, the fill and the crossing are separable and should be handled independently.

EXHIBITS: A. Land description. B. Location map.

CALENDAR ITEM 7. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 28 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A PERMIT AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR RIGHT-OF-WAY PERMIT, FROM JULY 1, 1971, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20, WITH THE FIRST FIVE YEARS PAID IN ADVANCE; AND WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR THE CONSTRUCTION AND MAINTENANCE OF A 12 KV DISTRIBUTION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

A 50-foot wide strip of land in the bed of Old River in San Joaquin and Contra Costa Counties, lying 25 feet on each side of the following described centerline:

COMMENCING at the southwest corner of Section 8, T. 1 S., R. 4 E., M.D.M. and running thence N. $18^{\circ} 41'$ E., 1656.14 feet; thence N. $39^{\circ} 12'$ W., 140 feet to the left bank of Old River, said point being the TRUE POINT OF BEGINNING; thence N. $39^{\circ} 12'$ W., 200 feet across Old River to Bra's Island and the end of the herein described line.