

6. 20-YEAR RIGHT-OF-WAY, TWO STRIPS OF TIDE AND SUBMERGED LAND CROSSING THE SACRAMENTO AND SAN JOAQUIN RIVERS IN SOLANO, SACRAMENTO, AND CONTRA COSTA COUNTIES - THE DOW CHEMICAL COMPANY - W 20357, PRC 4699.1.

After consideration of Calendar Item 4 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. 65 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A RIGHT-OF-WAY AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES ISSUANCE TO THE DOW CHEMICAL COMPANY OF A 20-YEAR RIGHT-OF-WAY FROM SEPTEMBER 1, 1972, IN THE FORM OF EXHIBIT "C" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$759.04, WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, PROVISION OF A \$5000 SURETY BOND AND PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$500,000 FOR PROPERTY DAMAGE; FOR INSTALLATION AND OPERATION OF A GAS PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT DOW CHEMICAL SHALL PROVIDE A U. S. ARMY CORPS OF ENGINEERS PERMIT PRIOR TO ISSUANCE OF THE RIGHT-OF-WAY.

Attachment:

(Calendar Item 4 (3 pages))

CALENDAR ITEM

8/72
CRK
W 20357

4.

RIGHT-OF-WAY

APPLICANT: The Dow Chemical Company.

LOCATION: Two strips of tide and submerged land (30' x 3,648' and 30' x 5,840') crossing the Sacramento and San Joaquin Rivers in Solano, Sacramento and Contra Costa Counties.

LAND USE: An 8-inch steel pipeline for transporting natural gas.

TERMS OF PROPOSED LEASE:

20 years, from September 1, 1972.

Surety bond: \$5,000. Public liability insurance: \$200,000/
\$600,000 for personal injury and \$500,000 for property damage.

CONSIDERATION: \$759.04 per annum, with State reserving the right to review and reset a reasonable rental on each fifth anniversary.

BASIS FOR CONSIDERATION:

One cent per diameter inch per lineal foot of pipeline.

PREREQUISITE ITEMS:

U.S. Army Corps of Engineers permit has been requested.

Applicant is owner of upland at the pipeline terminus.

Applicant is acquiring easements over other uplands which the pipeline will cross.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Division 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Division 3, Articles 1 and 2.

OTHER PERTINENT INFORMATION:

An environmental impact report has been prepared and circulated to affected governmental agencies. No adverse comments were received. There were cautionary remarks with respect to trenching and these were relayed to the applicant.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Form of Right-of-Way.
- D. Drawing showing revised alignment, agreeing with Exhibit A.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 65 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A RIGHT-OF-WAY AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.

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CALENDAR ITEM NO. 4. (CONTD)

2. AUTHORIZE ISSUANCE TO THE DOW CHEMICAL COMPANY OF A 20-YEAR RIGHT-OF-WAY FROM SEPTEMBER 1, 1972, IN THE FORM OF EXHIBIT "C" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$759.04, WITH STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, PROVISION OF A \$5,000 SURETY BOND AND PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$500,000 FOR PROPERTY DAMAGE, FOR INSTALLATION AND OPERATION OF A GAS PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT DOW CHEMICAL SHALL PROVIDE A U.S. ARMY CORPS OF ENGINEERS PERMIT PRIOR TO ISSUANCE OF THE RIGHT-OF-WAY.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20357

Two parcels of tide and submerged land located in Colano, Sacramento, and Contra Costa Counties, State of California, more particularly described as follows:

PARCEL 1:

A strip of land 30 feet wide, lying in the bed of the Sacramento River, 15 feet on each side of the following described centerline:

BEGINNING at a point on the centerline of the levee on the north bank of the Sacramento River, said point situated in Section 25, T. 3 N., R. 1 E., M.D.M., and bears S. 55° 29' 40.52" E., 7,364.47 feet from the east KKIS radio tower; thence S. 11° 40' 26.4" W., 3,644.47 feet to the centerline of the levee on the south bank of the Sacramento River and the north bank of Sherman Island to the end of the herein described line.

PARCEL 2:

A strip of land 30 feet wide, lying in the bed of the San Joaquin River, 15 feet on each side of the following described centerline:

COMMENCING at above last-mentioned point on the centerline of the levee along the south bank of the Sacramento River; thence S. 11° 22' 45" W. across Sherman Island 8,205 feet to the centerline of the levee along the north bank of the San Joaquin River and the TRUE POINT OF BEGINNING; thence S. 44° 26' 45" W., 5,840 feet to a point on the south bank of the San Joaquin River, said point situated in Section 11, T. 2 N., R. 1 E., M.D.M., and bears N. 37° 31' 09" W., 17,143.68 feet from a large ground water tank located on a hill south of the City of Antioch, California, said point being the end of the herein described line.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Sacramento River and the San Joaquin River.

END OF DESCRIPTION