

6. 7-YEAR AND 49-YEAR INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND ADJACENT TO SAN ONOFRE NUCLEAR GENERATING STATION, SAN DIEGO COUNTY; SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS AND ELECTRIC COMPANY - W 9225, PRC 4862.1.

During consideration of Calendar Item 4 attached, the Assistant Manager, Land Operations, presented a brief status report to the Commission on the project. After his presentation, Lt. Governor Ed Reinecke asked whether the project was still before the Coastal Commission. The Executive Officer stated that it was. The Lt. Governor then asked whether it was appropriate for the Commission to act now or wait until the Coastal Commission acted.

Mr. Lawrence Hamlin, Project Manager, San Onofre Units 2 and 3, Southern California Edison Company, addressed the Commission. He stated, in reply to Mr. Reinecke's question on whether to act now or wait, it was the company's view that the Commission's specific responsibility in the matter was independent of any action being taken by the Coastal Commission. He stated that it would be just as unreasonable for the Coastal Commission to wait to act until we had acted. At this point Chairman Flournoy made it clear that unless the Coastal Commission, which has the prime responsibility, ultimately approves the whole project, approval by the State Lands Commission means nothing.

Director of Finance Verne Orr stated that he had talked with the Coastal Commission and they are going over, in detail, such questions as the length of the pipes, how far out to sea they go, the discharge of the hot water and warm water, etc. and that Southern California Edison might have to come back to the State Lands Commission for an alteration of the lease if the Coastal Commission decides the pipes have to be another 500 feet long. Mr. Hamlin confirmed that this was true.

Mr. Stephan Volker, representing the Sierra Club, Groups United Against Radiation Dangers, Scenic Shoreline Preservation Conference, Inc., and the Environmental Coalition of Orange County, appeared and directed the Commission's attention to the extensive written statements, with regard to the proposed expansion of the San Onofre Nuclear Generating Plant, delivered to the staff of the State Lands Division by attorneys for the Scenic Shoreline Preservation Conference and the Southern California Center for Law in the Public Interest. Mr. Volker summarized the major reasons why the groups which he represented are opposed to the lease approval in its present form at this time. Most of his comments were directed to the inadequacies of the environmental impact report, the destruction of the towering bluffs and barrancas, the fact that 2/10ths of a mile of beach will be closed to public use during the six-year construction period, the effect on the marine environment with the cooling system demanding an enormous amount of sea water, and the radiation hazards of the nuclear components of the plant. The Commissioners then posed questions to Mr. Volker about the points he raised, to which he responded.

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Mr. Reinecke then stated that because of the desire for a one-stop permit, and for the elimination of the bureaucracy involved, he feels that the application before the Commission does not contemplate the massive destruction of that area; that the project has been approved by dozens of other agencies, studied and restudied, heard and reheard. He stressed that the State Lands Commission should get on with approving the lease. He stated that if the Coastal Commission finds that seismic activities are serious, it is up to them to stop it.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. CERTIFIES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDERS AND ADOPTS ENVIRONMENTAL IMPACT REPORT NO. 141.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS AND ELECTRIC COMPANY OF AN INDUSTRIAL LEASE BEGINNING FEBRUARY 1, 1974, ON TIDE AND SUBMERGED LAND ADJACENT TO SAN ONOFRE NUCLEAR GENERATING STATION, SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

<u>LAND DESCRIPTION</u>	<u>IMPROVEMENTS &amp; LAND USE</u>	<u>TERM</u>	<u>ANNUAL RENTAL</u>
EXHIBIT "A"	FOUR 18-FOOT DIAMETER CONCRETE CONDUITS & APPURTENANCES	49 YEARS	\$15,000
EXHIBIT "B",	CONSTRUCTION AREA	7 YEARS	\$52,500

BOTH ATTACHED  
AND BY REFERENCE  
MADE A PART HEREOF.

5. PROVIDED:
  - A. THAT LESSOR SHALL HAVE THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE;
  - B. THAT LESSEE SHALL PROVIDE COMPREHENSIVE PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE;

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C. THAT THE ISSUANCE OF A U. S. ARMY CORPS OF ENGINEERS PERMIT SHALL BE A CONDITION PRECEDENT OF THE LEASE.

6. PROVIDED FURTHER, THAT LESSEE IS AUTHORIZED TO ENCUMBER THE LEASEHOLD INTERESTS AUTHORIZED HEREIN BY LIEN OR CHARGE OF ANY TRUST INDENTURE, MORTGAGE OR DEED OF TRUST AS MAY BE NECESSARY AND REASONABLE FOR THE BENEFIT OF LESSEE'S BONDS; PROVIDED THAT THIS AUTHORIZATION SHALL NOT OPERATE TO PREVENT LESSOR FROM EXERCISING ANY OF ITS RIGHTS UNDER SAID LEASE.
7. PROVIDED FURTHER, THAT DOCUMENTATION ISSUED PURSUANT HERETO MAY BE CONSTRUED AND TERMED AS A CONVEYANCE OF AN EASEMENT.

Attachment:

Calendar Item 4 (5 pages)

Minute item 6, meeting of 2/6/74 AMENDED  
P. 15  
by minute item 16, meeting of 4/24/74. dj  
P. 362 (initials)

CALENDAR ITEM

1/74  
CRK  
W 9225

4.

INDUSTRIAL LEASE

APPLICANT: Southern California Edison Company and  
San Diego Gas and Electric Company.

AREA, TYPE LAND AND LOCATION:  
Two parcels of tide and submerged land adjacent to San  
Onofre Nuclear Generating Station, San Diego County:  
19.91 acres underlying circulating water conduits and a  
69.97-acre construction area.

LAND USE: Four 18-foot diameter concrete circulating water conduits  
with appurtenances.

TERMS OF PROPOSED LEASE:  
49 years for the conduit site and 7 years for the construc-  
tion area, from February 1, 1974.

Public liability insurance:  
\$500,000/\$1,000,000 for personal injury  
and \$50,000 for property damage.

CONSIDERATION: \$15,000 per annum for the conduit parcel and \$52,500 per  
annum for the construction area, with the State reserving  
the right to fix a different rental on each fifth anniver-  
sary of the lease.

BASIS FOR CONSIDERATION:  
6% of appraised value of land.

PREREQUISITE TERMS:  
U. S. Army Corps of Engineers permit has been requested.  
Applicant is lessee or permittee of the 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  
and 10.

OTHER PERTINENT INFORMATION:  
A draft environmental impact report was circulated to  
agencies, entities and persons having jurisdiction and  
expertise. A number of adverse comments were received  
and they have been incorporated into the final environ-  
mental impact report, together with responses thereto.

EXHIBITS:  
A. Land Description - Conduit Parcel.  
B. Land Description - Construction Area.  
C. Location Map.

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CALENDAR ITEM NO. 4. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDER AND ADOPT ENVIRONMENTAL IMPACT REPORT NO. 141.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND SAN DIEGO GAS AND ELECTRIC COMPANY OF AN INDUSTRIAL LEASE BEGINNING FEBRUARY 1, 1974, ON TIDE AND SUBMERGED LAND ADJACENT TO SAN ONOFRE NUCLEAR GENERATING STATION, SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

<u>LAND DESCRIPTION</u>	<u>IMPROVEMENTS &amp; LAND USE</u>	<u>TERM</u>	<u>ANNUAL RENTAL</u>
EXHIBIT "A"	FOUR 18-FOOT DIAMETER CONCRETE CONDUITS & APPURTENANCES	49 YEARS	\$15,000
EXHIBIT "B",	CONSTRUCTION AREA	7 YEARS	\$52,500

BOTH ATTACHED  
AND BY REFERENCE  
MALE A PART HEREOF.

5. PROVIDED:
  - A. THAT LESSOR SHALL HAVE THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE;
  - B. THAT LESSEE SHALL PROVIDE COMPREHENSIVE PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE;
  - C. THAT THE ISSUANCE OF A U. S. ARMY CORPS OF ENGINEERS PERMIT SHALL BE A CONDITION PRECEDENT OF THE LEASE.
6. PROVIDED FURTHER, THAT LESSEE IS AUTHORIZED TO ENCUMBER THE LEASEHOLD INTERESTS AUTHORIZED HEREIN BY LIEN OR CHARGE OF ANY TRUST INDENTURE, MORTGAGE OR DEED OF TRUST AS MAY BE NECESSARY AND REASONABLE FOR THE BENEFIT OF LESSEE'S BONDS; PROVIDED THAT THIS AUTHORIZATION SHALL NOT OPERATE TO PREVENT LESSOR FROM EXERCISING ANY OF ITS RIGHTS UNDER SAID LEASE.
7. PROVIDED FURTHER, THAT DOCUMENTATION ISSUED PURSUANT HERETO MAY BE CONSTRUED AND TERMED AS A CONVEYANCE OF AN EASEMENT.

Attachments: Exhibits "A" and "B"

EXHIBIT "A"

W 9225

A parcel of tide and submerged land lying in the Pacific Ocean adjacent to the San Onofre Nuclear Generating Station, San Diego County, State of California, more particularly described as follows:

COMMENCING at the easterly terminus of that certain course in the southwesterly boundary line of the 83.63 acre parcel of land shown on the Licensed Surveyor's Map filed on June 13, 1963, as Map No. 6242 of Record of Surveys in the Office of the County Recorder of said County, said certain course is shown on said map as having a bearing of S 49° 34' 15" E and a length of 300.24 feet; thence S 57° 24' 41" E, 8.64 feet to the TRUE POINT OF BEGINNING; thence the following courses:

S 33° 00' 00" W,	56.81 feet;
S 39° 44' 55" W,	2,347.44 feet;
N 57° 00' 00" W,	58.14 feet;
S 33° 00' 00" W,	140.00 feet;
S 57° 00' 00" E,	50.00 feet;
S 33° 00' 00" W,	681.39 feet;
N 57° 00' 00" W,	20.00 feet;
S 33° 00' 00" W,	140.00 feet;
S 57° 00' 00" E,	20.00 feet;
S 33° 00' 00" W,	5,029.50 feet;
S 57° 00' 00" E,	40.00 feet;
N 33° 00' 00" E,	5,029.50 feet;
S 57° 00' 00" E,	80.00 feet;
N 33° 00' 00" E,	140.00 feet;
N 57° 00' 00" W,	50.00 feet;
N 33° 00' 00" E,	681.39 feet;
S 57° 00' 00" E,	20.00 feet;
N 33° 00' 00" E,	140.00 feet;
N 57° 00' 00" W,	11.37 feet;
N 39° 44' 55" E,	543.88 feet;
S 50° 15' 05" E,	70.00 feet;
N 39° 44' 55" E,	140.00 feet;
N 50° 15' 05" W,	45.00 feet;
N 39° 44' 53" E,	1,660.88 feet;
S 61° 03' 16" E,	21.05 feet;
S 26° 17' 55" W,	2,343.08 feet;
N 57° 00' 00" W,	11.43 feet;
S 33° 00' 00" W,	140.00 feet;
S 57° 00' 00" E,	20.00 feet;
S 33° 00' 00" W,	681.38 feet;
N 57° 00' 00" W,	50.00 feet;
S 33° 00' 00" W,	140.00 feet;
S 57° 00' 00" E,	80.00 feet;
S 33° 00' 00" W,	2,529.50 feet;
S 57° 00' 00" E,	40.00 feet;

EXHIBIT "A" (CONTD)

N 33° 00' 00" E, 2,529.50 feet;  
S 57° 00' 00" E, 20.00 feet;  
N 33° 00' 00" E, 140.00 feet;  
N 57° 00' 00" W, 20.00 feet;  
N 33° 00' 00" E, 681.38 feet;  
S 57° 00' 00" E, 50.00 feet;  
N 33° 00' 00" E, 140.00 feet;  
N 57° 00' 00" W, 58.09 feet;  
N 26° 17' 55" E, 2,347.21 feet; and  
N 33° 00' 00" E, 64.97 feet

to a point in the southwesterly boundary line of the 83.63 acre parcel of land shown on said Licensed Surveyor's Map No. 6242; thence along said southwesterly line, the following two courses:

N 65° 24' 53" W, 48.94 feet; and  
N 57° 24' 41" W, 137.60 feet

to the point of beginning.

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

END OF DESCRIPTION

EXHIBIT "B"

W 9225

A parcel of tide and submerged land lying in the Pacific Ocean adjacent to the San Onofre Nuclear Generating Station, San Diego County, State of California, more particularly described as follows:

BEGINNING at a point in that certain course in the southwesterly boundary line of the 83.63 acre parcel of land shown on the Licensed Surveyor's Map filed on June 13, 1963, as Map No. 6242 of Record of Surveys in the Office of the County Recorder of said County, said course is shown on said map as having a bearing of S 49° 34' 15" E, and a length of 300.24 feet, said point being S 49° 34' 15" E, 203.06 feet from the westerly terminus of said certain course; thence along the following courses:

S 33° 00' 00" W, 63.12 feet;  
S 39° 44' 55" W, 2,416.74 feet;  
S 33° 00' 00" W, 6,108.25 feet;  
S 57° 00' 00" E, 250.00 feet;  
N 33° 00' 00" E, 5,057.00 feet;  
S 57° 00' 00" E, 50.00 feet;  
N 33° 00' 00" E, 1,033.57 feet;  
N 39° 44' 55" E, 1,545.73 feet;  
S 26° 17' 55" W, 1,545.52 feet;  
S 33° 00' 00" W, 1,033.63 feet;  
S 57° 00' 00" E, 50.00 feet;  
S 33° 00' 00" W, 2,557.00 feet;  
S 57° 00' 00" E, 250.00 feet;  
N 33° 00' 00" E, 3,608.20 feet;  
N 26° 17' 55" E, 2,416.51 feet;  
N 33° 00' 00" E, 74.36 feet

to a point in the southwesterly boundary line of the 83.63 acre parcel of land shown on said Licensed Surveyor's Map No. 6242; thence along said southwesterly line, the following three courses:

N 65° 24' 53" W, 155.07 feet;  
N 57° 24' 41" W, 146.24 feet; and  
N 49° 34' 15" W, 97.18 feet

to the point of beginning.

EXCEPTING THEREFROM that portion hereinbefore described in Exhibit "A".

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

END OF DESCRIPTION