

7. AMENDMENT OF INDUSTRIAL LEASE PRC 4444, TIDE AND SUBMERGED LAND IN SUISUN BAY AT PITTSBURG, CONTRA COSTA COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W 20074, PRC 4444.

After consideration of Calendar Item 5 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT A FINAL 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. CERTIFIES THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #168) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE AMENDMENT OF LEASE PRC 4444 TO PROVIDE FOR DREDGING, INSTALLATION OF A PIPELINE AND MODIFICATION OF THE EXISTING OFFLOADING DOCK AND ANCILLARY FACILITIES TO ACCOMMODATE DELIVERY OF FUEL OIL FROM LARGER TANKERS AND THE SIMULTANEOUS LOADING OF A FUEL OIL TRANSFER BARGE WITH PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$5,000,000 FOR PROPERTY DAMAGE.

ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 4444 ARE TO REMAIN IN FULL FORCE AND EFFECT.

Attachment:

Calendar Item 5 (3 pages)

CALENDAR ITEM

12/74

GDG

W. 20074

5.

AMENDMENT OF INDUSTRIAL LEASE PRC 4444.1

APPLICANT: Pacific Gas and Electric Company.

AREA, TYPE LAND AND LOCATION:  
A 120.01-acre parcel of tide and submerged land in Suisun Bay at Pittsburg, Contra Costa County.

LAND USE: Industrial wharf and sites for intake and discharge facilities ancillary to a condenser cooling water system.

TERMS OF ORIGINAL LEASE:  
Period: 15 years, from June 21, 1970.

Renewal options: 2 additional periods of 15 years each.

CONSIDERATION: \$24,240 per annum, with 5-year review.

TERMS OF AMENDED LEASE:  
Period: 15 years, from June 21, 1970.

Renewal options: 2 additional periods of 15 years each.

Public liability insurance:  
\$500,000/\$1,000,000 for personal injury and \$5,000,000 for property damage.

Special: Immediate notification of the State Office of Emergency Services by telephone of a spill or leak of oil or other liquid pollutants into the waters over State land followed by a complete written report within 30 days stating the source, cause, size of spill and action taken.

CONSIDERATION: \$24,240 per annum, plus interest, for any and all retro-active payments, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

ROYALTY: 10 cents per cubic yard.

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

CALENDAR ITEM NO. 5. (CONTD)

**PREREQUISITE TERMS:**

Applicant is owner 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 & 10.

**OTHER PERTINENT INFORMATION:**

1. Minute Item 31, dated April 23, 1970, authorized the issuance to Pacific Gas and Electric Company of a 15-year lease effective June 21, 1970, replacing PRC 2339.1, with the right to reset rental at 5-year intervals and a renewal option of 2 additional periods of 15 years each; for operation of an existing oil unloading dock, intake and exhaust facilities; the construction and utilization of portions of a proposed intake and condenser cooling water system and ancillary facilities related to their protection and maintenance for the operation of an electric power plant.
2. Pacific Gas and Electric Company proposes to modify the existing dock at the Pittsburg Power Plant on Suisun Bay to the degree necessary to receive fuel oil deliveries from larger tankers. This modification is required because of a shortage in the availability of natural gas as an energy source to generate electricity.
3. All improvements constructed and installed are to comply with plans and specifications approved by a registered professional engineer.
4. An environmental impact report has been prepared and circulated to agencies and persons having jurisdiction and expertise. The comments and recommendations received have been incorporated into this report.

**EXHIBIT:**

- A. Location Map.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. DETERMINE THAT A FINAL 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. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #168) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. 5. (CONTD)

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE AMENDMENT OF LEASE PRC 4444.1 TO PROVIDE FOR DREDGING, INSTALLATION OF A PIPELINE AND MODIFICATION OF THE EXISTING OFFLOADING DOCK AND ANCILLARY FACILITIES TO ACCOMMODATE DELIVERY OF FUEL OIL FROM LARGER TANKERS AND THE SIMULTANEOUS LOADING OF A FUEL OIL TRANSFER BARGE WITH PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$5,000,000 FOR PROPERTY DAMAGE.

ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 4444.1 ARE TO REMAIN IN FULL FORCE AND EFFECT.