

5. 15-YEAR RIGHT-OF-WAY, SUBMERGED LAND IN THE BED OF THE KINGS RIVER, KINGS COUNTY, ADJACENT TO STATE ROUTE 41; PACIFIC GAS AND ELECTRIC COMPANY - W 20881, PRC 4988.

During consideration of Calendar Item 3 attached, Chairman Cory raised the question as to why a distinction is made as to the kind of utility company exempted from fee requirements. In response to his inquiry, Mr. James F. Trout, Manager, Land Operations, stated that the distinction is based on whether it is a utility engaged in supplying communication services. Chairman Cory then suggested that the staff informally inquire of some legislators as to whether or not they believe communication is a valid distinction in terms of public policy.

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

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2910(a).
2. AUTHORIZES THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-YEAR RIGHT-OF-WAY FROM MARCH 1, 1975, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10-YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO CHANGE THE AMOUNT OF ANNUAL RENTAL AT ANY TIME DURING THE FIRST YEAR OF THE LEASE RETROACTIVE TO MARCH 1, 1975, AND ON EACH FIFTH ANNIVERSARY THEREAFTER; FOR THE INSTALLATION AND MAINTENANCE OF POLE LINE FACILITIES FOR TRANSMISSION OF ELECTRIC ENERGY; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:
Calendar Item 3 (3 pages)

CALENDAR ITEM

2/75

ACS

W 20881

3.

RIGHT-OF-WAY

APPLICANT: Pacific Gas and Electric Company.

AREA, TYPE LAND AND LOCATION:

A 20' x 308' parcel of submerged land in the bed of the Kings River, Kings County, adjacent to State Route 41.

LAND USE: Installation and maintenance of pole line facilities for transmission of electric energy.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from March 1, 1975.

Renewal options: 3 successive periods of 10 years each.

CONSIDERATION: \$100 per annum, with the State reserving the right to change the amount of annual rental at any time during the first year of the lease, retroactive to March 1, 1975, and then on each fifth anniversary thereafter.

BASIS FOR CONSIDERATION:

\$100 proposed minimum rental for this type of lease (2 Cal. Adm. Code 2006).

PREREQUISITE TERMS:

Applicant is lessee or 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 & 10.

OTHER PERTINENT INFORMATION:

1. This project constitutes a relocation and replacement of existing facilities (which have been in trespass) necessitated by the Division of Highways' construction of State Route 41. State Route 41 will ultimately be a 6-lane freeway from 0.8 mile south of Routes 41 and 198 Interchange to 0.3 mile south of the Kings/Fresno County line. Such required relocation will be to a designated 20-foot utility easement adjacent to the east boundary of the State Route 41 freeway right-of-way.
2. An environmental impact report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2910(a) which exempts the replacement or reconstruction of an existing structure on the same site and substantially for the same purpose and capacity.

CALENDAR ITEM NO. 3. (CONTD)

EXHIBITS: Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2910(a).
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Attachment: Exhibit "A"

EXHIBIT "A"

W 20881

A strip of submerged land 20 feet in width across the State-owned bed of the South Fork of the Kings River, within Section 16, T 18 S, R 20 E, MDM, Kings County, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the northeast corner of Section 21, T 18 S, R 20 E, MDM; thence N 54 47' W, 3638.78 feet to the TRUE POINT OF BEGINNING; thence N 7 16' W, 307.78 feet to the end of the herein-described centerline.

The basis of bearings for this description is the California Coordinate System, Zone 4.

END OF DESCRIPTION