

MINUTE ITEM

This Calendar Item No. C6
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 2
to 0 at its 12/19/77
meeting.

CALENDAR ITEM

C6.

12/77
WP 646
Maricle
PRC 646

RENEWAL AND AMENDMENT OF
RIGHT-OF-WAY EASEMENT

APPLICANT: Pacific Gas and Electric Company
P. O. Box 7444
Sacramento, California 95825.

AREA, TYPE LAND AND LOCATION: A 0.155 acre tide and submerged land parcel
in Napa River, near Napa County Airport;
Napa County.

LAND USE: An existing 8-inch diameter gas pipeline.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from August 29,
1951.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$1,000.

Consideration: \$44.50 per annum.

TERMS OF FIRST RENEWAL:

Initial period: 10 years from August 29,
1956.

Consideration: \$107.10 per annum.

TERMS OF SECOND RENEWAL - CURRENT PROPOSAL:

Initial period: 10 years from August 29,
1976.

CONSIDERATION: \$107.10 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease or
in the event the parties agree upon a rental
on another basis.

BASIS FOR CONSIDERATION:

The present rental exceeds the minimum
rental of \$100 per annum, which would apply
for a new facility of this type. The applicant

A 4
S 8

CALENDAR ITEM NO. C6. (CONTD)

and the staff agreed to continue the present rental as reasonable compensation subject to rental review covenants set forth in the renewal document.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class C which authorizes Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. 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 2907.
2. FIND THAT GRANTING OF THE RENEWAL AND AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.

CALENDAR ITEM NO. 06. (CONTD)

3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 10-YEAR RENEWAL AND AMENDMENT OF A RIGHT-OF-WAY EASEMENT FROM AUGUST 29, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$107.10 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR AN EXISTING 8-INCH DIAMETER GAS PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. THE COMMISSION RESERVES THE RIGHT TO FIX A DIFFERENT RENTAL RATE, RETROACTIVE TO AUGUST 29, 1976 IN THE EVENT THE PARTIES THERETO AGREE UPON A RENTAL ON ANOTHER BASIS; IT BEING UNDERSTOOD BY THE PARTIES HEREIN THAT BASIS MAY INCLUDE VOLUMETRIC CHARGES.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 646

A strip of tide and submerged land, 30 feet wide, in the bed of Napa River, County of Napa, State of California, said strip being 15 feet on each side of the following described centerline:

BEGINNING at the intersection of a line parallel with and 10 feet southerly of the northerly boundary of Oil Company Road (AKA Standard Oil Lane) and the westerly Right-of-Way line of the Southern Pacific Railroad; thence westerly along said parallel line and westerly prolongation thereof, 400 feet to the centerline of Riverside Drive in the City of Napa and the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of Napa River.

END OF DESCRIPTION

Prepared M. J. Shal Checked R. N. Hill
Reviewed J. W. Gummcke Date 3/2/77
XDS