

MINUTE ITEM

This Calendar Item No. 66  
was approved as Minute  
No. 6 by the State Lands Commission by a vote of 3  
to 0 at its 6/29/82  
meeting.

C 0 6

6/29/82  
PRC 3768 WP 3768  
Lipphardt  
Reese

APPROVAL OF  
TERMINATION OF ORIGINAL LEASE PRC 3768.1  
AND APPROVAL OF A  
GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: The Dow Chemical Company  
Western Division  
P. O. Box 1398  
Pittsburg, California 94565

AREA, TYPE LAND AND LOCATION:  
A 4.38-acre parcel of tide and submerged  
land, located in the San Joaquin River  
between Sherman and Jersey Islands, Sacramento  
and Contra Costa Counties.

LAND USE: Maintenance of submarine pipeline for conveyance  
of gas.

TERMS OF ORIGINAL LEASE:  
Initial period: 15 years from May 25,  
1967.  
Renewal options: Three successive periods  
of ten years each.  
Consideration: \$173.97 per annum.

TERMS OF PROPOSED LEASE:  
Initial period: 30 years from May 25,  
1982.  
Surety bond: \$5,000.  
Public liability insurance: Combined single  
limit coverage of \$1,000,000.

CONSIDERATION: \$305.28 per annum with the State reserving  
the right to fix a different rental on  
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

A 4, 10

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee or permittee of upland.

Lessee has submitted rental payment for the period of May 25, 1982 through May 24, 1983.

STATUTORY AND OTHER REFERENCES:

A. P.R.C: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Staff contacted the lessee with the suggestion that the proposed replacement lease reflect the current lease format and to consolidate the three ten-year renewal options under the original lease into one term of 30 years. Lessee has agreed with staff's recommendations and executed the proposed replacement document. The original lease, executed by State Lands Commission on July 28, 1967, is therefore being terminated effective May 24, 1982.
2. This project is exempt from CEQA because this project concerns maintenance of existing facilities, 2 Cal. Adm. Code 2905, Class 1.
3. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.
4. The volumetric rental alternative was considered for this facility, however, due to existing and anticipated volumes apportioned according to the Commission's regulations, it was not considered appropriate at this time.

CALENDAR ITEM NO. C 0 6 (CONTD)

EXHIBITS:           A. Land Description.  
                      B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE TERMINATION OF ORIGINAL LEASE PRC 3768.1, APPROVED BY THE STATE LANDS COMMISSION ON MAY 23, 1967, AND ISSUANCE TO THE DOW CHEMICAL COMPANY OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE, FROM MAY 24, 1982; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$305.28, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF EXISTING SUBMARINE PIPELINES FOR THE CONVEYANCE OF GAS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3768

A strip of tide and submerged land 100 feet wide across the San Joaquin River, Sacramento and Contra Costa Counties, California, approximately 4 miles northeasterly of the Antioch Bridge, lying 50 feet on each side of the following described centerline:

BEGINNING at a point on the left bank of the San Joaquin River which bears S 51° 24' 37.5" W 1,433.28 feet from USC&GS Triangulation Station "False 1931" having California Coordinate System Zone 3 coordinates of  $x = 1,658,969.65$  and  $y = 567,982.82$ ; thence N 42° 22' 00" W 2000 feet to the end of the herein described centerline.

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

END OF DESCRIPTION

REVISED MARCH 8, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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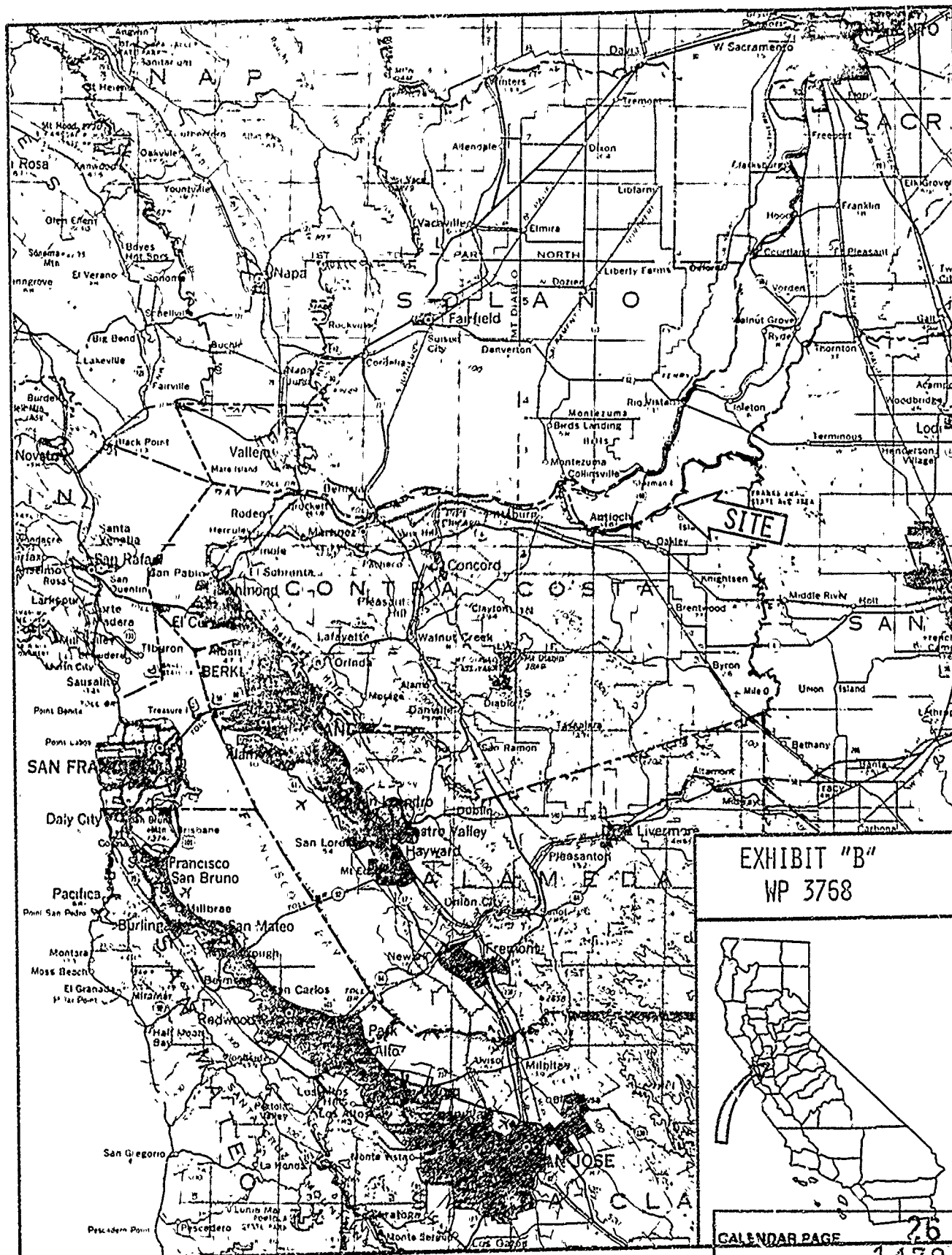


EXHIBIT "B"  
WP 3768



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