

MINUTE ITEM

This Calendar Item No. C54
was approved as Minute Item
No. 54 by the State Lands
Commission by a vote of 3 **C54**
to 6 at its 3/8/94
meeting.

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03/08/94
N. Smith
WP 6827
PRC6827

APPROVAL OF ADDENDUM NO. 12 TO MASTER LEASE PRC 6827

APPLICANT:

Pacific Gas and Electric Company
111 Stony Circle
Santa Rosa, California 94501-9599

BACKGROUND:

At its April 25, 1985 meeting, the State Lands Commission approved the issuance of Master Lease PRC 6827 (Minute Item No. 4) to Pacific Gas and Electric Company for various electric transmission facilities, 60 KV and greater, throughout California.

The master lease provides that the lease may periodically be amended by a series of addenda for the purpose of adding to and deleting from the lease the parcels of State land necessary for the purposes covered under the lease.

CURRENT SITUATION:

As a result of the City of Novato's plans to improve certain City Streets, Pacific Gas and Electric has entered into an agreement with the City to relocate the existing 60 KV pole line from South Novato Boulevard to a location which will generally parallel the existing Northwestern Pacific Railroad.

The relocation of PG&E's facility will require the installation of the 60 KV overhead electric transmission pole line crossing Novato Creek. It is proposed to install an overhead electric line consisting of three conductors supported by one wood pole on each side of Novato Creek.

TERMS OF MASTER LEASE PRC 6827:

Initial period:

30 years beginning May 1, 1985.

Renewal provisions:

One period of not less than 15 years.

Public Liability insurance:

Combined single limit coverage of \$2,000,000.

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CALENDAR ITEM NO. C54 (CONT'D)

Current Consideration:
\$62,109.00

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

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

OTHER PERTINENT INFORMATION:
1. A mitigation monitoring program was prepared and adopted by the City of Novato on September 7, 1993, by Resolution 97-93, attached within Calendar Item Exhibit "B".

APPROVALS OBTAINED:
City of Novato

FURTHER APPROVALS REQUIRED:
State Lands Commission

EXHIBITS:
A. Land Description and Location Map
B. City Resolution 96-93 and 97-93
C. Notice of Determination

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY CITY OF NOVATO, SCH 92043014 AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C54 (CONT'D)

2. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF ADDENDUM NO. 12 TO MASTER LEASE PRC 6827, EFFECTIVE FEBRUARY 1, 1994 IN THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION COVERING AND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$62,109. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 6827 SHALL REMAIN IN FULL FORCE AND EFFECT.

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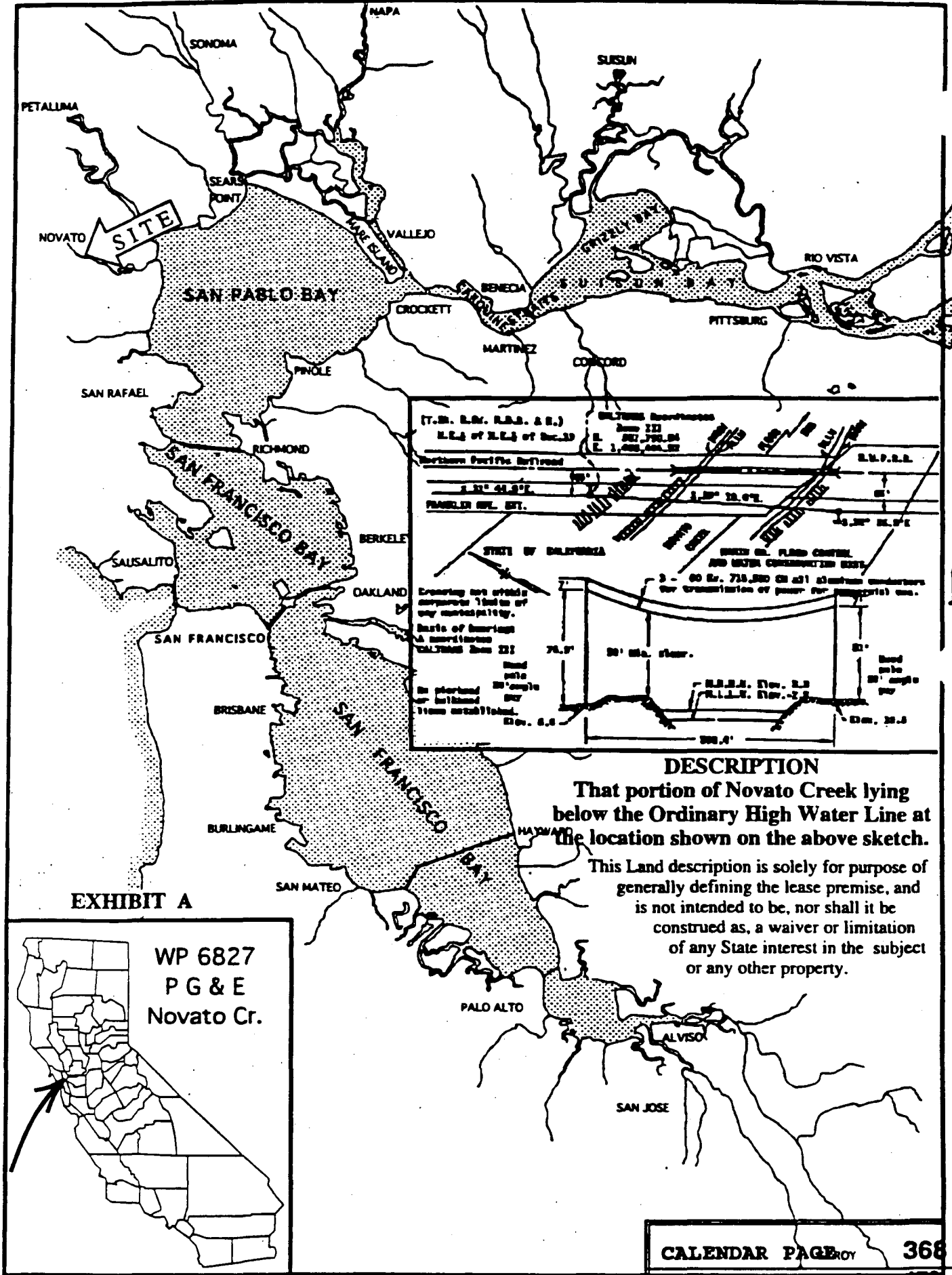
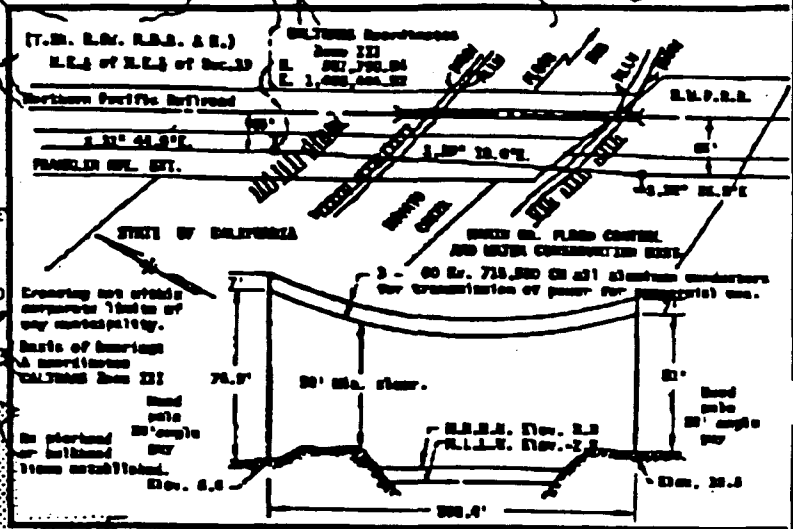
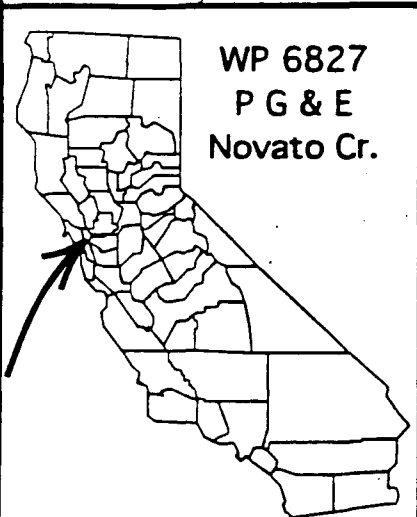


EXHIBIT A



DESCRIPTION

That portion of Novato Creek lying below the Ordinary High Water Line at the location shown on the above sketch.

This Land description is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT D
CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. 96-93

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
REPORT (EIR) FOR THE CITY OF NOVATO 60 kV
TRANSMISSION LINE RELOCATION PROJECT
(PROJECT NO. 91-025)**

Recitals

1. On June 18, 1991 the Novato City Council approved the five-year Capital Improvement Project program which included funding for the South Novato Boulevard Improvement Project and the related 60 kV Relocation Project.
2. A Community Workshop for the South Novato Boulevard Improvements and the 60 kV Transmission Line Relocation Projects was held on December 5, 1991 to allow affected parties and the public an opportunity to identify issues early in the EIR process.
3. On March 24, 1992 a Notice of Preparation of the Draft EIR was mailed to the State Clearing House and responsible agencies. Subsequently on April 23, 1992, the same Notice of Preparation was mailed to all property owners and occupants within 600 feet of the proposed project in compliance with the City of Novato's noticing policy.
4. The Notice of Completion of the Draft EIR was mailed to the State Clearing House, responsible agencies, property owners, and residents on August 27, 1992. In addition, copies of the Draft EIR were mailed to the State Clearing House and responsible agencies on this date. The Draft EIR was circulated for a public review period beginning August 27, 1992 and ending October 20, 1992 (the 45 days required). During the public review period, no responses were received.
5. On October 20, 1992 a public hearing was held to consider adequacy of the Draft EIR. At the hearing, concern about electro-magnetic fields (EMF) caused health risks was raised. The hearing was closed and Council directed that the Final EIR be prepared and include an analysis of possible EMF health risks.
6. On December 15, 1992 the Final EIR was presented to Council for Certification. At the meeting, concern was expressed about a recently released Swedish report on EMF. In addition, the Audubon Society and the Sierra Club presented letters expressing concerns about bird collisions. Council directed that this item be continued to a date uncertain and that the environmental consultant incorporate an analysis of the Swedish report and other concerns in the Final EIR.

7. The Final EIR, July 1993 Revision of November 1992 Final EIR, identifies all feasible mitigations and mitigation/monitoring programs as described in the EIR and will be implemented. All unmitigated impacts are deemed not significant and are not in need of mitigation.
8. The City Council has considered the information provided to it by those testifying as well as information provided in the Final EIR, staff reports and supporting documentation and does hereby resolve as follows:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Final EIR prepared by Michael Clayton & Associates, was publicized, circulated, and reviewed in accordance with law and constitutes an adequate, accurate, objective and complete Final EIR in accordance with the requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq. "CEQA"), the State CEQA Guidelines (Cal. Code of Regs. Title 14, Section 15000 et seq., "CEQA Guidelines") and the City of Novato Environmental Review Guidelines.
2. The City Council of the City of Novato does hereby certify the Final EIR as complete, adequate and in compliance with CEQA and local guidelines.

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I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting hereof, held on the 7th day of September, 1993, by the following vote, to wit:

AYES: Councilmembers FISHWICK, GRAY, MEYERS, MURRAY, MOORE

NOES: Councilmembers NONE

ABSTAIN: Councilmembers NONE

ABSENT: Councilmembers NONE

Shirley Greenes
City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. 97-93

RESOLUTION APPROVING THE 60 KV TRANSMISSION
LINE RELOCATION PROJECT (PROJECT NO. 91-025)

WHEREAS, the City Council has approved City Council Resolution No. 96-93 and thereby finding that the Final Environmental Impact Report for the 60 kV Relocation project (State Clearinghouse No. 92043014) was prepared, circulate, noticed and reviewed, and constitutes an adequate, accurate, objective, and complete Final Environmental Impact Report, in accordance with the requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000, et seq., "CEQA"), the State CEQA Guidelines (Cal Code of Regs. Title 14, Section 15000, et seq., "CEQA Guidelines"), and the City of Novato Environmental Review Guidelines;

WHEREAS, the Final Environmental Impact Report does not identify any significant environmental impact which cannot be mitigated to a level of insignificance;

WHEREAS, the Final Environmental Impact Report contains a Preliminary Final Mitigation Monitoring Program;

WHEREAS, the City Council, having certified the Final Environmental Impact Report and considered the evidence presented in connection therewith, including public comments and expert testimony, finds that the Preliminary Final Mitigation Monitoring Program as amended hereinafter mitigates all significant environmental impacts identified in the Final Environmental Impact Report to a level of insignificance; and

WHEREAS, the City Council finds that the 60 kV Transmission Line Relocation Project ("project") is consistent with the following criteria based on the evidence contained in the staff analysis which is herein incorporated by reference:

- a. That the project is consistent with all applicable goals and policies of the extant General Plan, as well as the prospective General Plan.
- b. That the project itself functions in a safe, convenient and purposeful manner with respect to its intended user.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the 60 kV Transmission Line Relocation Project, as proposed, subject to the following conditions:

- a. Each mitigation measure identified in the Final EIR shall be implemented in accordance with the Preliminary Final Mitigation Monitoring Program, which

EIR shall be implemented in	371
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is hereby adopted and deemed final in all respects. The parties responsible for implementing the mitigation measures shall be the same parties identified in the Preliminary Final Mitigation Monitoring Program.

- b. The mitigation measures set forth in the Preliminary Final Mitigation Monitoring Program and as amended herein are hereby made conditions of project approval and are hereby incorporated into the project.
- c. This approval shall expire two years from the date of City Council action, if project construction has not substantially commenced by such time.
- d. In addition to the mitigation measures described in Section 2, above, the final design and construction of the project shall incorporate and include design features that will reduce the exposure to electromagnetic fields (EMF), as so-called in the Final EIR, to the extent feasible and to the extent permitted within the project's approved budget. It is not to be implied by the inclusion of this condition that the Final EIR found or that this Council finds that the EMFs generated by this project constitute a significant impact on the environment. Rather, the Final EIR was inconclusive as to the existence and significance of EMFs which might be generated by this project and thus determined that they were insignificant. Consequently, the Council finds that the impacts of the EMFs resulting from this project, if any, are insignificant and that this additional condition is imposed to reduce such insignificant impacts to a level of even greater insignificance. This mitigation measure shall be implemented and monitored as shown on Exhibit "A" attached. This section 4 shall have the effect of and constitute an amendment to the Preliminary Final Mitigation Monitoring Program referenced above.
- e. In order to further reduce the impact of bird collisions with the proposed transmission line, mitigation measures 4-3.10 through 4-3.11 are hereby amended to read as shown on Exhibit "B" attached. This section 5 shall have the effect of and constitute an amendment to the Preliminary Final Mitigation Monitoring Program referenced above. This mitigation measure shall be implemented and monitored as shown on Exhibit "B" attached.
- f. Neither the additional line height nor the additional markings required pursuant to conditions number 4 and number 5 above will have a significant visual or aesthetic impact on the environment. Substantial evidence in the record evaluated the existing visual resources. At key observation points, the Draft EIR provided photographs of the existing views and photosimulations of the proposed line. Visual contrast rating work sheets were prepared. The record for the Final EIR hearing provides substantial evidence that the impacts of the additional line height and the additional markings were considered and found not to be significant.

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- g. A new mitigation measure 4-3.12 to relocate a portion of the existing 12 kV distribution line, if feasible, is hereby adopted to read as shown on Exhibit "C" attached. This section 7 shall have the effect of and constitute an amendment to the Preliminary Final Mitigation Monitoring Program referenced above. This mitigation measure shall be implemented and monitored as shown on Exhibit "C" attached.
- h. The new Mitigation Measure 4-3.12, referenced above, to relocate a portion of the existing 12 kV distribution line will not have a significant impact on wetland areas. Substantial evidence in the record established that this mitigation measure will reduce the amount of existing overhead lines within the wetland by about 4,000 feet, reducing the need to cross the wetlands for service, maintenance, and eventual replacement.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting hereof, held on the 7th day of September, 1993, by the following vote, to wit:

AYES: Councilmembers FISHWICK, GRAY, MEYERS, MURRAY, MOORE
 NOES: Councilmembers NONE
 ABSTAIN: Councilmembers NONE
 ABSENT: Councilmembers NONE

Shirley Bremner
 City Clerk of the City of Novato

Approved as to form:

 City Attorney of the City of Novato

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Summary of Environmental Impacts and Mitigation Measures and Mitigation Monitoring Program

CLASS II IMPACTS: SIGNIFICANT, MITIGABLE

EXHIBIT C

ISSUE AREA/IMPACT	MITIGATION MEASURE	Level of Significance After Mitigation	Party Responsible for Implementing Mitigation Measure	Schedule for Monitoring & Reporting on Implementation of Mitigation Measure
4.3 BIOLOGY (continued)				
Collision of Non-Peepers Bird Species (continued)	4.3-12 Relocate a portion of the existing 12 KV distribution line that services the Abrams Creek pump station, to an area between Boulevard and Highway 100. This relocation is provided that this distribution line is not needed to serve Virginia Oaks Shopping Center, as determined by PG&E, and provided that the U.S. Army Corps of Engineers grants a permit for this construction activity.	Non-Significant	PG&E	Project Design, During Project Construction
			PG&E, City of Nevada Engineering Division	Project Design, During Project Construction

Summary of Environmental Impacts and Mitigation Measures and Mitigation Monitoring Program

CLASS III IMPACTS: NON-SIGNIFICANT

EXHIBIT A

BEFORE/IMPACT	MITIGATION MEASURE	Level of Significance After Mitigation	Party Responsible for Implementing Mitigation Measures	Schedule for Implementing Mitigation Measures	Party Responsible for Enforcing & Monitoring Implementation of Mitigation Measures	Schedule for Monitoring & Reporting on Implementation of Mitigation Measures
4.7 ELECTRIC AND MAGNETIC FIELDS						
Increase in Exposure of Adjacent Land Mass to Electromagnetic Fields	Design and construct the transmission line with the conductor configuration and pole height which result in the least magnetic field at adjacent occupied buildings, based on the results of the electromagnetic field modeling presented in the Final EIR.	-----	POE	Project Design During Project Construction	POE, City of Nevada Engineering Division	Project Design During Project Construction

Summary of Environmental Impacts and Mitigation Measures and Mitigation Monitoring Program

CLASS II IMPACTS: SIGNIFICANT, MITIGABLE

ISSUE AREA/IMPACT	MITIGATION MEASURE	Level of Significance After Mitigation	Party Responsible for Implementing Mitigation Measure	Schedule for Implementing Mitigation Measure	Party Responsible for Enforcing & Monitoring Implementation of Mitigation Measure	Schedule for Monitoring & Reporting on Implementation of Mitigation Measure
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4.3 BIOLOGY

Collision of Non-Resident Bird Species

4.3-10

Mark the entire segment of the transmission line that parallels the Peltandra Marsh Wildlife Area, starting at the northern end of State Park and ending at Horne Ranch Road, a distance of about 1.0 mile, with highly colored yellow bird light diverters (BLDs). Place the BLDs on all three conductors of the line. Place a BLD every 15 meters (49.2 feet) on each conductor. Stopper along the BLDs on the three conductors with bird tape so that the line would not be BLD every two meters (10.0 feet).

Project Design, After Project Construction

POSE, City of Nevada Engineering Division

Project Design Review, Project Approval, After Project Construction

4.3-11

Before the transmission line is constructed, develop and conduct a six-month study along the entire segment of the proposed route that parallels the Peltandra Marsh Wildlife Area, to establish baseline data on existing bird light patterns and bird mortality from collisions with existing power lines along the segment of the proposed route. Prior to conducting the study, prepare a written description of the proposed study, including the study objectives, methodologies, and techniques for studying bird light patterns, and the methodologies and techniques for determining bird mortality from collisions with the existing power lines. Submit the study description to the California Department of Fish and Game and the U.S. Fish and Wildlife Service for review and approval.

After Project Construction

POSE, Biological Consultant, City of Nevada Engineering Division

After Project Construction

Summary of Environmental Impacts and Mitigation Measures and

Mitigation Monitoring Program

CLASS IMPACTS: SIGNIFICANT, MITIGABLE

(continued)

Schedule for Monitoring & Reporting on Implementation of Mitigation Measures

Party Responsible for Implementing Mitigation Measure

Schedule for Implementing Mitigation Measure

Party Responsible for Implementing Mitigation Measure

Level of Significance Other Mitigation

MITIGATION MEASURE

ISSUE AREA/IMPACT

4.3 BIOLOGY (continued)

Condition of Non-Target Bird Species (continued) 4.3-11 (cont'd)

Prior to conducting the study, prepare a written description of the proposed study, including the study objectives, methodologies, and techniques for studying bird flight patterns, and the methodologies and techniques for determining bird mortality from collisions with the existing powerlines and the new transmission line. In the methodologies for studying bird flight patterns, include observations during sunrise and sunset, when bird activity is expected to be the highest.

After conducting the two six-month studies, prepare a written description of the results, and submit it to the California Department of Fish and Game and U.S. Fish and Wildlife Service for review and comment.

Based on the results of the two six-month studies, the California Department of Fish and Game, U.S. Fish and Wildlife Service, and PG&E shall determine whether bird losses observed after constructing the transmission line are significant (i.e., cannot be absorbed by surplus bird populations such as populations of raven, Townsend's or endangered sparrow), and whether additional mitigation for bird losses associated with the studies is necessary.

EXHIBIT "C"

F I L E I

SEP 15 1993

NOTICE OF DETERMINATION

HOWARD HANSON
MARIN COUNTY C
By J. Searles, Deputy

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

FROM: City of Novato
901 Sherman Ave.
Novato, CA 94945

Marin County Clerk
P.O. Box E
San Rafael, Ca. 94912

Filing of Notice of Determination
In Compliance with Section 21108 or 21152 of the Public Resource Code

PROJECT TITLE: 60 KV Transmission Line Relocation Project (File No. 91-025)
LOCATION: City of Novato, Marin County
LEAD AGENCY
CONTACT: Leo Adamski - 415-899-1200 - City of Novato
STATE CLEARINGHOUSE NUMBER: 92043014

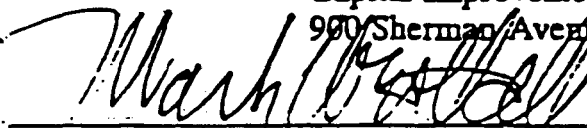
PROJECT DESCRIPTION: The project will relocate an existing 60 KV electrical transmission line that connects P.G. & E.'s Ignacio substation to the Novato substation. The existing line runs primarily through residential areas on and around South Novato Blvd. The new route will run along the existing Northwest Pacific Railroad, primarily through commercial areas.

This is to advise that the City of Novato (lead agency) has approved the above described project on September 7, 1993 and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A statement of Overriding Consideration was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the general public at:

Department of Community Development
Capital Improvement Projects
900 Sherman Avenue, Novato, CA 94945


MARK WESTFALL, City Planner

9-10-93

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Date received for Filing and Posting at OPR: