

**CALENDAR ITEM
C42**

A 73
S 38

10/29/10
W 26392
J. Smith

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Southern California Gas Company
555 W. Fifth Street, GT26C2
Los Angeles, California 90013

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in and adjacent to the San Dieguito River, Del Mar, San Diego County.

AUTHORIZED USE:

Retention, use, and maintenance of a 12-inch diameter natural gas pipeline.

LEASE TERM:

25 years, beginning October 1, 2010.

CONSIDERATION:

\$218 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with combined single limit coverage of no less than \$2,000,000. Applicant may satisfy all or part of the insurance requirement through maintenance of a staff approved self-insurance program as outlined in the Lease.

Bond:

\$50,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. Southern California Gas Company (So Cal Gas) submitted an application for two existing natural gas pipelines that are attached and adjacent to the

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Camino Del Mar Bridge (Bridge) in Del Mar, San Diego County. The Bridge, which crosses the San Dieguito River, is owned by the city of Del Mar. The pipelines, with diameters of 4 inches and 12 inches respectively, continue northward within the Camino Del Mar road right-of-way, a portion of which is filled sovereign lands under the Commission's jurisdiction. That portion of the Bridge that crosses the San Dieguito River is subject to a 49-year lease from the Commission.

3. Both of the natural gas pipelines were installed in 1983. In late 2004, So Cal Gas performed routine maintenance activities to replace corroded pipe supports and brackets and repaint the 12-inch gas line. At that time, So Cal Gas was advised by the California Coastal Commission to contact Commission staff for a jurisdictional determination. It was determined that the gas lines were never authorized by the Commission. Commission staff provided So Cal Gas with a letter of non-objection to proceed with the maintenance activities, with the understanding that So Cal Gas would seek the Commission's formal authorization to maintain the gas lines.
4. Subsequent to the submittal of the application, Commission staff was notified that So Cal Gas owns the 12-inch gas line and that San Diego Gas & Electric Company (SDG&E) owns the four-inch gas line. Sempra Energy is the parent company and owns both regulated utilities. A separate lease will be issued to each utility. This calendar item addresses the 12-inch pipeline only. The four-inch gas line owned by SDG&E is the subject of a separate Calendar Item.
5. The pipelines receive gas from other interstate pipelines and supply natural gas to commercial, industrial, and residential customers in southern Orange County and San Diego County.
6. Both of the pipelines were inspected earlier this year and are in compliance with the requirements of the California Public Utilities Commission and the Department of Transportation's Title 49 of the Code of Federal Regulations, Part 192.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Conversion of Small Structures Title 14 California Code of Regulations, section 15303.

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Location and Site Map
- B. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Right of Way Use to Southern California Gas Company beginning October 1, 2010, for a term of 25 years, for retention, use, and maintenance of a 12-inch diameter natural gas pipeline, as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$218, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance for combined single limit coverage of no less than \$2,000,000, or equivalent staff-approved self-insurance program; and surety bond in the amount of \$50,000.

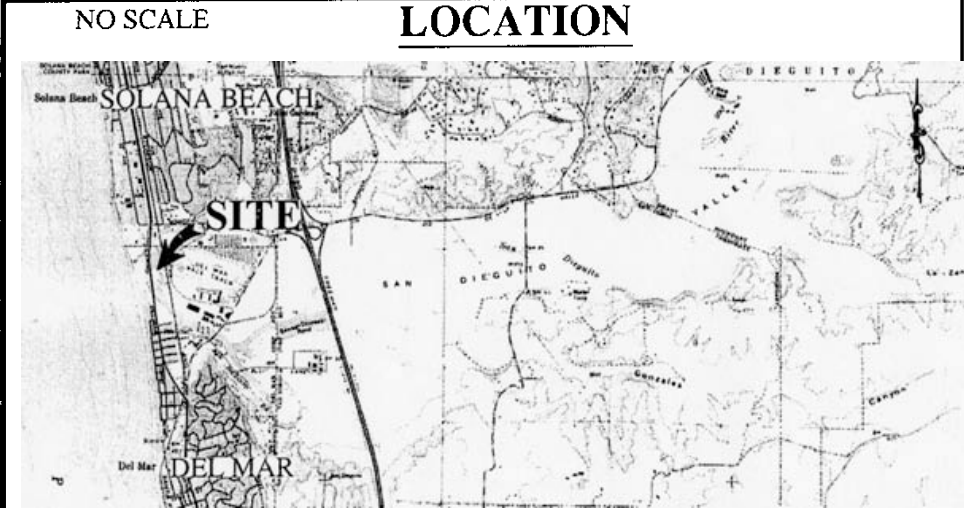
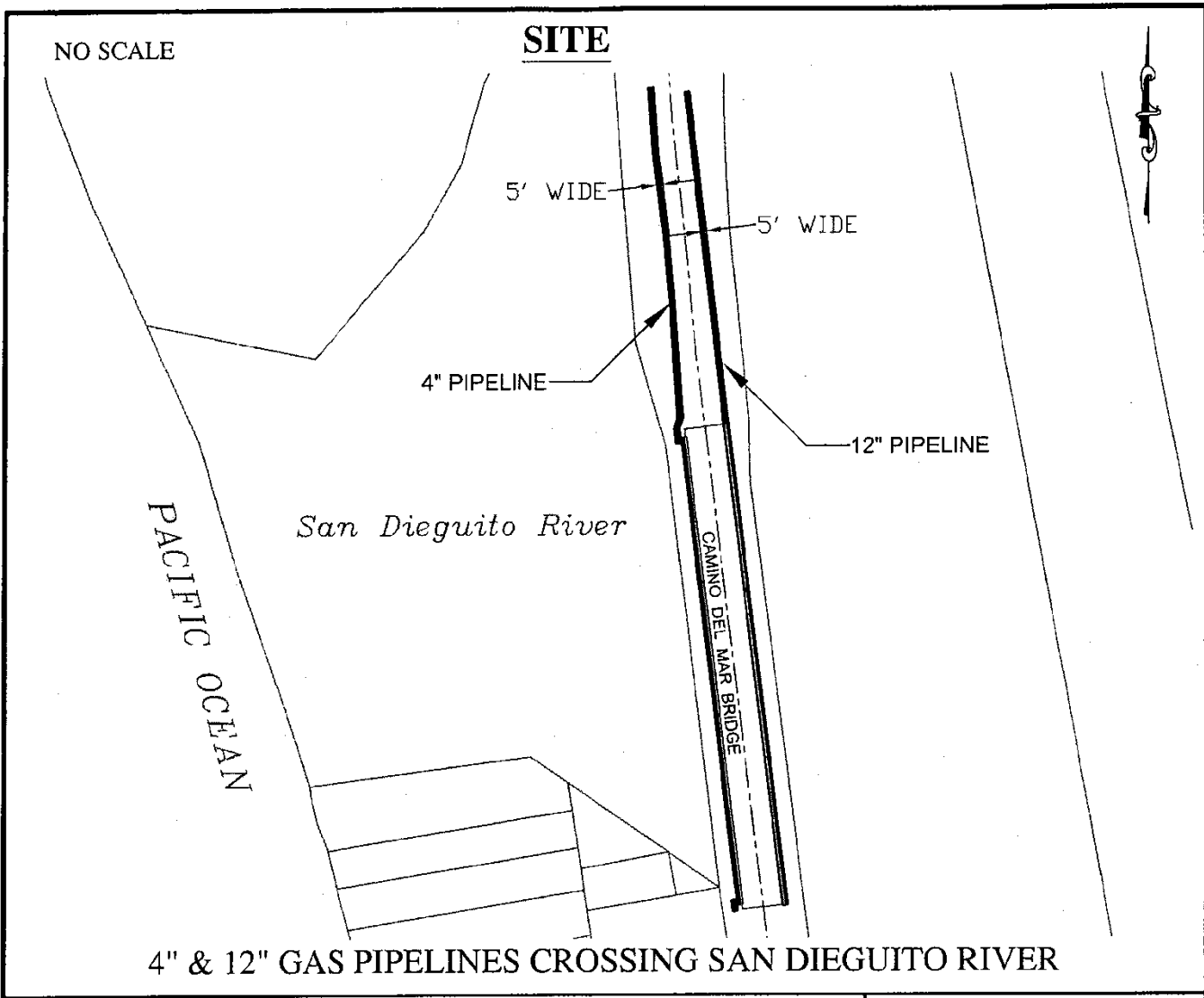


Exhibit A

W 26392
 SOUTHERN CAL GAS CO.
 GENERAL LEASE
 RIGHT-OF-WAY USE
 SAN DIEGO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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 B
LAND DESCRIPTION**

A STRIP OF TIDE AND SUBMERGED LAND, 5.00 FEET WIDE, LYING IN THE BED OF THE SAN DIEGUITO RIVER, SITUATE IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE FORMER CALIFORNIA STATE HIGHWAY RIGHT OF WAY (NOW KNOWN AS CAMINO DEL MAR), THE CENTERLINE OF SAID STRIP MORE PARTICULAR DESCRIBED AS FOLLOWS:

PARCEL 1 (A 12-INCH PIPELINE, KNOWN AS LINE 1026)

BEGINNING AT A POINT WITH CCS83 ZONE 6 (EPOCH 1991.35), COORDINATES OF NORTHING 1935793.70, EASTING 6249239.71, SAID POINT BEARING SOUTH 1°35'45" WEST 9.34 FEET FROM POINT NO. 62, AS SHOWN ON RECORD OF SURVEY NO. 14,492, SAID POINT BEING A COUNTY OF SAN DIEGO 3-INCH BRASS DISK, INSCRIBED "LJ-106" IN THE CONCRETE HEADWALL AT THE SOUTHEAST CORNER OF THE CAMINO DEL MAR BRIDGE OVER THE SAN DIEGUITO RIVER, SAID MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE NORTH 7°05'22" WEST 606.22 FEET;

THENCE NORTH 6°52'04" WEST 419.96 FEET TO THE POINT OF TERMINATION.

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE NAD 83, ZONE 6, GRID BEARING BETWEEN SAID POINT NO. 62 AND POINT NO. 446, PER SAID RECORD OF SURVEY NO. 14,492: NORTH 9°17'29" EAST. POINT NO. 446 BEING A 2-INCH BRASS DISK, INSCRIBED "L488T18 LS 4300", SHOWN PER SAID RECORD OF SURVEY.

RECORD MONUMENT DATA:

POINT NO. 62: NORTHING 1935803.03, EASTING 6249239.97.
POINT NO. 446: NORTHING 1939899.55, EASTING 6249910.17.

THE SIDELINES OF SAID STRIP ARE TO BE LENGTHENED OR SHORTENED AS TO TERMINATE AT LINES PERPENDICULAR TO SAID BEGINNING AND TERMINUS OF SAID CENTERLINE AND AT ANGLE POINT INTERSECTIONS.

EXCEPTING THEREFROM ANY PORTION LYING LANDWARD OF THE ORDINARY HIGH WATER MARK OF THE SAN DIEGUITO RIVER.

END OF DESCRIPTION

W26392

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY
DIRECTION AUGUST 23, 2010.


GREGORY S. IRWIN, P.L.S. NO. 5923

