

**CALENDAR ITEM
C20**

A	61	04/06/10
S	25	WP 3392.2 C. Hudson

**CONSIDER RESCISSION OF APPROVAL OF A GENERAL LEASE
AND ISSUANCE OF A GENERAL LEASE – RIGHT OF WAY USE**

APPLICANT:

Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

AREA, LAND TYPE, AND LOCATION:

0.303 acre, more or less, of State Indemnity school lands in a portion of Section 6, Township 9 North, Range 4 East, SBM, near the unincorporated town of Newberry Springs, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of existing 12kV overhead transmission lines, approximately six wood poles, and an unpaved access road as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning January 1, 2009.

CONSIDERATION:

\$100 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:

Liability insurance with combined single limit coverage of not less than \$2,000,000; or equivalent staff-approved self-insurance program.

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the

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State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

OTHER PERTINENT INFORMATION:

1. On December 13, 1988, the Commission authorized a General Lease – Right of Way Use with Southern California Edison Company. That lease expired on December 31, 2008. A new General Lease – Right of Way Use was approved by the Commission at its January 29, 2009 meeting, but that lease did not contain a provision allowing for self-insurance, which the applicant desires. Staff is now recommending rescission of the lease approval and issuance of a new General Lease – Right of Way Use containing a provision for a self-insurance program.
2. The existing overhead power line was put into service on February 6, 1959 and Southern California Edison Company has continuously leased the parcel of school land from the Commission since 1965. Southern California Edison Company inspects its electrical transmission lines and poles annually.
3. **Rescind Approval of a General Lease – Right of Way Use:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. **Issuance of a General Lease – Right of Way Use:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescind Approval of a General Lease – Right of Way Use: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of a General Lease – Right of Way Use: 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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 rescission of Minute Item #24 of the January 29, 2009 Commission meeting and issuance of a new General Lease - Right of Way Use to Southern California Edison Company beginning January 1, 2009, for a term of 20 years, for continued use and maintenance of existing 12kv overhead transmission lines, six wood poles, and an unpaved access road as shown on Exhibit A (for reference purposed only) and as described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$100 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and Liability insurance with combined single limit coverage of not less than 2,000,000; or equivalent staff-approved self-insurance program.