

**CALENDAR ITEM
C21**

A 34
S 18

04/06/10
WP 2378.2
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:

29.40 acres, more or less, of State school land in a portion of Section 36, Township 11 North, Range 8 East, SBM, near Soda Lake, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of existing 220 kV overhead transmission lines, approximately 46 steel towers, and an unpaved access road as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning March 25, 2008.

CONSIDERATION:

\$662 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.

OTHER PERTINENT INFORMATION:

1. On March 25, 1959, the Commission authorized a General Lease – Right of Way Use with Southern California Edison Company. That lease expired on March 24, 2008. A new General Lease – Right of Way Use was approved by the Commission at its April 9, 2009 meeting, but that lease did not contain a provision allowing for self-insurance, which the

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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. There are two sets of steel towers that run parallel to one another, totaling approximately 46 steel towers within the Lease Premises. Southern California Edison Company inspects its electrical transmission lines and steel towers 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 14, California Code of Regulations, section 15301(b).

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

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

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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 14, California Code of Regulations, section 15301(b).

AUTHORIZATION:

Authorize rescission of Minute Item #20 of the April 9, 2009 Commission meeting and issuance of a new General Lease – Right of Way Use to Southern California Edison Company beginning March 25, 2008, for a term of 20 years, for the continued use and maintenance of existing 220 kV overhead transmission lines, approximately 46 steel towers, and an unpaved access road as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$662 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.