

**CALENDAR ITEM
C44**

A 31
S 14

06/23/11
WP 8877.1
K. Foster

AMENDMENT OF LEASE

LESSEE:

Pacific Gas and Electric Company
P.O. Box 770000, Mail Code N10A
San Francisco, CA 94177

AREA, LAND TYPE, AND LOCATION:

0.206 acres, more or less, of sovereign land in the bed of the Kings River adjacent to Fresno County Assessor's Parcel Numbers 365-072-13T, 19T, and 20T, in the city of Reedley, Fresno County.

AUTHORIZED USE:

Reconstruction, use, and maintenance of an existing 70 kilovolt (kV) overhead transmission line to a 115kV overhead transmission line.

LEASE TERM:

25 years, beginning June 28, 2010.

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.

PROPOSED AMENDMENT:

Authorize an existing 12kV overhead transmission line and change the Land Description to reflect a new right-of-way alignment. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On June 28, 2010 the Commission authorized issuance of Lease No. PRC 8877.1, a General Lease - Right-of-Way Use, to Pacific Gas and Electric Company (PG&E) for a previously unauthorized 70kV overhead transmission line and for the upgrade of that line to a new industry

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standard 115kV line as part of a larger project in the Fresno-Sanger-Reedley area of Fresno County.

3. An existing unreported 12kV overhead transmission line attached to the same poles as the existing 70kV line was inadvertently omitted from the authorized improvements at the issuance of the Lease.
4. The upgrade project, as originally proposed by PG&E, included the replacement of two wood poles located on upland property on opposite banks of the Kings River, with steel poles in the same locations. PG&E has since revised the project design to include the removal of one of the existing wood poles and the replacement of the remaining wood pole with a new wood pole. The overhead lines will be strung to a new wood pole further upland, but not in the same alignment as the pole to be removed. The change in pole placement will result in a realignment of the right-of-way over the river bed and requires a new Land Description as shown in the attached Exhibit B.
5. **12kV Overhead Transmission Line:** 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.

6. **Land Description:** 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Central Valley Flood Protection District, City of Reedley, and the County of Fresno.

FURTHER APPROVALS REQUIRED:

Kings River Conservation District.

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

August 25, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

12kV Overhead Transmission Line: 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).

Land Description: 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.

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 section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8877.1, a General Lease – Right-of-Way Use, of sovereign land located in the bed of the Kings River as shown on Exhibit A (for references purposes only) and as described in Exhibit B attached and by this reference made a part hereof, effective June 23, 2011, to include an existing 12kV overhead transmission line and

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to change the Land Description to reflect a new right-of-way alignment; all other terms and conditions of the lease will remain in effect without amendment.

Exhibit B

LAND DESCRIPTION

A parcel of submerged land in the bed of the Kings River adjacent to the City of Reedley, County of Fresno, State of California, further described as follows:

A strip of land of the uniform width of 40 feet traversing the Kings River, and lying 20 feet on each side of the following described centerline:

Commencing at the found brass cap accepted as marking the north quarter corner of Section 27, Township 15 South, Range 23 East, MDM, as shown on the Record of Survey filed for record in Book 45 of Record of Surveys at page 1, Fresno County Records, thence running

- (a) south $89^{\circ}03'52''$ west 2985.64 feet
to the TRUE POINT OF BEGINNING of said centerline, also being a point within said Section 27; thence
- (1) south $68^{\circ}40'43''$ east 720.24 feet.

Excepting therefrom any portion lying landward of the low water mark of said Kings River.

The foregoing description is based on a survey by Pacific Gas and Electric Company in February 2010. The bearings used for the purposes of the description are based on the easterly boundary line of the northwest quarter of Section 27, Township 15 South, Range 23 East, MDM, filed in Book 45 of Record of Surveys at page 1, Fresno County Records. Bearing taken as north $00^{\circ}08'39''$ east.

END OF DESCRIPTION



APPROVED AS TO DESCRIPTION

Stephen Smith Spielman
 STEPHEN SMITH SPIELMAN 6/6/11
 P.L.S. 6221