

**STAFF REPORT
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12/06/19
Lease 4629.2
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J. Porter

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GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Southern California Edison Company

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

4.67 acres, more or less, of State-owned school land located within a portion of Section 36, Township 20 North, Range 8 East, SBM, San Bernardino and Inyo counties, and a portion of Section 36, Township 20 North, Range 9 East, SBM, southeast of Tecopa, San Bernardino County.

AUTHORIZED USE:

Occupancy for an idle overhead 33-kilovolt (kV) electric distribution line and appurtenant equipment and structures.

LEASE TERM:

8 years, beginning August 25, 2016.

CONSIDERATION:

\$503 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Insurance: Liability insurance in an amount no less than \$2,000,000 per occurrence or equivalent staff-approved self-insurance program.
- Lessee will take all reasonable and necessary actions to prevent, suppress, and control fires on the Lease Premises.
- No herbicidal chemical may be used for vegetation control without the prior written consent of the Lessor's staff.
- Use and maintenance of the existing improvements as an electric distribution line or decommissioning and removal of the

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improvements are not permitted without the Commission's approval of a lease amendment.

- Within 3 years of the commencement of the lease, Applicant shall submit a plan for use or decommissioning and removal of the improvements, which will require the Commission's approval of a lease amendment. In the event Applicant chooses to decommission and remove the improvements, decommissioning and removal must be completed prior to the expiration of the lease.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6217.5, 6501.1, 6503, and 8701; California of Regulations, title 2, sections 2000 and 2003.

State's Best Interests Analysis:

On October 1, 2002, the Commission approved a 15-year General Lease-Right-of-Way Use to Southern California Edison Company for the continued use and maintenance of a 33-kV electrical facility ([Item 53, October 1, 2002](#)). The electrical facility authorized by that lease consisted of an overhead 33-kV electrical distribution line and appurtenant equipment and structures. That lease expired on August 24, 2016. The distribution line authorized by that lease had been idle for many years and the Applicant had intended to decommission the line and remove the improvements, but the decommissioning project has experienced numerous delays. This lease is intended for the Applicant to continue to occupy the land while it completes its decommissioning plan. The proposed 8-year term covers the 3 years since the previous lease expired and gives the Applicant 5 years to develop a decommissioning plan and remove the improvements. Once the decommissioning plan is complete, the Applicant will need to apply for an amendment to the lease for Commission approval to implement the decommissioning and removal.

The Applicant has applied for a new General Lease – Right-of-Way Use, but because the line is still idle, the proposed lease authorizes only the continued occupancy of the land. The proposed lease does not include the right to use and maintain the distribution line or to decommission and remove it. The proposed lease is limited to an 8-year term, does not alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The proposed lease requires the Applicant to insure and indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises and to maintain the improvements at its sole expense. The proposed lease also requires the

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payment of annual rent, generating revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5.

Climate Change:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018) climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The lease area is open land with moderate to low vegetation fuels, and is vulnerable to the above events, including dust storms and flash flooding from thunderstorms, and to a lesser extent, wildland fires. The leased land and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the leased land for the idled overhead transmission line.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of school and lieu land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, reservation and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

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

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

STATE'S BEST INTERESTS:

Find that the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to Southern California Edison Company, beginning August 25, 2016, for a term of 8 years, for occupancy of an overhead 33-kilovolt electric distribution line and appurtenant equipment and structures, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; rent in the amount of \$503 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence or equivalent staff-approved self-insurance program.

EXHIBIT A

LEASE 4629.2

LAND DESCRIPTION

Two parcels of State School Land in San Bernardino and Inyo Counties, State of California, more particularly described as follows:

PARCEL 1

A strip of land 25 feet wide lying within the N1/2 of Section 36, T20N, R8E, SBM, San Bernardino and Inyo Counties, State of California, the centerline of said strip being described as follows:

BEGINNING at a point on the north line of said Section 36 from which the northwest corner thereof bears S 89° 58' 00" W 301.25 feet; thence S 0° 00' 05" W 21.38 feet to a point hereinafter referred to as Point "A"; thence S 73° 38' 55" E 5188.97 feet, more or less, to a point on the east line of said Section 36, from which the northeast corner thereof bears North 1485.63 feet.

TOGETHER WITH the following two strips of land 4 feet in width, the centerlines of which are described as follows:

STRIP 1: BEGINNING at Point "A"; thence N 73° 38' 55" W 40.00 feet.

STRIP 2: BEGINNING at Point "A"; thence S 0° 00' 05" W 40.00 feet.

PARCEL 2

A strip of land 25 feet wide lying within the N1/2 of Section 36, T20N, R9E, SBM, San Bernardino County, State of California, the centerline of said strip being described as follows:

BEGINNING at a point on the north line of said Section 36 from which the northwest corner thereof bears East 2864.57 feet; thence S 87° 03' 10" E 936.87 feet to a point hereinafter referred to as Point "B"; thence S 80° 06' 10" E 1395.58 feet to a point hereinafter referred to as Point "C"; thence S 75° 51' 40" E 571.44 feet to a point on the east line of said Section 36, from which the northeast corner thereof bears North 427.63 feet.

TOGETHER WITH the following two strips of land 4 feet in width, the centerlines of which are described as follows:

STRIP 3: BEGINNING at Point "B"; thence N 06° 10' 00" E 40.00 feet.

STRIP 4: BEGINNING at Point "C"; thence N 12° 01' 00" E 40.00 feet.

END OF DESCRIPTION

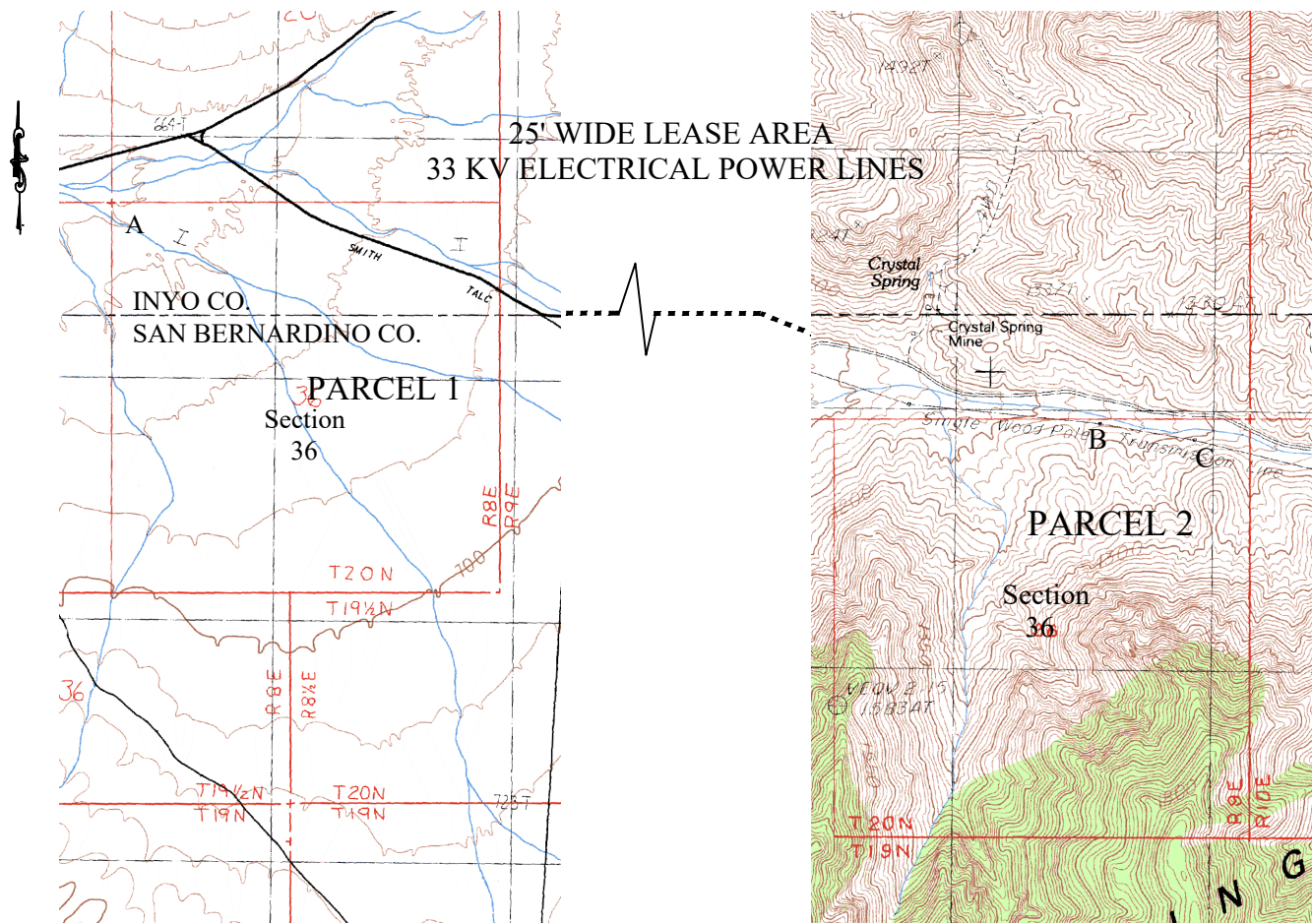
The above description is based on that original description revised March 24, 1986 by Boundary Services Unit by M.L. Shafer, Supervisor as found in PRC 4629 file, Calendar Item 12.

Revised 10/10/2019 by the California State Lands Commission Boundary Unit.



NO SCALE

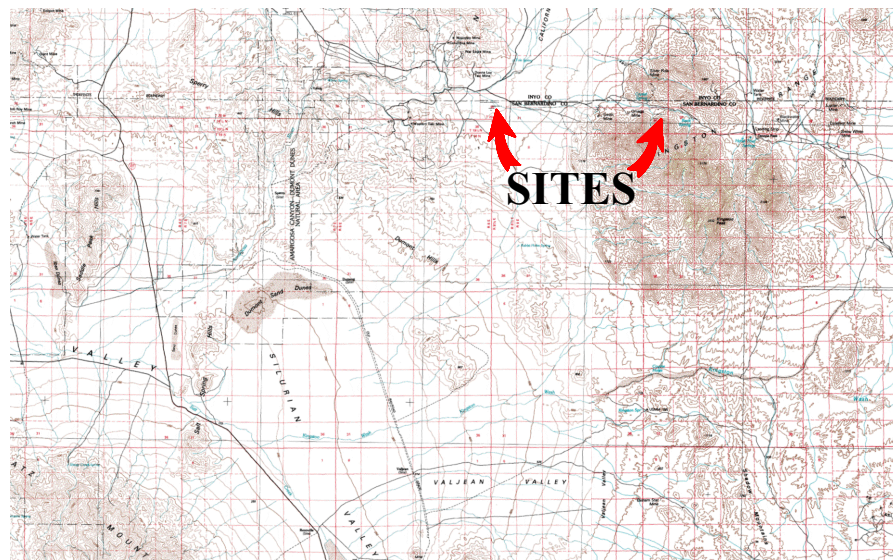
SITE



Sec. 36 T20N, R8E & Sec. 36 T20N, R9E, SBM, Near the Town of Tecopa

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

LEASE 4629.2

SOUTHERN CALIFORNIA
EDISON COMPANY
GENERAL LEASE-
RIGHT-OF-WAY USE
INYO & SAN BERNARDINO
COUNTIES



TS 10/10/2019