

# Staff Report 40

## APPLICANT:

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Pacific Gas and Electric Company

## PROPOSED ACTION:

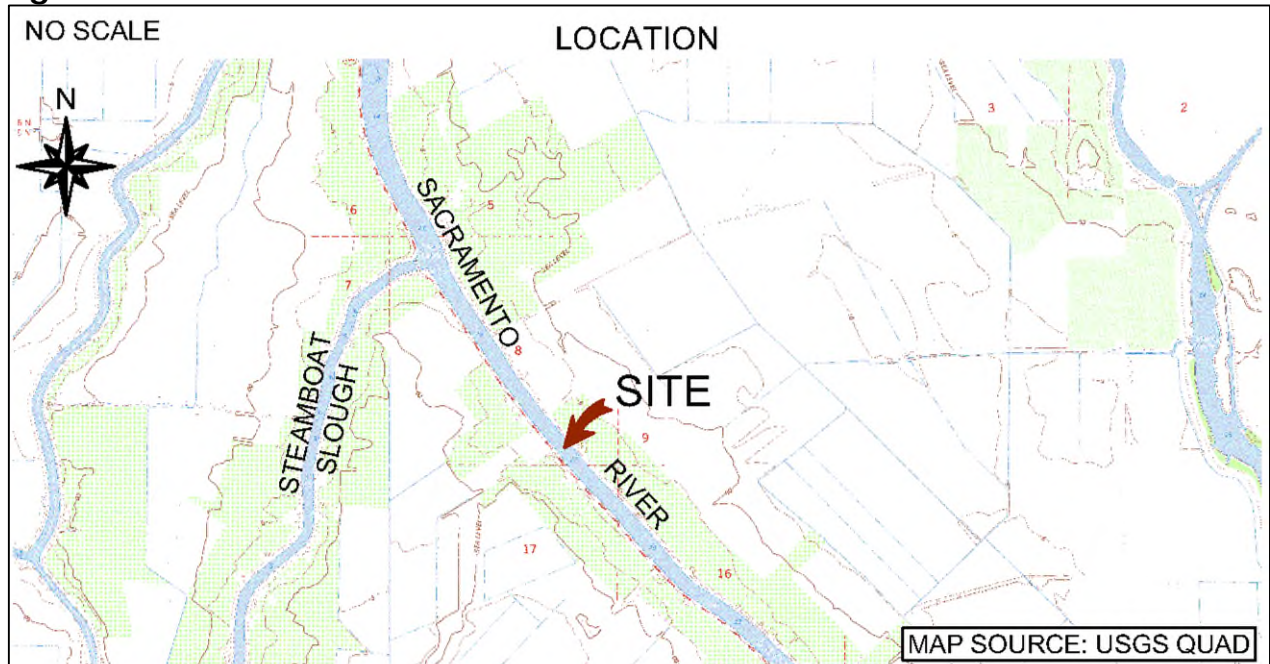
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Issuance of a General Lease – Right-of-Way Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor’s Parcel Numbers 146-0430-005, 142-0200-007 and -009, near Walnut Grove, Sacramento County (as shown in Figure 1).

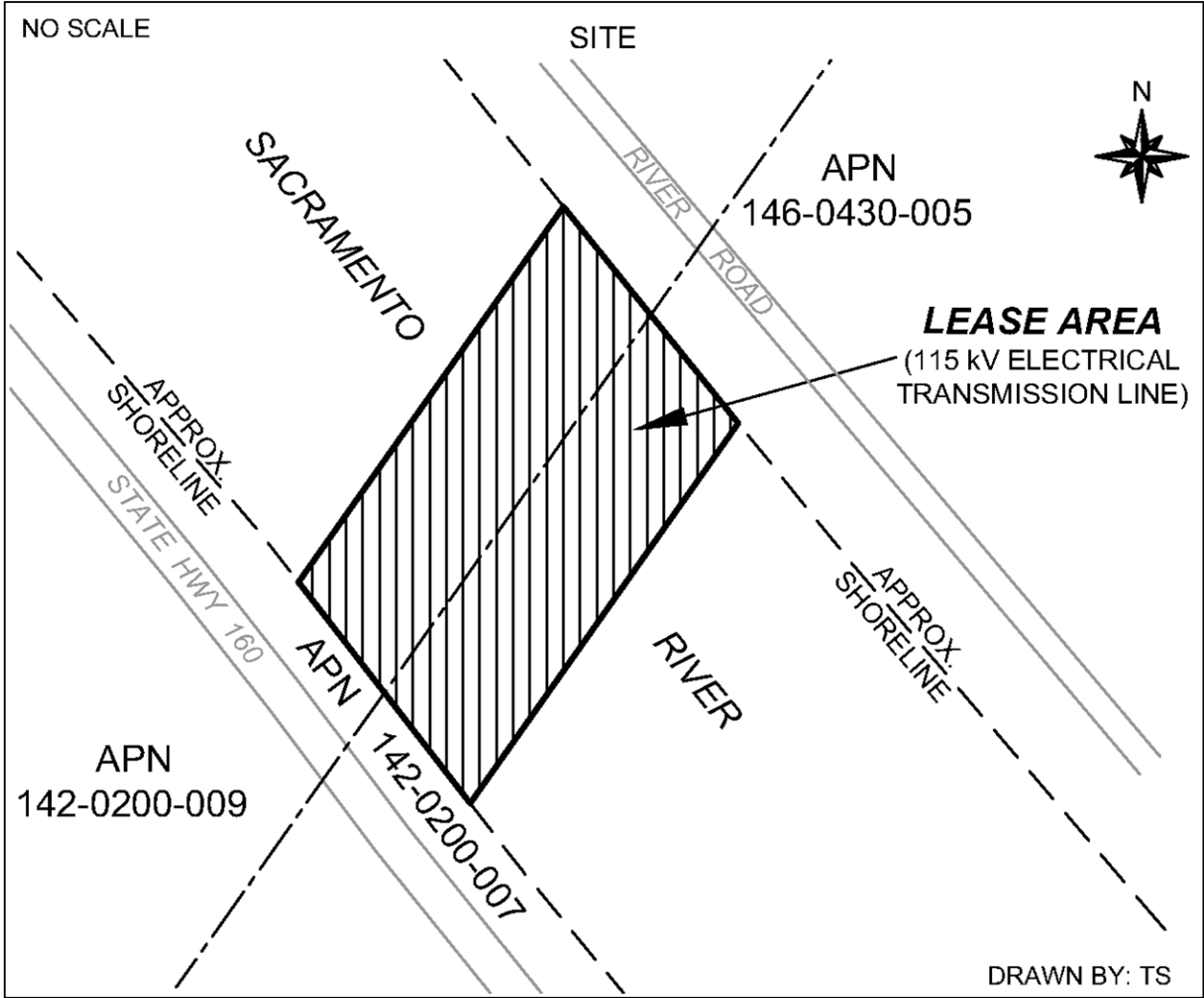
Figure 1. Location



**AUTHORIZED USE:**

Relocation, replacement and use of an existing 115 kV overhead electric transmission line (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

20 years, beginning August 15, 2024.

**CONSIDERATION:**

\$599 per year, with an annual Consumer Price Index adjustment as provided for in the lease.

**SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$5,000,000 per occurrence, or equivalent staff-approved self-insurance program.
- A bond in an amount no less than \$7,500.
- Lessee shall submit “as-built” plans following project completion.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE’S BEST INTERESTS:**

The Applicant is applying for a General Lease – Right-of-Way use for the relocation, replacement, and use of an existing 115 kV overhead electric transmission line and support towers, as part of the Brighton – Grand Island 115 kV Reconductor Project (Project). The electric transmission line has existed for several years but was not previously authorized by the Commission.

The Project’s purpose is to improve system reliability, improve public safety, and replace aged infrastructure. The Project would replace the steel support towers and electric transmission line with new steel support towers and an electric transmission line. The existing transmission line and towers will be removed as part of the project. The existing and new support towers are located outside of the Commission’s jurisdiction.

The Project would upgrade the existing Brighton – Grand Island 115 Kilovolt Power Line located within agricultural and rural portions of unincorporated Sacramento County. The new support towers would have a height of approximately 250 feet. The new towers would be located 15-feet downstream from the existing towers. The new towers would also be located 60-feet further from the levee resulting in the towers being located more inland and not as close to the levees. The project would take place on private uplands outside of the Commission’s jurisdiction. The

work window would be from September through December 2024. The new 115 kV conductor would be more robust than the existing lines that have been in place for several years. Overall, the project should not impact access or recreation on the water.

The placement of the new 115 kV overhead electric transmission line does not significantly alter the land and does not permanently impair public rights. The transmission lines will be suspended above the water and will not impact navigation. The lease does not alienate the State’s fee simple interest, is limited to a 20-year term, and does not grant the lessee exclusive rights to the lease premises.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee’s activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

**CLIMATE CHANGE:**

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The facilities are located on the Sacramento River, in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

This effect could increase the Sacramento River's inundation levels within the lease area. In addition, as stated in the [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, fire, drought, extreme heat, and storms (especially when coupled with sea level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The transmission towers are located on uplands (farmland) and set back from the banks of the Sacramento River, and the transmission lines are located above the Sacramento River. Therefore, these facilities are unlikely to be affected by the climate change issues noted above. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland (not in the lease area) are located in an area that may be subject to the effects of climate change, including sea level rise.

### **CONCLUSION:**

For all the reasons above, staff believes that issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism," "Meeting Evolving Public Trust Needs," and "Prioritizing Social, Economic, and Environmental Justice" Strategic Focus Areas of the [Commission's 2021-2025 Strategic Plan](#).

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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

## **RECOMMENDED ACTION:**

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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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that issuance of the proposed lease would not be materially adverse to public health and safety; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning August 15, 2024, for a term of 20 years, for relocation, replacement, and use of an existing 115 kV overhead electric transmission line in the Sacramento River; annual rent in the amount of \$599, with an annual Consumer Price Index adjustment; a bond in an amount no less than \$7,500; and liability insurance or self-insurance in an amount no less than \$5,000,000 per occurrence.
2. Authorize the Executive Officer or designee to replace exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements.