

Staff Report 37

LESSEE/APPLICANT:

Pacific Gas and Electric Company

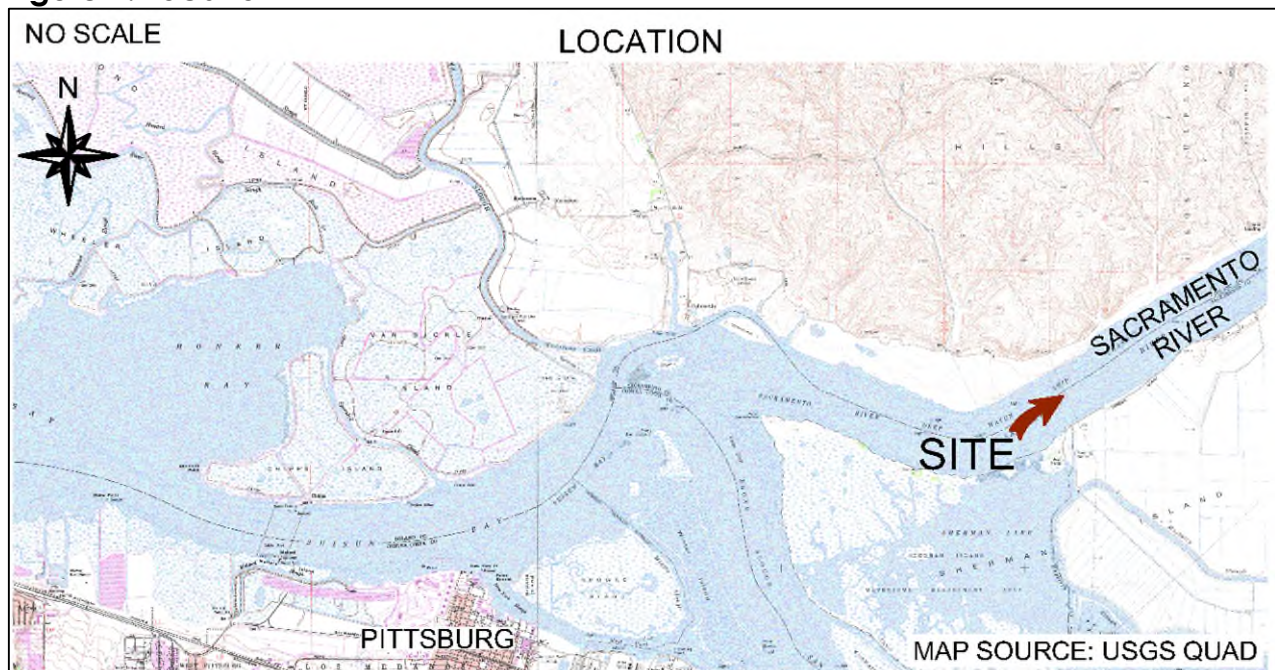
PROPOSED ACTION:

Consider Amendment of a General Lease – Right-of-Way Use and 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 158-0080-008 (Sacramento County) and 0090-180-280 (Solano County), near Sherman Island, Sacramento and Solano Counties (as shown in Figure 1).

Figure 1. Location



PROPOSED AMENDMENT OF LEASE 6827:

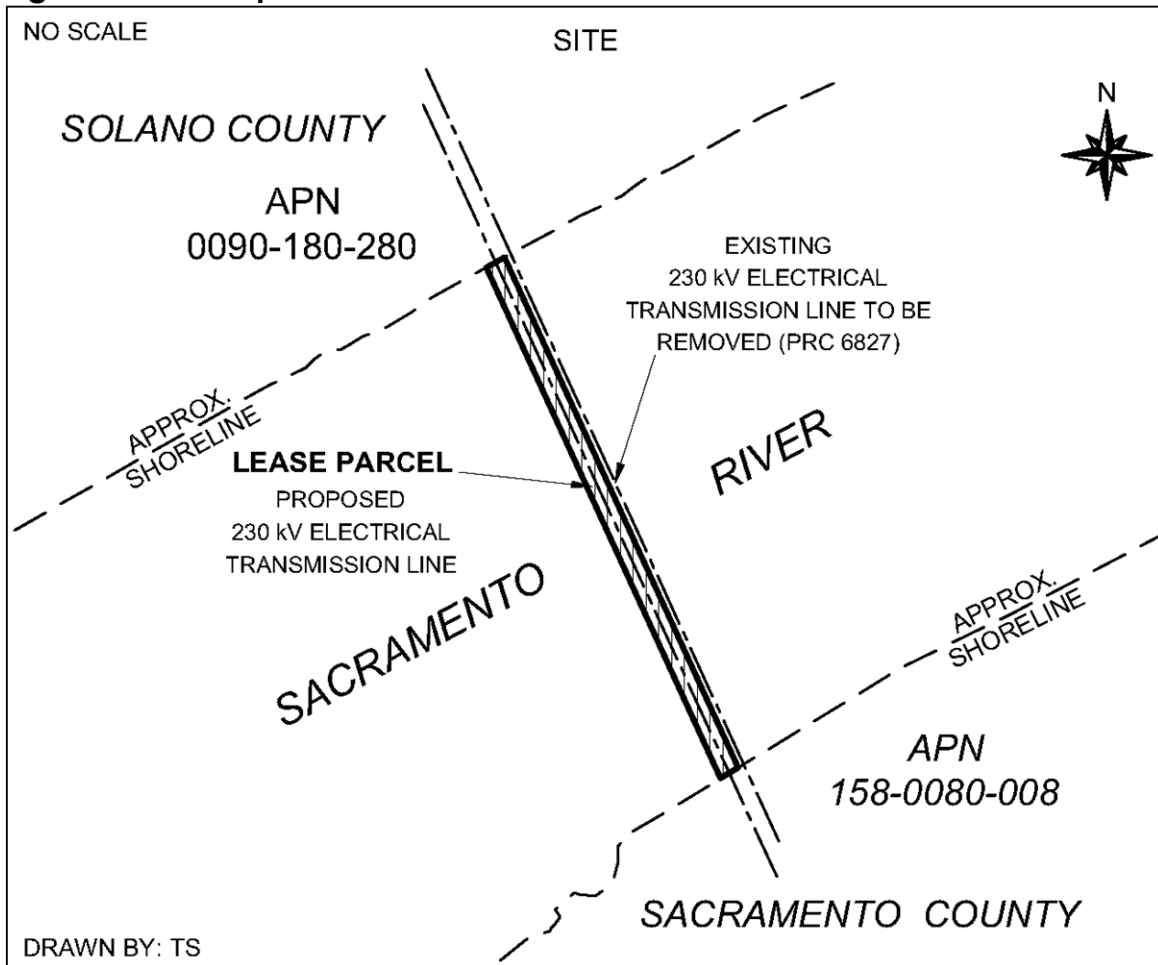
Authorize removal of the existing 230 kilovolt (kV) overhead electric transmission line (SLC 7) in the Sacramento River from Lease 6827, a General Lease – Right-of-Way Use.

All other terms and conditions of the lease will remain in effect without amendment.

PROPOSED ISSUANCE OF NEW GENERAL LEASE – RIGHT-OF-WAY USE:

Relocation, replacement, and use of an existing 230 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 December 17, 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:

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:

On February 20, 2015, the Commission authorized issuance of a Master General Lease – Right-of-Way Use, Lease No. PRC 6827 ([Item 44, February 20, 2015](#)). Lease No. PRC 6827 authorized 76 existing greater-than-60 kV electric transmission lines, fiber-optic cables, and related facilities in various waterways and various counties. The lease expires April 30, 2045.

The Applicant is now applying for the relocation, replacement, and use of an existing 230 kV overhead electric transmission line and support towers, as a response to a request from the U.S. Army Corps of Engineers. The proposed project would remove an impediment to commercial navigation. The electric transmission line would be installed on taller towers to increase the height of the line crossing over the Sacramento River. The existing transmission line and towers will be removed as part of the project. The existing and proposed support towers are located outside of the Commission's jurisdiction.

Staff recommends amendment of Lease No. PRC 6827 to remove the existing overhead electric transmission line in the Sacramento River from the lease, and issuance of a separate lease for the relocation, replacement, and use of the new overhead electric transmission line.

The Project would replace the existing 230 kV transmission line located within agricultural and rural portions of unincorporated Sacramento and Solano Counties. The new support towers will have a height of approximately 565 feet. The new towers will be located 70-feet downstream from the existing towers. The project will take place on private uplands outside the Commission's jurisdiction. The work window is anticipated to occur in Spring 2025. Overall, the project should not impact access or recreation on the water.

The replacement of the 230 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 portions of the project within the lease areas are located over the beds of the Sacramento River in tidally influenced areas that are vulnerable to flooding at current sea levels and at 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.

Sea level rise 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.

However, the replacement transmission line is being raised between 2 new towers to a minimum clearance of 161 feet above Mean High Water to accommodate commercial navigation requirements. The towers supporting the line are in upland areas approximately 750 feet north of the northern bank and approximately 400 feet south of the levee on the southern bank of Sacramento River. Neither the existing line nor the replacement line are located within the footprint of Federal Project Levees or Waters of the U.S. and so are unlikely to be subject to the effects of climate change, including sea level rise. Pursuant to the proposed lease, the Applicant acknowledges that the upland area adjacent to lease premises may be subject to the effects of climate change, including sea level rise.

CONCLUSION:

For all the reasons above, staff believes that amendment of Lease No. PRC 6827 and 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 lease; and is in the best interests of the State.

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 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" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the [Commission's 2021-2025 Strategic Plan](#).
3. Lease No. PRC 6827 allows for the removal of an electric transmission line in its entirety on the Leased Premises by submitting an application for an amendment with the Commission. Upon approval of the amendment, the Lessee shall be relieved of its obligation under the lease to pay for the crossing.
4. **New Transmission Line:** 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

Removal of Existing Transmission Line: Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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

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 through the combination of the following exemptions: Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title

14, section 15303, and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

Find that amendment of Lease Number PRC 6827 and issuance of a new lease for relocation, replacement, and use of an existing overhead electric line 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 amendment of Lease Number PRC 6827, a General Lease – Right-of-Way Use, of sovereign land located in the Sacramento River, effective December 17, 2024; to remove the existing 230 kV overhead electric transmission line in the Sacramento River; and reduce rent by \$450 to account for the removal of the crossing from the Master Lease.
2. Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning December 17, 2024, for a term of 20 years, for relocation, replacement, and use of an existing 230 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.
3. 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 improvement following relocation.