

# Staff Report 52

## APPLICANT:

Southern California Edison Company

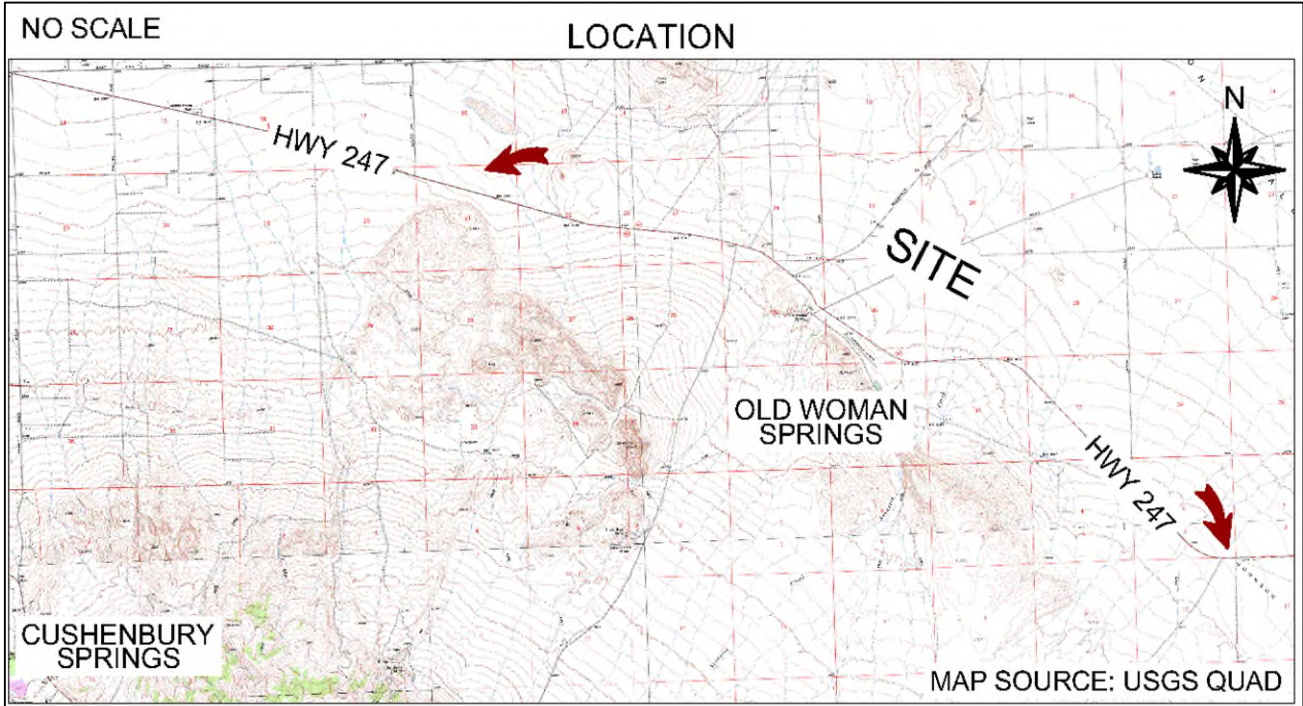
## PROPOSED ACTION:

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

## AREA, LAND TYPE, AND LOCATION:

14.39 acres, more or less, of indemnity school land located in portions of Township 4 North, Range 2 East; Township 4 North, Range 3 East; and Township 3 North, Range 3 East, SBM, near Old Woman Springs, San Bernardino County (as shown in Figure 1).

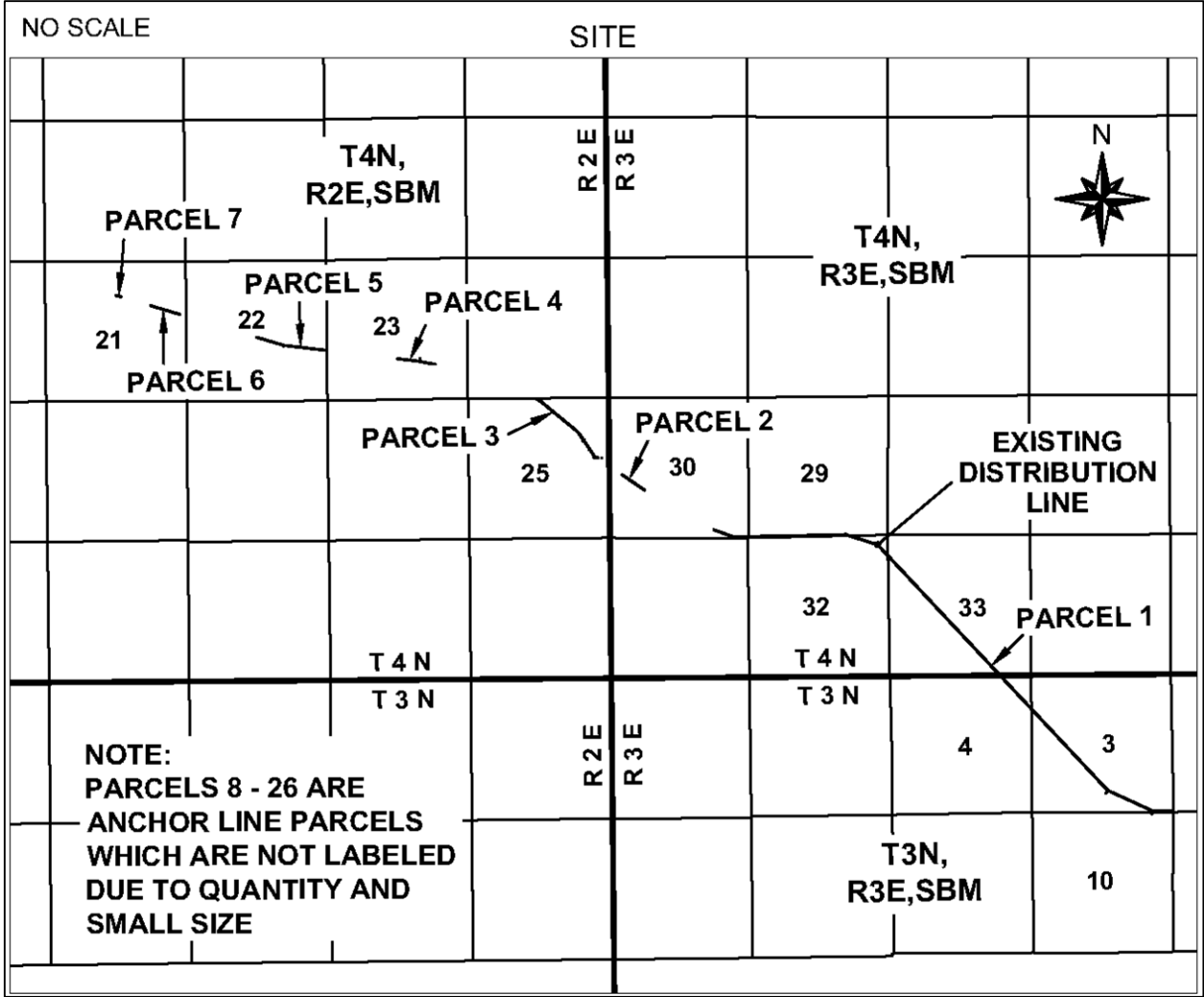
Figure 1. Location



**AUTHORIZED USE:**

Use and maintenance of an existing 33 kilovolt (kV) overhead electrical distribution 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 22, 2009.

**CONSIDERATION:**

\$821 per year, effective December 22, 2024.

**PROPOSED AMENDMENT:**

- Installation, use, and maintenance of one new distribution pole.
- Replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), in the lease.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the lease at the time of lease execution. The replaced Exhibits shall be incorporated in the lease as though fully set forth therein.
- Provide that construction activities will be performed pursuant to the specific terms identified in the proposed amendment, including requirements pertaining to construction equipment, debris, and the delivery to Lessor of specified documents related to the construction activities; and that the Lessee obtain all necessary permits and authorizations prior to commencing work.

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

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6501.1, 6503, and 8705; California Code of Regulations, title 2, sections 2000 and 2003.

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

On February 1, 2010, the Commission authorized the use and maintenance of an existing 12 kV overhead electrical distribution line and approximately 20 wood poles ([Item 21, February 1, 2010](#)). On April 26, 2013, the Commission authorized an amendment of lease to increase the lease area from 1.76 to 14.39 acres and change the overhead distribution line from 12 kV to 33 kV ([Item 91, April 26, 2013](#)). On April 23, 2014, the Commission authorized an amendment of lease to include a performance guaranty in lieu of surety bond for all Southern California Edison Company Leases ([Item 64, April 23, 2014](#)). On August 29, 2024, the Commission

authorized a revision of rent from \$503 to \$821 per year ([Item 59, August 29, 2024](#)). The new line will fit within the footprint already assessed for rent. Consequently, staff do not recommend revising the rent as part of the amendment. The lease will expire on December 21, 2029.

The Lessee is now applying for an amendment of a General Lease – Right-of-Way Use to install one additional distribution pole within Section 33, Township 4 North, Range 3 East, SBM, near Old Woman Springs, San Bernardino County.

The project includes excavation by truck mounted or handheld auger of a new hole measuring 2- to 3-feet in diameter by 6- to 9-feet deep. A 50-foot buffer will be placed around the pole location to allow work activities during construction. The pole placement site is accessible via access roads.

The lease requires the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises and maintain the overhead distribution line at its sole expense. The lease also requires the 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 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. The lease area is open lands with moderate to low vegetation fuels, and are vulnerable to the above events, including dust storms, flash flooding from thunderstorms, and wildland fires. Wildfire risk is likely to increase in the desert, in connection with the increase in extreme weather. Wildfire risk in the desert is tied to fuel (vegetation) availability, which will fluctuate in relationship to precipitation and atmospheric conditions. High winds can damage infrastructure, including transmission lines, providing an ignition source for fire, and propel fires over more terrain. These projected climate change effects could affect the uses of the leased lands for transmission lines.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are in an area that may be subject to the effects of climate change. Regular maintenance, as referenced in the lease, may reduce the likelihood of fires and reduce the risk of damage from flash flooding.

**CONCLUSION:**

For all the reasons stated above, staff believe approval of the proposed lease amendment will not result in a change in the use of, or impacts to, State-owned school lands and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the amendment of lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of school 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 addressing the challenges and opportunities described in the Commission's 2021-25 Strategic Plan to "Embrace and safeguard multi-benefit School Lands and resource management stewardship that equitably balances responsible local and regional economic development, supports living wages, environmental protection, and revenue generation."
3. Staff recommend 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.

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 this activity is exempt from the requirements of CEQA pursuant to the California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

**STATE'S BEST INTERESTS:**

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

**AUTHORIZATION:**

1. Authorize the amendment of Lease Number 2679, a General Lease – Right-of-Way Use, effective March 1, 2025, to include the installation of one additional distribution pole and associated terms and conditions; all other terms and conditions of the lease shall remain in effect without amendment.
2. Authorize the Executive Officer, or their 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.