

**STAFF REPORT
C59**

A 33
S 16

04/05/19
W 27201
C. Hudson

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Southern California Edison Company

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

1.38 acres, more or less, of State-owned school land within a portion of Section 16, Township 16 North, Range 13 East, SBM, near Mountain Pass, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing 33 kilovolt (kV) distribution line, wood poles, and a dirt access road.

LEASE TERM:

25 years, beginning April 5, 2019.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence or equivalent staff-approved self-insurance program.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

State's Best Interests Analysis:

The Applicant has applied for a General Lease – Right-of-Way Use on State-owned school land for the use and maintenance of an existing 33kV distribution line, wood poles, and a dirt access road. The improvements have existed for years but have never been under lease. The proposed lease is limited to a 25-year term, does not alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The lease requires the Applicant to insure and indemnify the

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State for any liability incurred as a result of the lessee's activities on the lease premises; maintain the distribution line, wood poles and dirt access road at its sole expense; implement the Overhead Detailed Inspections (ODI) program and Vegetation Management program; and conduct an archaeological survey within the lease premises for cultural resources prior to any ground disturbance during maintenance activities due to sensitive cultural resources in the area. 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 *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 proposed lease area is primarily open land with moderate to low vegetation fuels and are vulnerable to the above events, including dust storms and flash flooding from thunderstorms and, to a lesser extent, wildland fires. The lease premises and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the proposed uses of the lease premises.

OTHER PERTINENT INFORMATION:

1. 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.
2. The ODI program consists of performing a close proximity, in-depth evaluation of the Applicant's overhead electrical facilities such as poles, capacitors, switches, transformers, conductors, guy wires, and risers to identify hazardous conditions. Annual patrols and overhead detailed inspections are performed across the Applicant's distribution system using a geographical grid-based approach. Inspection and maintenance activities associated with the distribution grid, include planned and unplanned work. Most of the planned work is performed to satisfy various requirements placed upon the Applicant by the California Public Utilities Commission, and various city and county agencies.

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3. The Vegetation Management program includes tree trimming and tree removal in proximity to transmission and distribution high-voltage lines and weed abatement around overhead structures in high fire risk designated areas. Vegetation Management program also includes inspection and removal of dead, dying, or diseased trees that may fall or contact the electrical facilities because of the bark beetle and drought emergency.
4. 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 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. Staff consulted with the San Bernardino County Museum, who had nominated such lands due to sensitive cultural resources. The Museum staff requested that an archaeologist survey the project area for cultural resources prior to any ground disturbance. Based upon staff's consultation, it is staff's opinion that the project, with the proposed lease condition, is consistent with the significant land use classification.

EXHIBITS:

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

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 2, section 2905, subdivision (a)(2).

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STATE'S BEST INTERESTS:

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

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 issuance of a General Lease – Right-of-Way Use to the Applicant beginning April 5, 2019, for a term of 25 years, for the use and maintenance of an existing 33kV distribution line, wood poles, and dirt access road; 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 \$450 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence or equivalent staff-approved self-insurance program.

EXHIBIT "A"
LAND DESCRIPTION

W 27201

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 13 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED COMMUNITY OF MOUNTAIN PASS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON THE "DUPLICATE" U.S.G.L.O. PLAT APPROVED DECEMBER 16, 1941, BEING A STRIP OF LAND 25.00 FEET IN WIDTH, LYING 12.50 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE SOUTH 01°31'16" EAST 2471.32 FEET ALONG THE WEST LINE OF SAID SECTION 16, TO A POINT 165.91 FEET AS MEASURED ALONG SAID WEST LINE FROM THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE LEAVING SAID SECTION LINE NORTH 67°53'24" EAST 32.76 FEET; THENCE NORTH 01°33'18" WEST 556.28 FEET; THENCE NORTH 68°45'52" EAST 2120.10 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 80°59'46" EAST 3021.01 FEET TERMINATING IN THE WEST LINE OF TRACT 38 OF SAID U.S.G.L.O. PLAT AND AS SHOWN ON CALTRANS RIGHT OF WAY MAP 57302-04, SAID **POINT OF TERMINATION** BEING 412.30 FEET SOUTHERLY ALONG SAID WESTERLY LINE OF TRACT 38 FROM THE NORTHWEST CORNER OF SAID TRACT 38.

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED SO AS TO BEGIN AT THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND TERMINATE AT THE WEST LINE OF SAID TRACT 38.

BEARINGS AND DISTANCES SHOWN HERON ARE GRID, BASED ON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD 83, ZONE 5 (EPOCH 2010.00) ESTABLISHED BY A GPS SURVEY TIED TO CSRC CORS STATIONS "P619" & "P621". TO OBTAIN GROUND DISTANCES, DIVIDE THE GRID DISTANCE BY AN AVERAGE COMBINED FACTOR OF 0.99979638.

END OF DESCRIPTION

PREPARED BY ME OR UNDER MY DIRECTION



CHARLES D, PLUTA P.L.S.

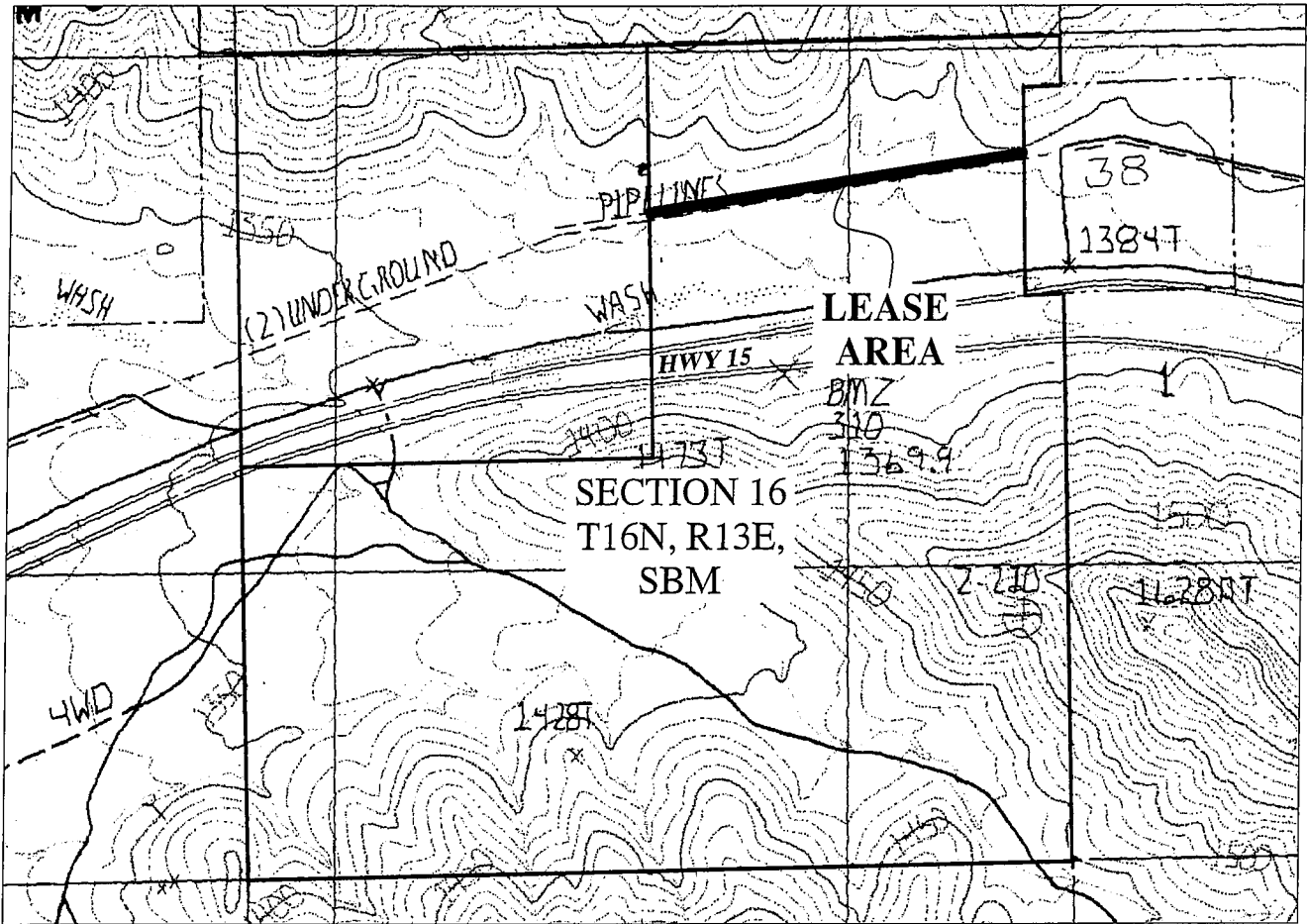
12/20/2018

DATE



NO SCALE

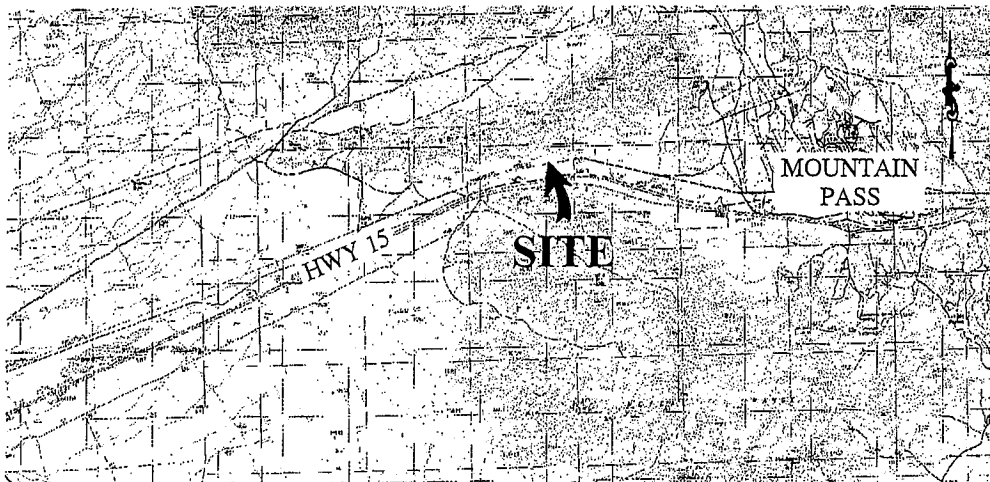
SITE



SEC. 16, T16N, R13E, SBM, NEAR MOUNTAIN PASS
33kV DISTRIBUTION LINE

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

W 27201

SOUTHERN CALIFORNIA
EDISON COMPANY

APN 0572-071-01

GENERAL LEASE -
RIGHT-OF-WAY USE

SAN BERNARDINO COUNTY



TS 12/13/18