

CALENDAR ITEM
C29

A) 34
S) 17

08/19/03
PRC 8110 WP 8110.2
N. Lee

AMENDMENT OF LEASE

LESSEE:

Windland, Inc.
10448 Garverdale Court, Suite 804A
Boise, ID 83704

AREA, LAND TYPE, AND LOCATION:

0.91 acres, more or less, of school lands in the NE1/4 of the NE1/4, Section 18,
T11N, R13W, SBM, near Mojave, Kern County.

AUTHORIZED USE:

Graded dirt access road and drainage culvert to facilitate access to a wind farm
located on private property.

LEASE TERM:

Twenty years, beginning September 1, 1999.

CONSIDERATION:

\$100 per year; with the State reserving the right to fix a different rent periodically
during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the construction limiting dates to provide that construction must be
completed by June 30, 2004. All other terms and conditions of the lease shall
remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the lands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized the issuance of a
General Lease – Right of Way Use with Windland, Inc. for construction

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and maintenance of a dirt access road and a drainage culvert. This road would facilitate access to Lessee's private property for purposes of developing a wind farm. The lease provided that construction begin by January 1, 2000 and be completed by January 1, 2001. As Windland, Inc. was unable to begin construction within that timeframe, on April 20, 2000, the Commission authorized an amendment of the lease to modify the construction limiting dates by extending the completion date to January 1, 2002 with no required start date.

3. Due to problems and delays in gaining access to a capable power line and obtaining a viable power purchase contract, Lessee has still been unable to start construction. Lessee has now resolved these delays and is ready to start construction. Windland, Inc. is now requesting an amendment to the lease to extend the construction completion date to June 30, 2004.
4. A Mitigated Negative Declaration was prepared and adopted for this project by Kern County Planning Department. The Commission reviewed such document and adopted the Mitigation Monitoring Program at its meeting on September 3, 1999, pursuant to Minute Item 44.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE KERN COUNTY PLANNING DEPARTMENT AND THAT THE COMMISSION HAS REVIEWED AND

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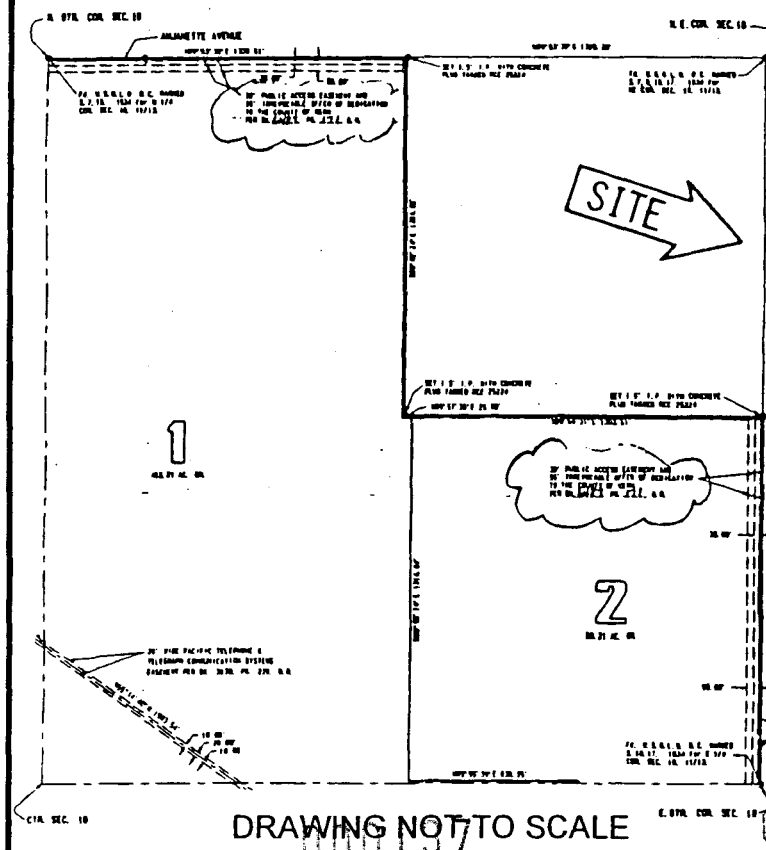
ADOPTED THE MITIGATION MONITORING PROGRAM AT ITS MEETING ON SEPTEMBER 3, 1999.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8110.2, A GENERAL LEASE – RIGHT OF WAY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JULY 1, 2003, TO MODIFY THE CONSTRUCTION LIMITING DATES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



LOCATION MAP
PRC 8110.2
WINDLAND INC.
SEC.18,T11N,R13W,SBM
KERN COUNTY

