

MINUTE ITEM

This Calendar Item No. C60 was approved as
Minute Item No. 60 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

**CALENDAR ITEM
C60**

A 18

09/13/07

PRC 8764

W 26195

S 34

S. Young

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Western Area Power Administration
U.S. Department of Energy
P.O.Box 6457
Phoenix, AZ 85005-6457

AREA, LAND TYPE, AND LOCATION:

1.88 acres, more or less, of sovereign lands in the historic bed of the Colorado River lying within and adjacent to Section 19, R23E, SBM, Needles Lagoon, city of Needles, San Bernardino County.

AUTHORIZED USE:

Construction, use and maintenance of a 69 kV overhead electrical distribution pole and line.

LEASE TERM:

One year, beginning September 13, 2007.

CONSIDERATION:

\$2,556 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. In response to a Congressional mandate, Western Area Power Administration (Western) under the direction of the United States Department of Energy, proposes to build a new "Firehouse" switchyard in the city of Needles and a new 3.95-mile long 69 kV transmission line between the Firehouse switchyard and the existing "No Name Substation" owned by the Aha Macav Power Services (AMPS), located east of Arizona State Route 95. The proposed transmission line would span the Colorado

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River. Approximately 0.20 miles of the proposed project is located in California. Western is the Federal lead agency responsible for funding, design review and project management. AMPS will design and construct the project. Once in service, the project will be operated and maintained by AMPS. AMPS is an electric utility wholly owned and operated by the Fort Mojave Indian Tribe (FMIT). The Fort Mojave Reservation covers 22,820 acres in three states along the Colorado River. The tribe's headquarters are in Needles, California.

3. Western is now applying to the Commission for the construction, use and maintenance of one transmission line self-supporting pole structure and an overhead transmission line extending approximately 746 feet in length across sovereign lands within the historic bed of the Colorado River at Needles Lagoon. The transmission line right-of-way, on the California side, will be 100 feet in width. The underlying purpose of the project is to provide reliable and sustainable electrical service to the city of Needles. Congress has appropriated funds to Western specifically for this project to provide transmission capacity to the area. Once the project has been completed and put into service, AMPS would operate and maintain it using their own funding. A portion of the project will be located on Tribal lands. AMPS will, in cooperation with the Bureau of Indian Affairs (BIA), assist Western in the acquisition of easements on FMIT lands.
4. On August 27, 2003, the Commission approved the issuance of a General Lease - Right of Way Use, Lease No. PRC 8478.1, to FMIT for an existing overhead electrical distribution facility at this same location. The FMIT facilities, within the existing lease premises, consist of three 69 kV overhead power lines and 12 wooden power poles. However, this lease was never executed, but staff continues to work with FMIT to address various outstanding issues so that the lease can be executed. The proposed Western project encroaches into the FMIT lease premises and FMIT has no objection to the proposed project.
5. Subsequent to Western's submittal of the application for a lease, Western advised staff that it is seeking a one-year lease term as an interim measure to accommodate the construction of the facilities in 2007 and 2008. Western has advised that they will be proceeding, during the lease term, with a condemnation process in order to acquire an easement over the Premises in perpetuity. The U.S. Department of Justice's Title Standards require that the title or interest in real property be indefeasible

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where permanent improvements are installed. A lease term could require that Western vacate the Lease Premises while the public use of the transmission line is still necessary. Accordingly, Western is in the process of discussing, with staff, the proposed terms of the condemnation.

6. A joint Environmental Assessment (EA) and Negative Declaration (ND) was prepared in April of 2007 in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). A Finding of No Significant Impact is included in that document. Western is the lead Federal Agency for NEPA and the BIA is a cooperating agency. The city of Needles is the lead agency for CEQA and CSLC is a responsible agency.
7. On May 8, 2007, the City Council of the city of Needles passed a resolution adopting a Negative Declaration for the "No Name Substation" to Firehouse Switchyard 69-kilovolt Transmission Line. The California State Lands Commission's staff has reviewed this Negative Declaration.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the person nominating such lands and through the CEQA process, it is the staff's opinion that the project as proposed is consistent with its use classification.

APPROVALS OBTAINED:

City of Needles

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

November 8, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF NEEDLES AND

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THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

SIGNIFICANT LANDS INVENTORY FINDING:

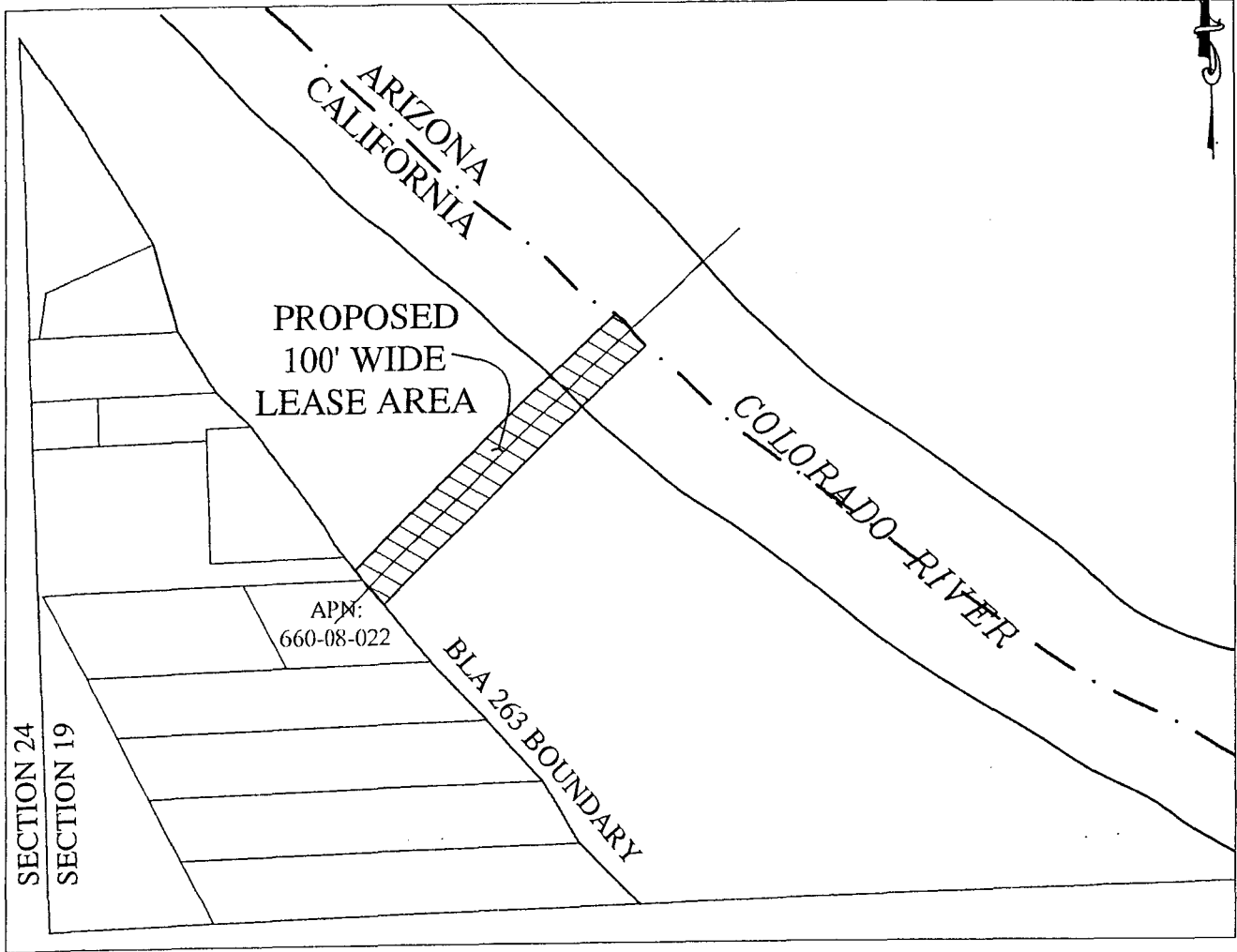
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WESTERN AREA POWER ADMINISTRATION OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING SEPTEMBER 13, 2007, FOR A TERM OF ONE YEAR, FOR CONSTRUCTION, USE AND MAINTENANCE OF A 69 KV OVERHEAD ELECTRICAL DISTRIBUTION POLE AND LINE AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$2,556, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PRIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE.

NO SCALE

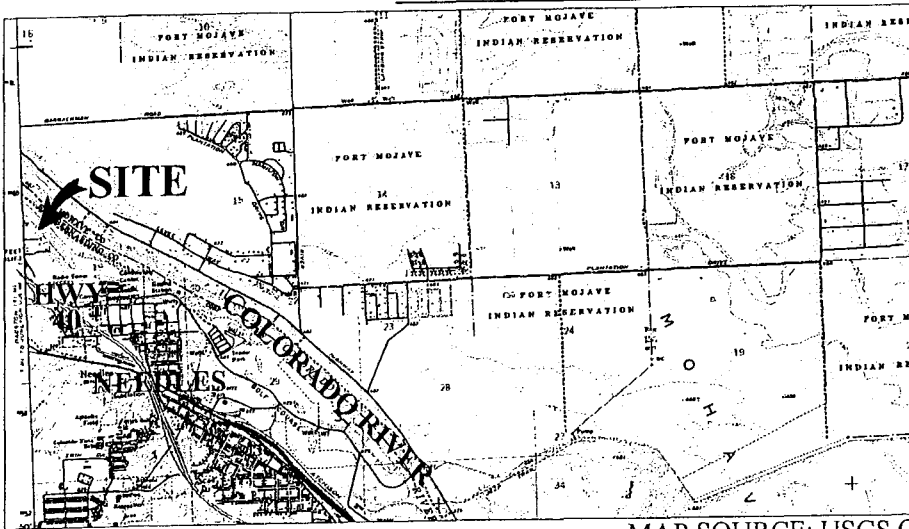
SITE



Needles Lagoon, Colorado River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26195
 WESTERN AREA POWER ADMIN.
 GENERAL LEASE
 RIGHT-OF-WAY USE
 NEEDLES AREA
 SAN BERNARDINO COUNTY



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.

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MJF 4/12/07

EXHIBIT B

W 26195

LAND DESCRIPTION

A parcel of sovereign land lying in and adjacent to the Colorado River, in Section 19, T9N, R23E, S.B.M, County of San Bernardino, State of California, being a strip of land 100 feet wide, 50 feet to the right and left of the following described centerline:

COMMENCING at a found monument "CLSC BLA 7", having California Coordinates System 83, Zone 5 coordinates of N=2151312.3244, E=7574155.6670, thence S 39°41'18" E, 23.14 feet along the westerly line of the California State Lands Commission Boundary Line Agreement #263 to the POINT OF BEGINNING; thence N 45°10'30" E, a distance of 542.64 feet to a 5/8" rebar monument with a U.S. Western Area Power Association cap; thence N 47°36'20" E a distance of 275.41 feet more or less to the centerline of the Colorado River. Said point also S 47°36'20" W a distance of 331.13 feet from a 5/8" rebar monument with a U.S. Western Area Power Association cap.

The sidelines of the above described tract shall be lengthened or shortened as to terminate at said westerly line of California State Lands Commission Boundary Line Agreement #263, said centerline of the Colorado River, and to intersect at angle points.

Basis of bearings and coordinates are based on CCS 83, Zone 5. All distances are in U.S. survey feet and are grid.

END OF DESCRIPTION

PREPARED 6/6/07 BY THE CALIFORNIA STATE LANDS COMMISSION-BOUNDARY UNIT



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