

MINUTE ITEM
This Calendar Item No. C25 was approved as
Minute Item No. 25 by the California State Lands
Commission by a vote of 3 to 4 at its
12-03-07 meeting.

CALENDAR ITEM
C25

A	25, 26		12/03/07
S	12, 14	PRC 8771	W 26056 D. Jones

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Modesto Irrigation District
1231 Eleventh Street
Modesto, California 95354

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Tuolumne River, near the city of Modesto, Stanislaus County.

AUTHORIZED USE:

The construction of a 230-kilovolt overhead electric transmission line crossing the Tuolumne River and connecting the Modesto Irrigation District /Turlock Irrigation District Switching Station at Westley with the Modesto Irrigation Rosemore Substation.

LEASE TERM:

25 years, beginning December 3, 2007.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has acquired rights to use the uplands adjoining the lease premises through eminent domain.
2. The Modesto Irrigation District (MID) operates an electrical transmission and distribution system within portions of Alameda, Stanislaus, San Joaquin and Tuolumne counties. The purpose of the proposed project is to provide additional power delivery capacity to the MID system to meet growing power needs of existing and future MID customers. The project

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would deliver power derived from a variety of sources and interconnected transmission lines at the Westley Switching Station to the 69kV MID sub-transmission system at the MID Rosemore Substation.

3. The proposed Westley-Rosemore Transmission Project will involve construction of approximately 17 miles of 230-kilovolt transmission line connecting the joint MID/Turlock Irrigation District (TID) Switching Station at Westley with the MID's existing Rosemore Substation near Modesto. The proposed transmission line will be supported on steel poles approximately 100 feet in height at a typical spacing between 700 and 900 feet. The line will include a total of six pairs of conductors, arranged in three tiers on sets of three arms located on either side of each pole. No poles or other improvements will be placed on the lease premises, the transmission line will cross over the lease premises. The California Public Utility Commission General Order 95 (GO 95) covers all aspects of design, construction, operation and maintenance of electrical transmission lines. As such, a minimum clearance of 30 feet will be maintained above the River, regardless of season.
4. In October, 2005, MID advised staff that it was putting the project on hold until the completion of eminent domain proceedings. The eminent domain proceedings have been completed for the Tuolumne River crossing.
5. A crossing of the San Joaquin River is also included in the lease application; however, this crossing is not included in this proposed lease because MID has been unable to obtain an easement across the adjoining upland properties. The MID is negotiating with the upland owners, but has also initiated the process to acquire the easement through eminent domain. Pending resolution of this issue, the San Joaquin River crossing may be considered at a future Commission meeting as an amendment to this lease.
6. EIR (SCH No. 2003062126) was prepared and certified for this project by the MID. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
7. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

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8. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the California State Lands Commission.

The significant impact for which a Statement of Overriding Considerations was made that could not be mitigated to a less-than-significant level is the cumulative air quality impact resulting from the diesel-powered equipment that would be operated during the construction phase of the project that would produce NO_x emissions greater than the San Joaquin Valley Air Pollution Control District threshold. This impact will be of a short duration and occur only during the construction phase of the project.

9. 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers; United States Bureau of Reclamation; Federal Aviation Administration; California Department of Transportation; California Department of Water Resources; and the California State Reclamation Board

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game

EXHIBIT:

- A. Site Plan and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE MODESTO IRRIGATION DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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 THE MODESTO IRRIGATION DISTRICT OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING DECEMBER 3, 2007, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A NEW 230-KILOVOLT OVERHEAD TRANSMISSION LINE CROSSING THE TUOLUMNE RIVER AND CONNECTING THE EXISTING MODESTO IRRIGATION DISTRICT/TURLOCK IRRIGATION DISTRICT SWITCHING STATION AT WESTLEY WITH THE MODESTO IRRIGATION DISTRICT ROSEMORE SUBSTATION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION TO BE THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

SITE

APN 017-027-040
MICHAEL S. NUTCHER, ET UX

APN 017-027-002
MICHAEL C. VAN ANDEL, ET UX

LEASE AREA

TUOLUMNE RIVER

CENTERLINE NEW 230 KV LINE

APN 017-027-063
LYONS INVESTMENTS

APN 017-027-034

MODESTO IRRIGATION DISTRICT

NO SCALE

LOCATION

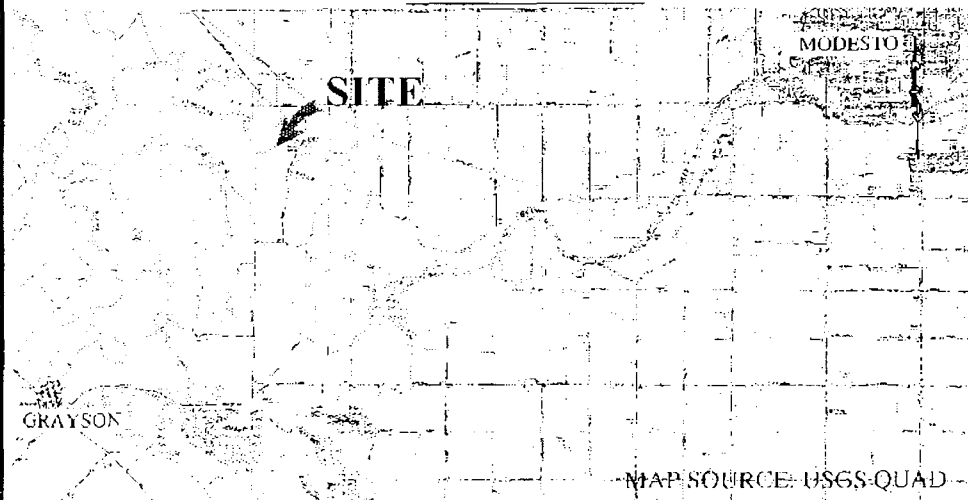


Exhibit A

W 26056
MODESTO IRRIGATION DISTRICT
GENERAL LEASE
PUBLIC AGENCY USE
TUOLUMNE RIVER
STANISLAUS 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.

JAK 11/02

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