

**CALENDAR ITEM
C21**

A 34
S 18

02/01/10
WP 2679.2
J. Porter

GENERAL LEASE – RIGHT OF WAY USE

APPLICANT:

Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

AREA, LAND TYPE, AND LOCATION:

1.76 acres, more or less, of State Indemnity School lands in a portion of Section 29, Township 4 North, Range 3 East, SBM, northeast of Old Woman Springs, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of existing 12 kV overhead electrical distribution line and approximately 20 wood poles.

LEASE TERM:

20 years, beginning December 22, 2009.

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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$2,000,000, or equivalent staff-approved self-insurance program.

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United

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States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

OTHER PERTINENT INFORMATION:

1. On December 22, 1960, the Commission authorized a Right of Way Easement with California Electric Power Company for a term of 49 years. That easement expired on December 21, 2009. Southern California Edison Company, the successor in interest to California Electric Power Company, is now applying for a new General Lease – Right of Way Use.
2. There are approximately 20 wood poles spaced approximately 200 feet apart within the Lease Premises. Southern California Edison Company inspects its electrical transmission lines and wood poles annually.
3. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

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

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBITS:

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

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, Section 2905(a)(2).

AUTHORIZATION:

Authorize issuance of a General Lease – Right of Way Use to Southern California Edison Company beginning December 22, 2009, for a term of 20 years, for the continued use and maintenance of an existing 12 kV overhead electrical distribution line and approximately 20 wood poles on the lands shown on Exhibit A (for reference purposes only) and as described on Exhibit B, both attached and by this reference made a part hereof; annual rent in the amount of \$100 with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; and liability insurance with coverage of no less than \$2,000,000, or equivalent staff-approved self-insurance program.

NO SCALE

SITE



INDEMNITY SCHOOL LANDS
SECTION 29, TOWNSHIP 4 NORTH, RANGE 3 EAST, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 2679
SOUTHERN CALIFORNIA
EDISON
APN 0448-251-03
GENERAL LEASE -
RIGHT OF WAY USE
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.