

**CALENDAR ITEM  
C37**

A 30, 32  
S 18

04/06/10  
WP 6704.1  
J. Smith

**AMENDMENT OF LEASE**

**LESSEE:**

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

**AREA, LAND TYPE, AND LOCATION:**

1.066 acres, more or less, of sovereign lands in the Kern River, northeast of Bakersfield, Kern County.

**AUTHORIZED USE:**

Continued use and maintenance of a 220 kV overhead transmission line.

**LEASE TERM:**

25 years, beginning February 15, 2009.

**CONSIDERATION:**

\$2,878 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 liability insurance provision to authorize an equivalent self-insurance program. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Lessee has the right to use the uplands adjoining the lease premises.
2. On July 12, 1984, the Commission authorized a General Lease - Right of Way Use to Southern California Edison Company (SCE) for a 220kV overhead transmission line that crosses the Kern River, northeast of Bakersfield in Kern County. That lease expired on February 14, 2009. On April 9, 2009, the Commission authorized the issuance of a new 25-year General Lease - Right of Way Use to SCE for the continued use and

CALENDAR ITEM NO. **C37** (CONT'D)

maintenance of the transmission line. The lease requires SCE to maintain liability insurance coverage in an amount no less than \$2,000,000. SCE is self-insured for comprehensive and general liability up to \$2,000,000. Staff is requesting that the lease be amended to authorize SCE's equivalent self-insurance program.

3. Pursuant to the Commission's delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3), staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

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 tide and submerged 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

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 6704.1, a General Lease – Right of Way Use, of lands shown on Exhibit A (for reference purposes only) and described on Exhibit B, attached and by this reference made a

CALENDAR ITEM NO. **C37** (CONT'D)

part hereof, effective February 15, 2009, to amend the liability insurance provision to authorize an equivalent self-insurance program; all other terms and conditions of the lease will remain in effect without amendment.