

**CALENDAR ITEM
C78**

A 80

08/14/12

PRC 2344.1

S 40

D. Simpkin

**RESCISSION OF APPROVAL OF A GENERAL LEASE – RIGHT-OF-WAY USE AND
ISSUANCE OF A NEW GENERAL LEASE – RIGHT-OF-WAY USE**

APPLICANT:

Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

AREA, LAND TYPE, AND LOCATION:

Sovereign land crossing the Colorado River, adjacent to the Pilot Knob Substation, Imperial County near Yuma Arizona.

AUTHORIZED USE:

Continued use and maintenance of an overhead 161 kilovolt (kV) electrical transmission line and a telephone line.

LEASE TERM:

25 years, beginning January 29, 2008.

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 \$1,000,000, or equivalent staff-approved self-insurance program.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On May 24, 2012, the Commission authorized the issuance of a 25-year General Lease - Right-of-Way Use to the Imperial Irrigation District (District) for an overhead electrical transmission line and telephone line. Subsequent to the Commission's approval, staff was informed that the District is self-insured. Staff is now requesting that the May 24, 2012,

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authorization be rescinded and that a new General Lease – Right-of-Way Use, containing a provision allowing a staff-approved self-insurance program, be issued.

3. **Rescind Approval of a General Lease – Right-of-Way Use:** The staff recommends that the Commission find that the subject rescission of approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

4. **Issuance of a General Lease – Right-of-Way Use:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescind Approval of a General Lease – Right-of-Way Use: Find that the subject Rescission of Approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060,

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subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a General Lease – Right-of-Way Use: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 section 6370 et seq.

AUTHORIZATION:

1. Rescind its May 24, 2012, authorization of General Lease – Right-of-Way Use, No. PRC 2344.1 to the Imperial Irrigation District.
2. Authorize issuance of a General Lease – Right-of-Way Use to the Imperial Irrigation District, beginning January 29, 2008, for a term of 25 years, for the continued use and maintenance of an existing 161 kV overhead electrical transmission line and a telephone line as described in Exhibit A and shown on Exhibit B (for reference purposed only) 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; and liability insurance with coverage of no less than \$1,000,000, or equivalent staff-approved self-insurance program.

EXHIBIT A

PRC 2344.1

LAND DESCRIPTION

Two parcels of land lying in the bed of the Colorado River, adjacent to Section 25, Township 16 South, Range 21 East, S.B.B.&M., Imperial County, California, more particularly described as follows:

PARCEL 1 – Telephone Line

A strip of land 25 feet in width, the centerline of which is described as follows:

COMMENCING at the southwest corner of said Section 25, thence N 55°23'06" E 2,772.32 feet to the POINT OF BEGINNING; thence S 34°32'00" E 644.74 feet to the boundary line common to the State of California and Arizona and the terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the southeasterly boundary of Sovereign Land Location 10, on file at the Sacramento Office of the California State Lands Commission.

The sidelines of said strip shall be lengthened or shortened so as to commence at said southeasterly boundary of Sovereign Land Location 10 and terminate at said line common to the State of California and Arizona.

PARCEL 2 – 161kv Transmission Line

A strip of land 140 feet in width, the sidelines of which lie 65 feet easterly and 75 feet westerly of the following described line:

COMMENCING at the southwest corner of said Section 25, thence N 51°11'00" E 3,349.50 feet to the POINT OF BEGINNING; thence S 12°31'00" E 908.17 feet to the boundary line common to the State of California and Arizona and the terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the southeasterly boundary of Sovereign Land Location 10, on file at the Sacramento Office of the California State Lands Commission.

The sidelines of said strip shall be lengthened or shortened so as to commence at said southeasterly boundary of Sovereign Land Location 10 and terminate at said line common to the State of California and Arizona.

The BASIS OF BEARINGS of this description is CCS27, Zone 6.

END OF DESCRIPTION

Prepared 2/23/2012 by the California State Lands Commission Boundary Unit.



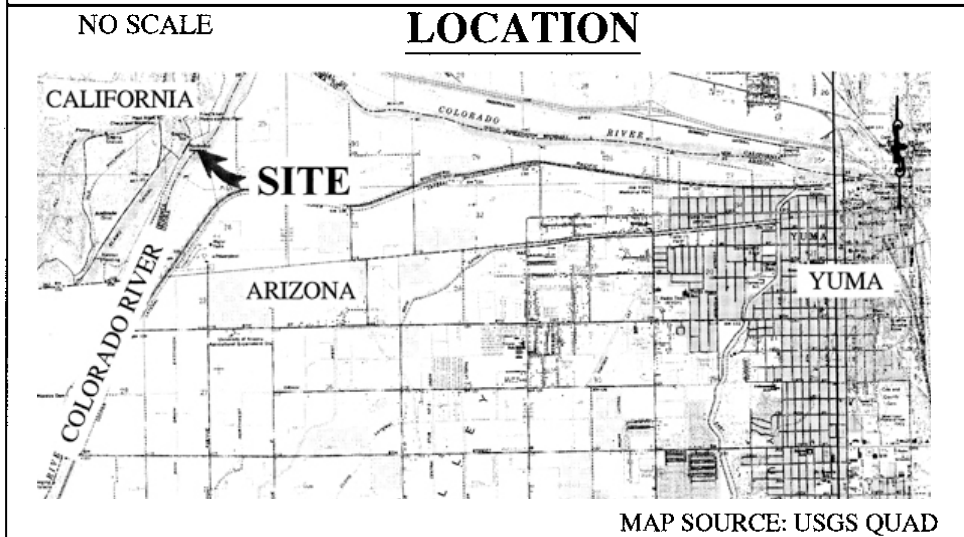
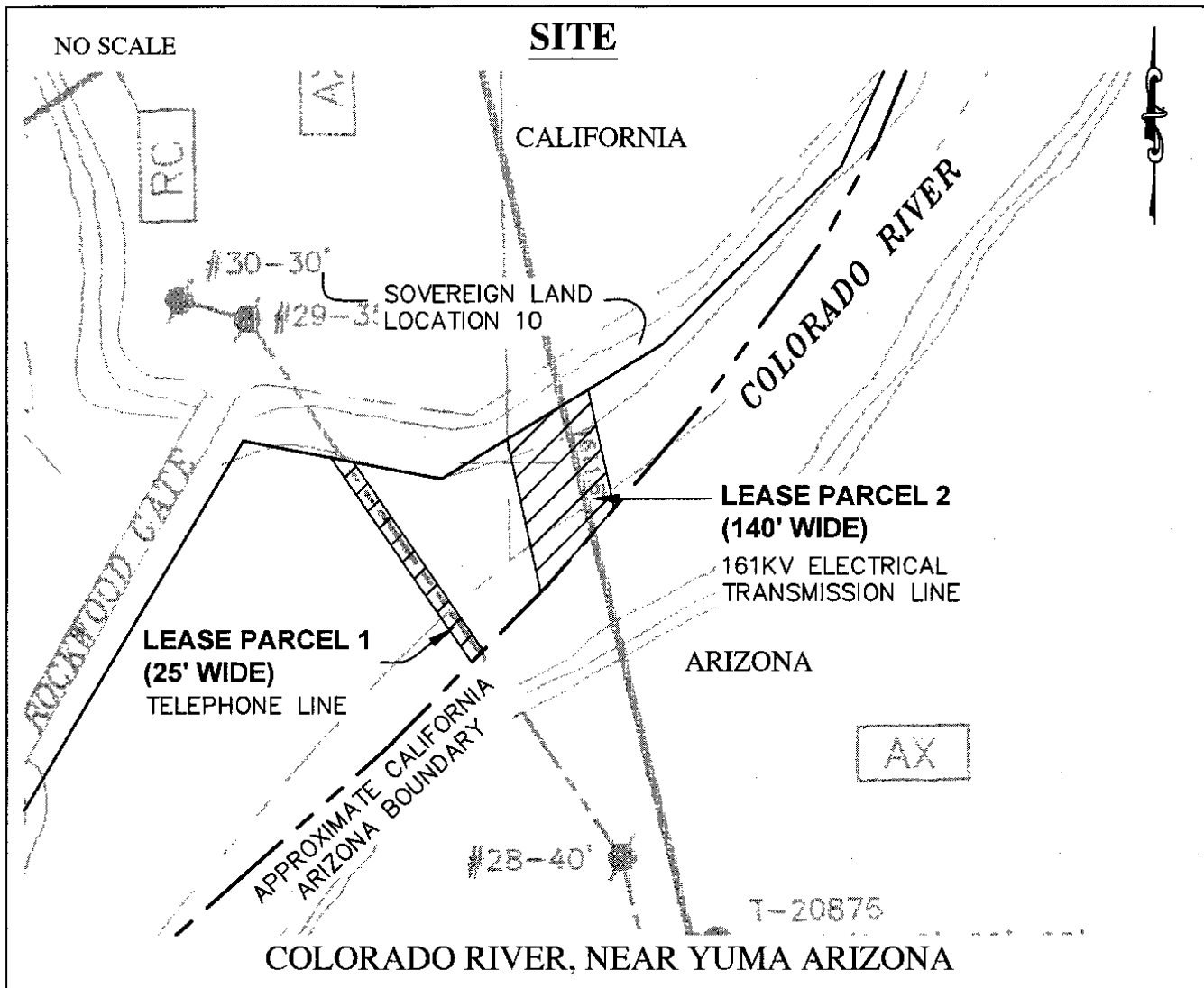


Exhibit B
 PRC 2344.1
 IMPERIAL IRRIGATION DISTRICT
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 IMPERIAL COUNTY



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.