

**CALENDAR ITEM
C43**

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S 1

08/09/16
W 26977
C. Hudson

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Bonneville Power Administration
86000 HWY 99 S
Eugene, OR 97405

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.55-acre parcel, more or less, of State-owned school land located within a portion of Section 16 (Lot 4), Township 48 North, Range 6 East, MDM, near the California-Oregon border, Modoc County

AUTHORIZED USE:

Use and maintenance for an existing unpaved access road not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 9, 2016.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence, or equivalent staff-approved self-insurance program.

STATE'S BEST INTERESTS ANALYSIS:

Bonneville Power Administration is requesting authorization from the Commission for a General Lease – Right-of-Way Use for an existing unpaved access road to its new radio station reflector site in Oregon. A portion of the road crosses State-owned school land. It is undetermined who created the road, as the road has not been maintained. Staff and the Applicant believe the road has existed for many years. The Applicant will maintain the road during the life of the proposed new lease.

CALENDAR ITEM NO. **C43** (CONT'D)

The lease does not significantly alter the land or alienate the State's fee simple interest, and nor does it permanently impair public rights. The lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. The lease requires the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease requires the lessee to maintain the road at no expense to the State. The lease also requires the payment of annual rent to compensate the people of the State for the use of public land. For the reasons stated above, Commission staff believes the issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 2.1 of the Commission's Strategic Plan, to optimize return for the responsible development and use of State lands and resources, both onshore and offshore.

2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 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 section 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 California Code of Regulations, title 2, section 2954 is not applicable.

EXHIBITS:

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

CALENDAR ITEM NO. **C43** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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).

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to Bonneville Power Administration beginning August 9, 2016, for a term of 10 years, for the use and maintenance of an existing unpaved access road as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; \$450 per year, with an annual Consumer Price Index adjustment and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease.

EXHIBIT A

W 26977

LAND DESCRIPTION

A strip of State owned School Land, 20 feet in width, being situate in Lot 4 of Section 16, Township 48 North, Range 6 East, M.D.B.&M., as shown on Official Government Township Plat approved October 18, 1872, County of Modoc, State of California, more particularly described as follows:

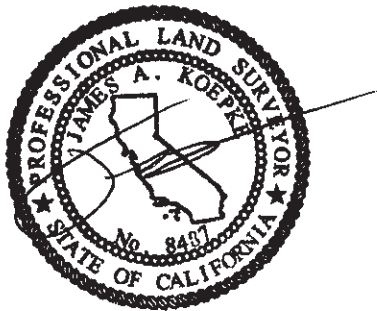
COMMENCING at a point on the southwest corner of said Section 16, Township 48 North, Range 6 East, M.D.B.&M.; thence North 89° 32' 55" West, along the southerly line of said Section 16, a distance of 656.13 feet to the centerline of an existing road also being the POINT OF BEGINNING; thence northwesterly approximately 1199 feet along the centerline of said existing road to the northerly line of said Section 16 also being the Oregon and California border, and the POINT OF TERMINATION of said strip.

The sidelines of the said strip shall be prolonged or shortened so as to terminate on the North and South boundary lines of the said Section 16.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 06/24/2016 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

OREGON
CALIFORNIA

SECTION 16
LOT 4

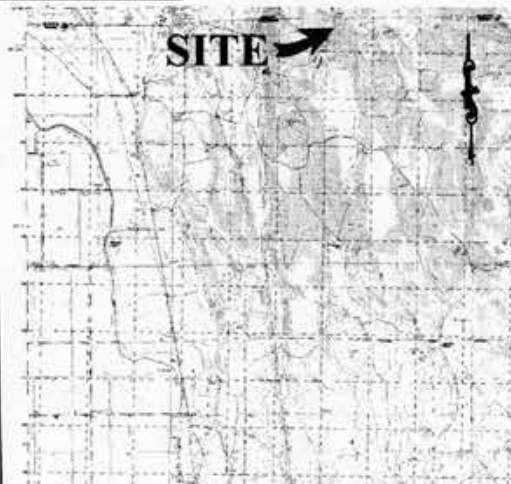
APN 006-010-03

LEASE AREA
EXISTING UNPAVED
ACCESS ROAD
20' WIDE

LOT 4, SW 1/4 OF THE SW 1/4, SECTION 16, T48N, R6E, MDM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26977
BONNEVILLE POWER
ADMINISTRATION
APN 006-010-03
GENERAL LEASE -
RIGHT-OF-WAY USE
MODOC 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.

RGB 06/24/16