

**STAFF REPORT  
C56**

A 33  
S 16

08/17/17  
PRC 8478.1  
R. Collins

**GENERAL LEASE – RIGHT-OF-WAY USE**

**APPLICANT:**

Fort Mojave Indian Tribe, dba Aha Macav Power Service

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

0.68 acre, more or less, of sovereign land located in the current and the historic bed of the Colorado River, city of Needles, San Bernardino County.

*AUTHORIZED USE:*

Use and maintenance of a 69 kV overhead electrical distribution line, 12 wood poles, and 1 steel pole.

*LEASE TERM:*

10 years, beginning September 1, 2017.

*CONSIDERATION:*

\$1,672 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Liability insurance in an amount no less than \$2,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On August 19, 2003, the Commission authorized a 15-year General Lease – Right-of-Way Use to Fort Mojave Indian Tribe, dba Aha Macav Power Service ([Item C78, August 19, 2003](#)). That lease will expire August 31, 2017, and the Applicant is now applying for a new General Lease – Right-of-Way Use for the continued use and maintenance of an existing 69 kV overhead electrical distribution line, 12 wood poles, and 1 steel pole located in the current and the historic bed of the Colorado River.

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The Applicant is one of a few tribes in the United States that has established a tribally owned and operated electric utility. The Aha Macav Power Service was incorporated under a Tribal Charter authorized by the Fort Mojave Tribal Council in July 1991. Aha Macav Power Service provides electric power service to homes and businesses located within the Fort Mojave Indian Reservation. The Applicant maintains an interconnection with the City of Needles and the Western Area Power Administration (WAPA) enhancing the reliability of transmission service to the City of Needles.

Electrical distribution lines serve the energy needs of all Californians. The line is carried on 65-foot-tall wood poles over the Colorado River, and therefore does not interfere with the Public Trust needs and values on the river. The facilities do not significantly alter the land, the lease does not alienate the State's sovereign interest, nor does it permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

The proposed lease also requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

For all the reasons above, Commission staff believes the issuance of this lease will not substantially interfere with Public Trust needs, at this location, for the foreseeable term of the proposed lease, and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
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).

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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 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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:**

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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with Public Trust needs and values at this location at this time, and is in the best interests of the State.

**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:**

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning September 1, 2017, for a term of 10 years, for use and maintenance of a 69 kV overhead electrical distribution line, 12 wood poles, and 1 steel pole, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent of \$1,672, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$2,000,000 per occurrence.

**EXHIBIT A**

**W 25906 / PRC 8478.1**

**LAND DESCRIPTION**

Those portions of State owned lands situated in the North One Half of the Southwest One Quarter of Section 19, Township 9 North, Range 23 East, San Bernardino Meridian, City of Needles, County of San Bernardino, State of California described as Parcels A, B, C and D as follows:

**PARCEL A:**

A strip of land 10.00 feet wide, lying 5.00 feet on both sides of the following described centerline;

Commencing at the Southeast corner of said Southwest One Quarter, as evidenced by a 2 inch iron pipe, shown as "Fd 2" I.P. L.S. 2380 N ¼ Sec 30" on an unrecorded map titled "NEEDLES 'S' STREET CHANNEL" Date 11//30/70, File No. R/W 6.60 3 by the San Bernardino County Flood Control District;

Thence along the Easterly line of said Southwest One Quarter as shown on said map North 02°12'23" West 1194.92 feet;

Thence South 87°47'37" West 18.36 feet;

Thence North 03°01'51" West 125.07 feet to the South line of said North One Half and the POINT OF BEGINNING of said centerline of said strip;

Thence along said centerline the following nine (9) courses:

- (1) North 03°01'51" West 52.83 feet;
- (2) North 04°34'01" West 28.77 feet to a point hereinafter referred to as POINT "A";
- (3) North 58°23'34" West 217.71 feet;
- (4) North 58°52'50" West 211.26 feet;
- (5) North 58°25'00" West 217.34 feet;
- (6) North 57°28'59" West 214.73 feet;
- (7) North 54°45'05" West 213.93 feet;
- (8) North 55°02'43" West 212.67 feet;
- (9) North 55°23'39" West 211.48 feet to a point hereinafter referred to as POINT "B", and the terminus of said strip.

**PARCEL B:**

A strip of land, 5.00 feet wide, lying 2.50 feet on both sides of the following described centerline:

Beginning at POINT A as described above herein;

Thence South 59°18'32" East 26.33 feet to the East line of said North One Half and the terminus of said strip.

**PARCEL C:**

Beginning at POINT B as described above herein;

Thence North 34°36'21" East 5.02 feet;

Thence North 50°24'21" West 181.63 feet to a point hereinafter referred to as POINT C;

Thence North 56°02'12" West 24.62 feet;

Thence North 50°08'53" West 35.76 feet;

Thence South 65°17'51" West 31.52 feet;

Thence South 51°58'33" East 48.52 feet;

Thence South 47°07'55" West 69.00 feet;

Thence South 42°52'05" East 19.67 feet;

Thence North 46°33'57" East 70.77 feet;

Thence South 56°28'20" East 189.95 feet;

Thence North 34°36'21" East 5.00 feet to the POINT OF BEGINNING.

**PARCEL D:**

Beginning at POINT C as described above herein;

Thence North 46°52'49" East 290.53 feet to the centerline of the channel of the Colorado River;

Thence along said centerline North 53°22'48" West 24.39 feet;

Thence South 46°52'49" West 291.69 feet;

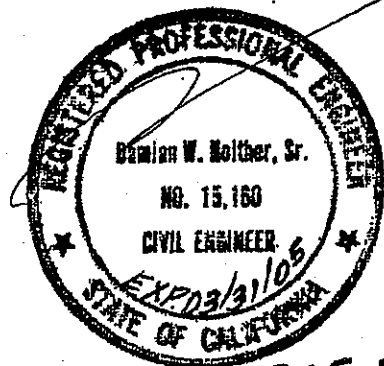
Thence South 56°02'12" East 24.62 feet to the POINT OF BEGINNING.

Revised August 5, 2003

Revised July 31, 2003

July 25, 2003

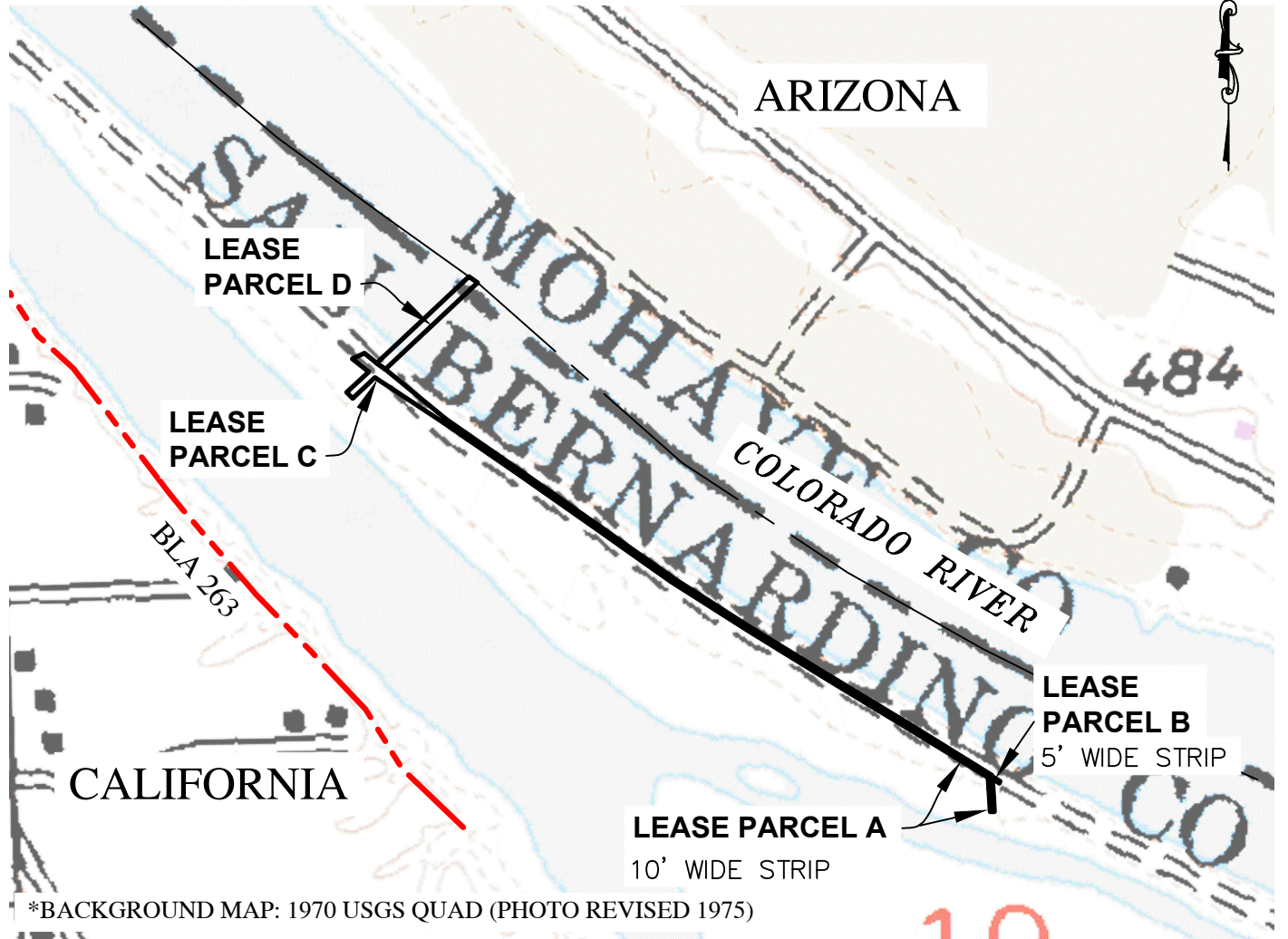
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SIGNED: 8-05-03

NO SCALE

# SITE

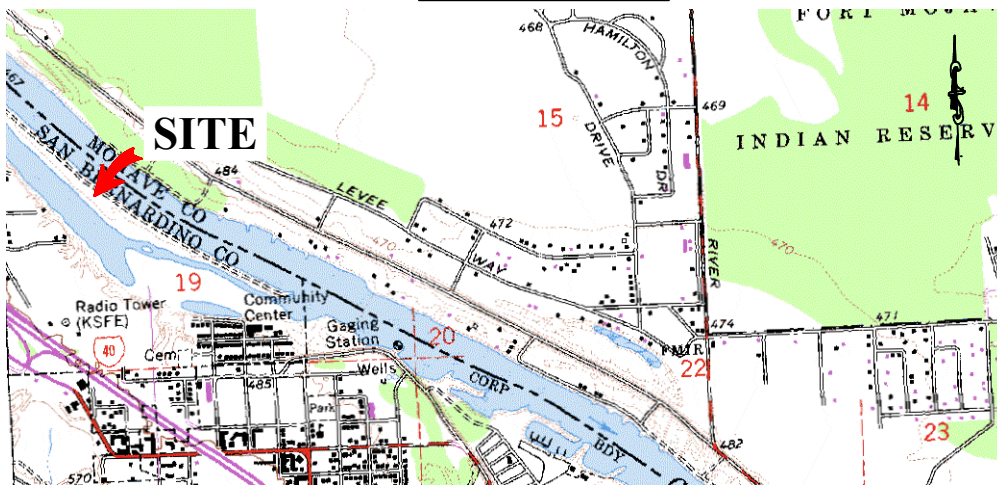


\*BACKGROUND MAP: 1970 USGS QUAD (PHOTO REVISED 1975)

### 69 kv OVERHEAD ELECTRICAL DISTRIBUTION LINES, NEAR NEEDLES

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

W 25906 / PRC 8478.1  
 FORT MOHAVE INDIAN TRIBE  
 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.