

CALENDAR ITEM

C78

A 34
S 18

PRC 8478

08/19/03
W 25906
S. Young

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Fort Mojave Indian Tribe, dba Aha Macav Power Service
500 Merriman Avenue
Needles, CA 92363

AREA, LAND TYPE, AND LOCATION:

0.66 acres, more or less, of sovereign lands within the historic bed of the Colorado River lying within and adjacent to Section 19, T9N, R23E, SBM, Needles Lagoon, city of Needles, San Bernardino County.

AUTHORIZED USE:

Construction, use and maintenance of a 69 kV overhead electrical distribution facility.

LEASE TERM:

15 years, beginning September 1, 2002.

CONSIDERATION:

\$1,215 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:

Insurance:

Combined single limit coverage of no less than \$2,000,000

Bond:

\$60,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the lands adjoining the lease premises.
2. The project consists of three 69kV overhead electrical power lines crossing the sovereign lands of the Colorado River and 12 wooden power

CALENDAR ITEM NO. C78 (CONT'D)

poles constructed on sovereign lands within the historic bed of the Colorado River, Needles Lagoon, within Section 19, T9N, R23E, SBM. These facilities are located within the city of Needles. The Applicant is obtaining power from its source in Nevada through its subsidiary, Aha Macav Power Service, and its facilities in Mohave Valley, Arizona. Aha Macav Power intends to transport the power over these newly constructed transmission facilities on State owned lands. The purpose of these facilities is to provide an alternative electrical power source to the Fort Mojave Indian Tribe's facilities and private residences on tribal land within the city of Needles. These tribal facilities are currently being served by utilities provided by the city of Needles.

3. The State of California, acting through the California State Lands Commission, cleared title to the former bed of the Colorado River at the site of the newly constructed power poles through a Boundary Line Agreement, BLA 263, dated January 8, 1991, between several private parties, including the Needles Development Corporation and the Commission. The Agreement provided for the establishment of a permanently fixed westerly boundary line separating the title interest of the private parties from those of the State in the abandoned portion of the old riverbed of the Colorado River in the Needles Lagoon area of the city of Needles. The agreement was approved by Commission action on August 22, 1990.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

CALENDAR ITEM NO. C78 (CONT'D)

EXHIBIT:

A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

November 6, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

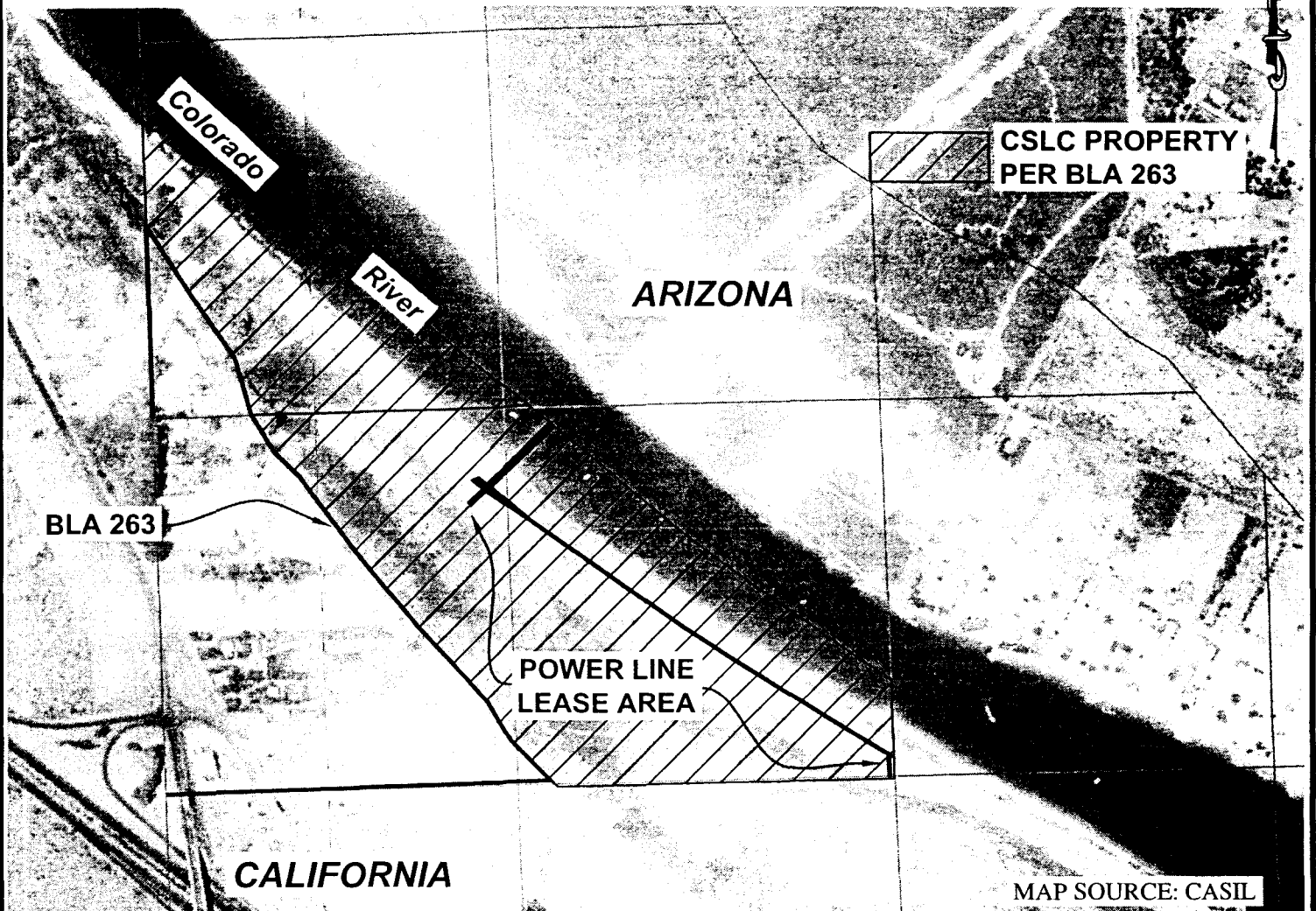
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO FORT MOJAVE INDIAN TRIBE DBA AHA MACAV POWER SERVICE OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING SEPTEMBER 1, 2002, FOR A TERM OF 15 YEARS, FOR CONSTRUCTION, USE AND MAINTENANCE OF A 69 KV OVERHEAD ELECTRICAL DISTRIBUTION FACILITY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,215 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000; AND SURETY BOND OR OTHER SECURITY IN THE AMOUNT OF \$60,000.

NO SCALE

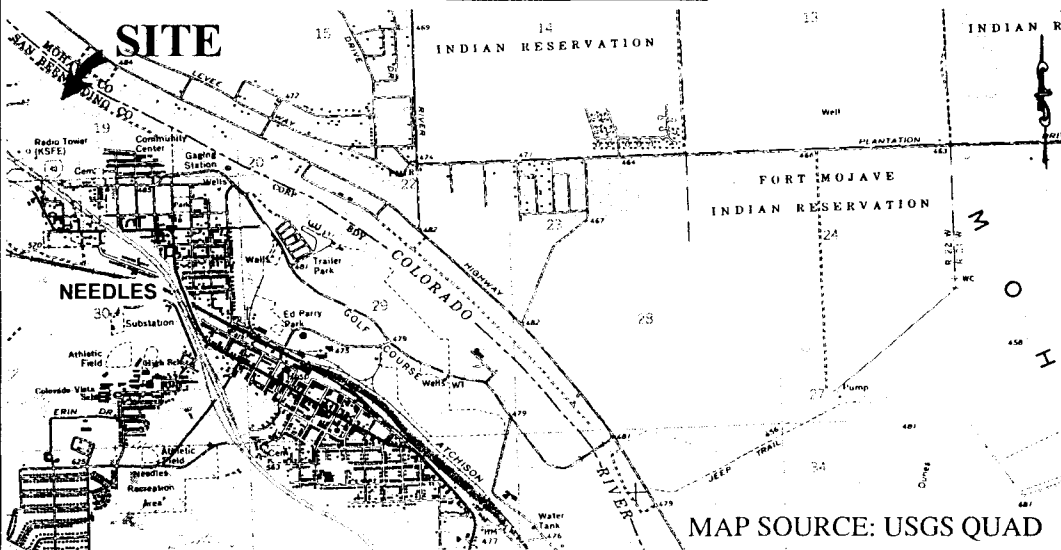
SITE



FORT MOJAVE TRIBE OVERHEAD POWER LINE LEASE

NO SCALE

LOCATION



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.

CALENDAR PAGE

MINUTE PAGE

Exhibit A

W 25906
GENERAL LEASE
RIGHT OF WAY USE
NEEDLES AREA
SAN BERNARDINO CO.

