

**CALENDAR ITEM
C31**

A 25
S 12

10/22/09
WP 6703.2
C. Hudson

GENERAL LEASE – RIGHT OF WAY USE

APPLICANT:

Pacific Gas and Electric Company
77 Beale Street
San Francisco, California 94106

AREA, LAND TYPE, AND LOCATION:

A 0.355-acre parcel, more or less, of State school land in a portion of Section 28, Township 4 South, Range 18 East, MDM, near the town of Mariposa, Mariposa County.

AUTHORIZED USE:

Continued use and maintenance of existing 70kV overhead transmission lines, one wood pole, and an unpaved access road as shown on the attached Exhibit A.

LEASE TERM:

25 years, beginning July 1, 2009.

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 with coverage of no less than \$2,000,000.

OTHER PERTINENT INFORMATION:

1. On July 12, 1984, the Commission authorized a General Lease - Right of Way Use, with Pacific Gas and Electric Company. That lease expired on June 30, 2009 and Pacific Gas and Electric Company is now applying for a new General Lease – Right of Way Use.
2. The electrical transmission lines are inspected annually in accordance with General Order 95 (California Public Utility Commission), which

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governs Pacific Gas and Electric Company's maintenance of its overhead electric facilities.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301(b).

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

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 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. Site and Location Map
- B. Land Description

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301(b).

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RIGHT OF WAY USE, TO PACIFIC GAS AND ELECTRIC COMPANY BEGINNING JULY 1, 2009, FOR A TERM OF 25 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF EXISTING 70KV OVERHEAD

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TRANSMISSION LINES, ONE WOOD POLE, AND AN UNPAVED ACCESS ROAD AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B 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 AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$2,000,000.