

**CALENDAR ITEM  
C30**

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S	40	W 26448 J. Porter

**GENERAL LEASE - RIGHT OF WAY USE**

**APPLICANT:**

San Diego Gas & Electric Company  
8335 Century Park Court, CP-11D  
San Diego, CA 92123

**AREA, LAND TYPE, AND LOCATION:**

36.57 acres, more or less, of State Indemnity school lands located in Sections 21, 27, and 28, Township 16 South, Range 9 East, SBM, northwest of Coyote Wells, Imperial County.

**AUTHORIZED USE:**

Construction, use, and maintenance of a 500 kilovolt (kV) overhead electric transmission line, including one steel lattice tower with a concrete foundation and temporary use of a fenced construction area.

**LEASE TERM:**

25 years, beginning December 10, 2010

**CONSIDERATION:**

\$905 per year for the first four years and \$164 per year thereafter 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:

Liability insurance of no less than \$2,000,000 or equivalent staff-approved self-insurance program.

Bond:

\$50,000

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**BACKGROUND:**

School lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16<sup>th</sup> and 36<sup>th</sup> sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity school lands or lieu lands.

**OTHER PERTINENT INFORMATION:**

1. San Diego Gas & Electric Company is proposing to construct a new 500 kV electric transmission line between the El Centro area in Imperial County and northwestern San Diego County. The proposed improvements include one steel lattice tower with a concrete foundation on approximately 6.63 acres of Indemnity school lands located in Sections 27 and 28, Township 16 South, Range 9 East, SBM, southwest of Coyote Wells, Imperial County. The Applicant is also requesting the use of approximately 29.94 acres in Section 21, Township 16 South, Range 9 East, SBM, Imperial County, for a temporary construction area during the first four years of the lease.
2. An EIR/EIS was prepared for this project by the California Public Utilities Commission and certified on December 18, 2008. The California State Lands Commission staff reviewed such document and Mitigation Monitoring Program adopted by the lead agency. Findings made in conformance with State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento office of the California State Lands Commission.
3. A Statement of Overriding Considerations made in conformance with State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento office of the California State Lands Commission.
4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6379, et seq. However, the Commission 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

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use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**APPROVALS OBTAINED:**

San Diego County – Department of Public Works  
Imperial County Air Pollution District  
State Water Resources Control Board  
Helix Water District  
Regional Water Quality Control Board  
California Department of Forestry & Fire Protection (Cal Fire)  
Federal Aviation Administration

**FURTHER APPROVALS REQUIRED:**

U.S. Bureau of Land Management  
U.S. Fish & Wildlife Service  
California Department of Fish and Game  
California Public Utilities Commission  
U.S. Forest Service  
San Diego Air Pollution Control District  
City of San Diego  
MCAS – Miramar (Department of Defense)  
California Department of Transportation (Caltrans)  
San Diego County – Department of Environmental Health  
California Department of Toxic Substances Control  
County of Imperial  
U.S. Army Corps of Engineers  
San Diego County – Department of Planning & Land Use  
California Air Resources Board

**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

May 23, 2011

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

Find that an EIR/EIS SCH No. 2006091071 was prepared for this project by the California Public Utilities Commission and certified on

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December 18, 2008, and that the Commission reviewed and considered information contained therein.

Adopt the findings made in conformance with Title 14, California Code of Regulations, sections 15091 and 15096(h), as contained on file in the Sacramento office of the California State Lands Commission.

Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento office of the California State Lands Commission.

**AUTHORIZATION:**

Authorize issuance of a General Lease - Right of Way Use to San Diego Gas & Electric Company beginning December 10, 2010, for a term of 25 years, for construction, use, and maintenance of a 500 kV overhead transmission line, including one steel lattice tower with a concrete foundation, and for temporary use of a fenced construction area, on the lands on the lands shown on Exhibit A (for reference purposes only) and as described on Exhibit B, both attached and by this reference made a part hereof; annual rent in the amount of \$905 for the first four years of this lease and \$164 per year thereafter, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance with coverage of no less than \$2,000,000 or equivalent staff-approved self-insurance program; and surety in the amount of \$50,000.