CALENDAR ITEM

C33

A 34 03/25/08
WP 2158.2
S 18 M. Clark

GENERAL LEASE – RIGHT OF WAY USE

APPLICANT:

Pacific Gas and Electric Company
P.O. Box 770000
San Francisco, CA 94177

AREA, LAND TYPE, AND LOCATION:

0.21 acres, more or less, of school lands near the town of Newberry Springs, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of an existing unpaved access road.

LEASE TERM:

Ten years, beginning May 1, 2007.

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. Applicant has the right to use the lands adjoining the lease premises.

2. On July 25, 1958, the Commission authorized a 49-year General Lease - Right of Way Use with the Pacific Gas and Electric Company for an unpaved access road. That lease expired April 30, 2007. Applicant is now applying for a new General Lease - Right of Way Use.

CALENDAR PAGE
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3. The unpaved access road is used by the Pacific Gas and Electric Company to access the Rodman Mountain Telecommunications site. The road has remained unpaved due to wind storms that occur in the area.

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 as categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section2905

5. 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 state school lands and submerged 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:

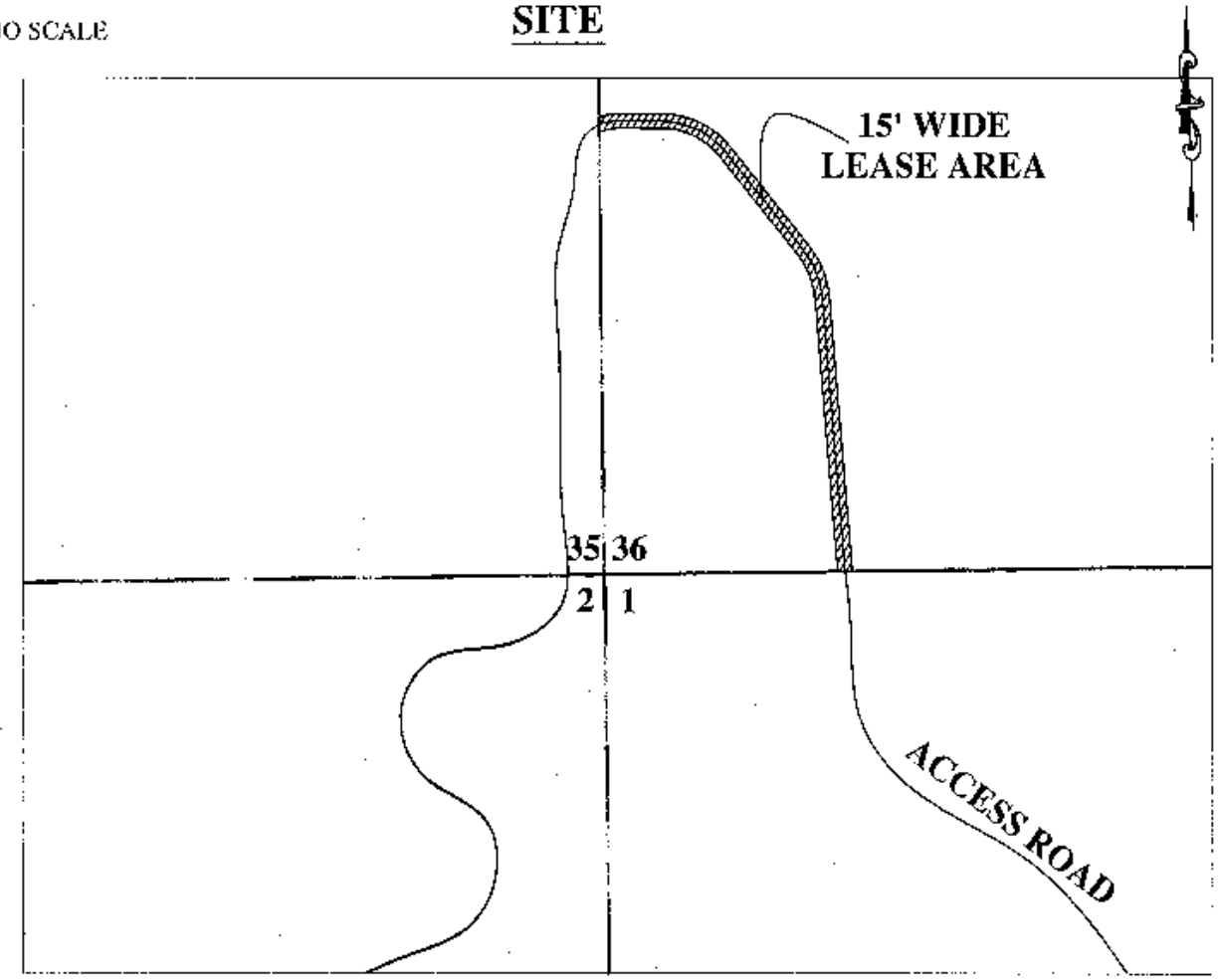
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RIGHT OF WAY USE, TO PACIFIC GAS AND ELECTRIC COMPANY BEGINNING MAY 1, 2007, FOR A TERM OF TEN YEARS, FOR AN UNPAVED ACCESS ROAD AS SHOWN ON EXHIBIT A ATTACHED 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.

NO SCALE

SITE

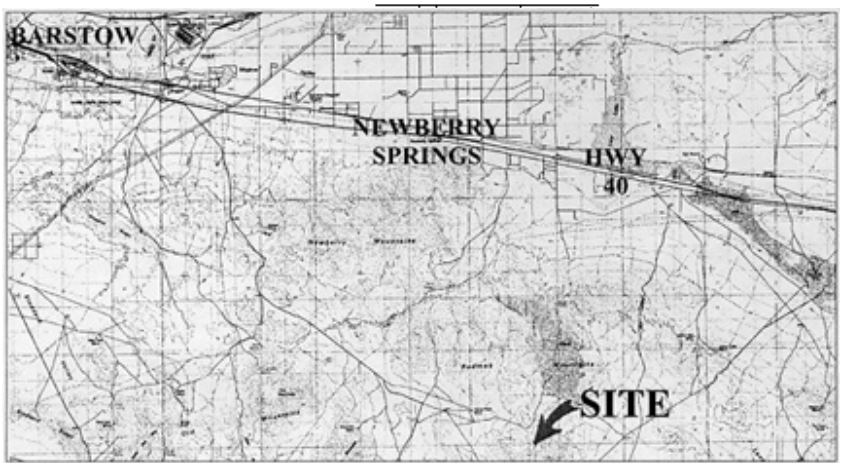


SCHOOL LANDS

Portion of SW 1/4 of SW 1/4 of SW 1/4 of section 36, T7N, R3E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

WP 2158.2
P.G. & E.
GENERAL LEASE
RIGHT-OF-WAY USE
RODMAN MOUNTAINS
SAN BERNARDINO COUNTY

11/27/07 MJF