

**CALENDAR ITEM
C36**

A	31	06/28/10
S	14	W 26407 K. Foster

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Pacific Gas and Electric Company (PG&E)
P.O. Box 770000, Mail Code N10A
San Francisco, CA 94177

AREA, LAND TYPE, AND LOCATION:

0.21 acres, more or less, of sovereign land in the Kings River, adjacent to Fresno County Assessor Parcel Numbers 365-072-13T, 19T, and 20T in the city of Reedley, Fresno County.

AUTHORIZED USE:

Reconstruction, use and maintenance of an existing, unauthorized 70kV overhead transmission line to a 115kV overhead transmission line.

LEASE TERM:

25 years, beginning June 28, 2010.

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 in the amount of no less than \$5,000,000. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff approved self-insurance program as outlined in the Lease.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. PG&E is converting some of its existing 70kV circuits to the new industry standard of 115kV, and is proposing to replace an approximately 20 mile section of an existing 70kV transmission line serving the greater Fresno-Sanger-Reedley area of Fresno County with new wires capable of

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handling the higher 115kV load. The proposed project also includes the replacement of approximately 350 existing wood poles with new light duty steel poles along the project route. The existing line extends from the Sanger Substation located west of the city of Sanger, to the Reedley Substation located east of the city of Reedley, and includes a section that crosses the Kings River in the city of Reedley. The section crossing the Kings River is supported by two wood poles located on either side of the river on upland property owned by the county of Fresno.

3. The transmission line crossing the Kings River is the only portion of the proposed project improvements subject to the Commission's jurisdiction. The existing wood poles will be replaced by new steel poles positioned in the same locations as the existing poles.
4. The existing 70kV transmission line where it crosses the Kings River is located on sovereign land, but its use has not been previously authorized by the Commission. The applicant has submitted an application requesting a General Lease – Right of Way Use to authorize the reconstruction, use and maintenance of the existing transmission line.
3. 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 CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302(c).

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

4. 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 CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Kings River Conservation District, Central Valley Flood Protection Board, City of Reedley, and the County of Fresno.

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EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

October 20, 2010

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302(c).

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 of a General Lease – Right of Way Use to Pacific Gas and Electric Company beginning June 28, 2010, for a term of 25 years, for the reconstruction, use and maintenance of an existing unauthorized 70kV overhead transmission line to a 115 kV overhead transmission line as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$100, with the State reserving the right at any time to fix a different rent periodically during the lease term as provided in the Lease; Liability insurance in the amount of no less than \$5,000,000.