

**CALENDAR ITEM
C63**

A 1
S 4

06/23/11
WP 4510.1
N. Lee

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

PacifiCorp, dba Pacific Power
825 NE Multnomah, Suite 1700
Portland, OR 97232

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Klamath River, adjacent to Assessor's Parcel Number 140-130-28, near the town of Klamath, Del Norte County.

AUTHORIZED USE:

Continued use and maintenance of an existing overhead 12.5 Kilovolt (kV) electrical power distribution line as shown on the attached Exhibit A.

LEASE TERM:

25 years, beginning May 20, 2010.

CONSIDERATION:

\$130 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 \$2,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On July 6, 1995, the Commission authorized a General Lease – Right-of-Way Use with PacifiCorp for an existing power line that feeds from the Yurok Substation and supplies electric power to the Klamath area. The lease expired May 19, 2010. The Applicant is now applying for a new General Lease – Right-of-Way Use.

CALENDAR ITEM NO. **C63** (CONT'D)

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

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., but such activity will not affect those significant lands. Based upon 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.

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 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.

SIGNIFICANT LAND 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 PacifiCorp, dba Pacific Power, beginning May 20, 2010, for a term of 25 years, for the continued use and maintenance of an existing overhead 12.5 kV electrical power distribution line as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$130 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.

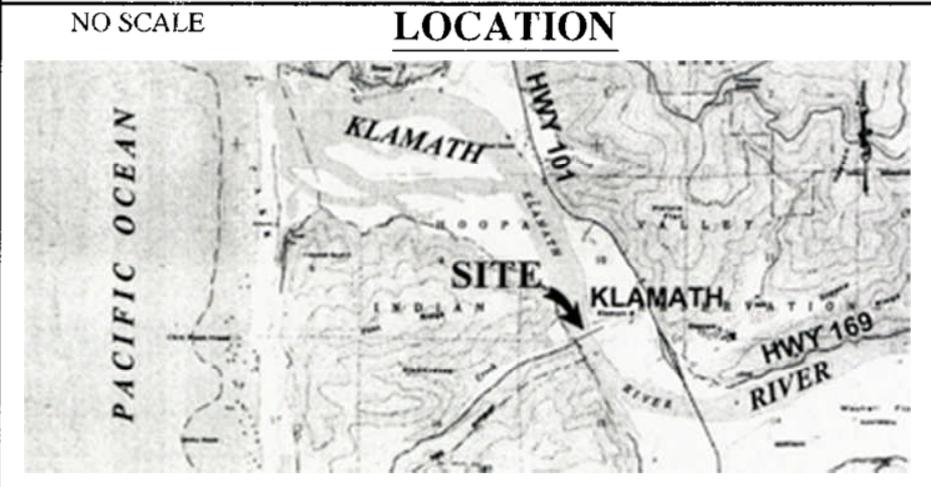
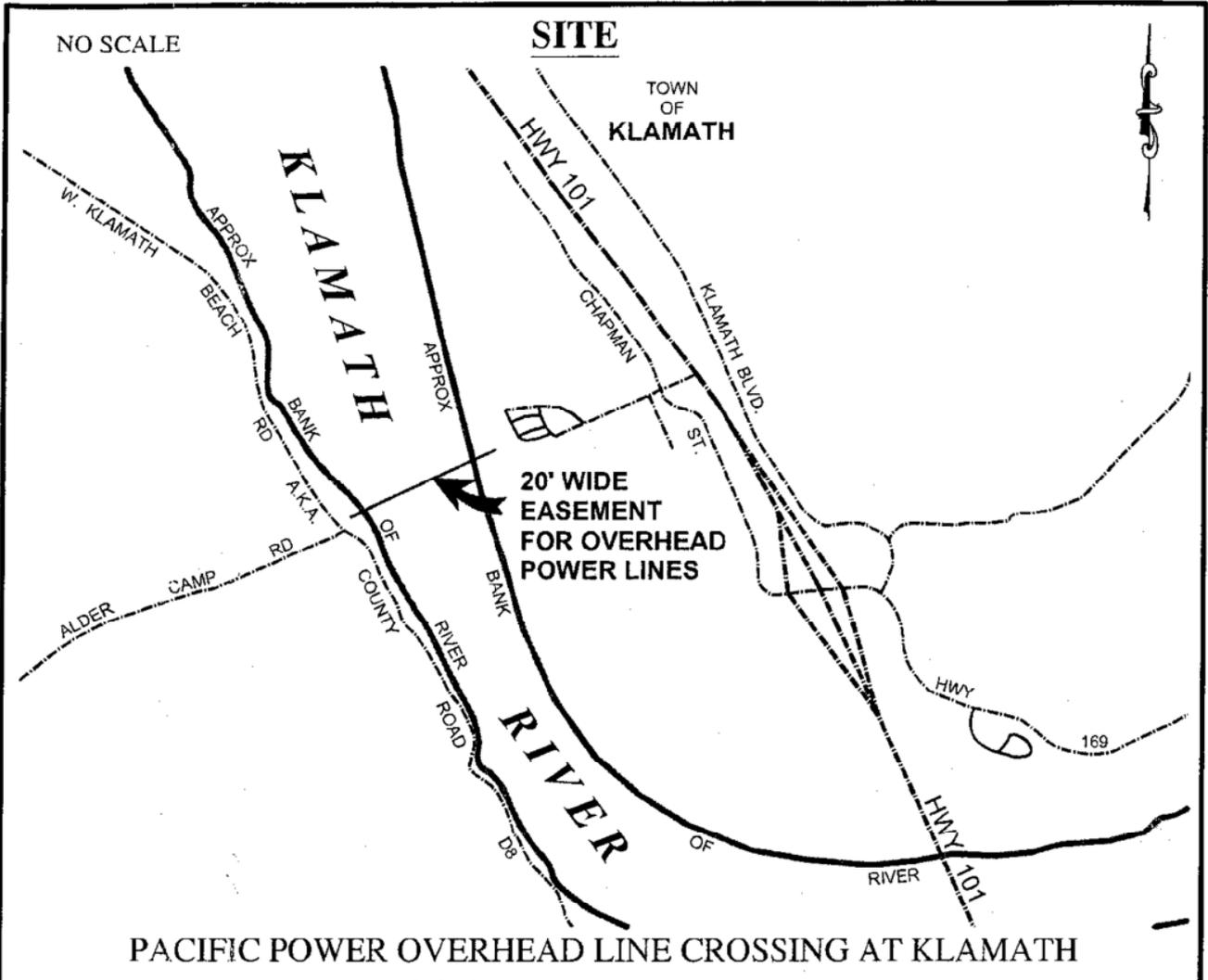


Exhibit A
 PRC 4510.1
 PACIFICORP
 APN 140-130-28
 GENERAL LEASE
 RIGHT-OF-WAY USE
 DEL NORTE COUNTY

SITE

EAP 06/10

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 "B"
LAND DESCRIPTION**

A strip of tide and submerged land 20.00 feet wide, in the bed of the Klamath River, situate in the County of Del Norte, State of California, the centerline of said strip being described as follows:

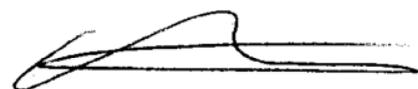
COMMENCING at the corner common to Sections 10, 11, 14 and 15, Township 13 North, Range 1 East, Humboldt Baseline and Meridian, as said corner is shown on that certain Record of Survey filed February 25, 1964 in Book 4 of Maps, at Page 194, Del Norte County Records, and having CCS83, Zone 1 coordinates: North y-coordinate 2,445,072.93 feet, East x-coordinate 6,005,160.19 feet, thence North 77°57'30" West 2426.06 feet, more or less, to Pacificorp 71-13-001 Pole No. 105000, located on the northerly bank of the Klamath River, the location of said pole being the POINT OF BEGINNING; thence along an existing overhead electric power line South 65°15'15" West 1255.44 feet, more or less, to Pacificorp 71-13-001 Pole No. 153903, LOCATED on the southerly bank of the Klamath River being the POINT OF TERMINATION of said strip.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water marks of said Klamath River.

The sidelines of said strip shall be lengthened or shortened so as to begin at the ordinary high water mark of the northerly bank and to terminate at the ordinary high water mark of the southerly bank of the Klamath River.

The basis of bearings for this description is CCS83, Zone 1. All bearings and distances are grid and U.S. Survey Feet. Divide by 0.999966967 to obtain ground distances.

END OF DESCRIPTION



Mark E. Killops
P.L.S. NO. 5927
Lic. Exp. 12/31/12



Dated: JAN. 26, 2011