MINUTE ITEM
This Calendar Item No. 05
was approved as Minute Item
5 by the State Lands
Commission by a vote of 3
to 0 at its 4-2-81
meeting.

CALENDAR ITEM

4/81
W 22577
PRC 5969
Gordon
PRC 5986

C 05

GENERAL PERMIT - RIGHT-OF-WAY USE
GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANTS: 1. The Pacific Telephone and Telegraph Company (Permittee) (PRC 5986)
1925 E. Dakota Avenue
Room 244
Fresno, California 93762

(and)

2. Cablecom-General of Modesto (Lessee)
P. O. Box 4306 (PRC 5969)
Modesto, California 95352

AREA, TYPE LAND AND LOCATION:
A 0.066 acre parcel of submerged lands in the Tuolumne River at Modesto, Stanislaus County.

LAND USE: Reconstruction, operation and maintenance of existing telephone and telegraph facilities; and installation operation and maintenance of a proposed overhead television transmission cable.

TERMS OF PROPOSED PACIFIC TELEPHONE PERMIT:
Special: Continuous use plus 1 year from March 16, 1981.

TERMS OF PROPOSED CABLECOM LEASE:
Initial Period: 49 years from March 16, 1981.

Special: The lease is entered into by all parties without prejudice to their respective claims of boundary.

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S 14

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CONSIDERATION: As to Pacific Telephone: Exempt by law, Public Utilities Code 7901.
As to Cablecom: $100 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicants are permittees of upland.
Filing fees and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div, 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3.; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:
A. to Pacific Telephone:

1. The annual rental value of the site is estimated to be $100.

2. An EIR is not required. This transaction is within the perview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no sigrificant effect upon the identified environmental values. These are existing facilities for which no adverse comments have been received.

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As to Cablecom:

1. Pursuant to Executive Officer's Report dated March 5, 1981, the Commission authorized the issuance of a Temporary Right-of-Entry letter to Cablecom for commencement of their project, effective March 16, 1981. The proposed right of way is a necessary part of Cablecom's project to extend television service to south Modesto. The Board of Supervisors of the County of Stanislaus has passed a Resolution urging all governmental agencies with jurisdiction to expedite their investigations and determinations of this project. Assemblyman John E. Thurman, Jr. has also personally requested staff to process this transaction as diligently as possible.

2. A Negative Declaration was prepared by the Board of Supervisors of Stanislaus County, pursuant to CEQA and the State EIR Guidelines. The Notice of Determination has been received by staff.

3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

   Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS REQUIRED AND OBTAINED:

These facilities are subject to the jurisdiction of the United States Army Corps of Engineers, California Department of Fish and Game, California Central Valley Regional Water Quality Control Board, California Reclamation Board, County of Stanislaus and the City of Modesto. The proposed permit and lease are conditioned on the approval of all agencies having jurisdiction.

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EXHIBITS: A. Land Description. B. Location Map.
C. Notice of Determination/Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR PACIFIC TELEPHONE'S FACILITIES AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR CABLECOM'S PROJECT BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

3. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DELARATION.

4. DETERMINE THAT CABLECOM'S PROJECT WILL NOT HAVE A SIGNIFCANT EFFECT ON THE ENVIORNMENT.

5. FIND THAT GRANTING OF THE PERMIT AND LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

6. AUTHORIZE ISSUANCE TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY OF A CONTINUOUS USE PLUS 1-YEAR GENERAL PERMIT-RIGHT-OF-WAY USE FROM MARCH 16, 1981, WHICH IS EXEMPT FROM CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 7901, FOR RECONSTRUCTION, OPERATION AND MAINTENANCE OF EXISTING TELEPHONE AND TELEGRAPH FACILITIES OVER AND ACROSS THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, AND,

7. AUTHORIZE ISSUANCE TO CABLECOM-GENERAL OF MODESTO OF A 49-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM MARCH 16, 1981; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR INSTALLATION, OPERATION AND MAINTENANCE OF AN OVERHEAD TELEVISION TRANSMISSION CABLE ACROSS THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION W 22577

All that portion of the southwest quarter of Section 33, T3S, R9E, MDM, lying in the County of Stanislaus, State of California, described as follows:

BEGINNING at the southeast corner of that certain parcel of land as described in the Grant Deed to William J. Podesto, et ux, recorded on January 19, 1951, in Book 1025 of Official Records, at page 25 (Instrument No. 1606), Stanislaus County Records, and being a point on the north bank of the Tuolumne River; thence southeasterly along the southeasterly prolongation of the east line of said parcel and along the west line of 100-foot wide Southern Pacific Railroad right-of-way 238 feet to a point on the south bank of the Tuolumne River; thence southwesterly along the south bank of the Tuolumne River 12.00 feet; thence northwesterly parallel with and 12.00 feet southwesterly from said west right-of-way line, 238 feet to the south line of William J. Podesto, et ux, property and the north bank of the Tuolumne River; thence northeasterly along said south line a distance of 12.00 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED JANUARY 12, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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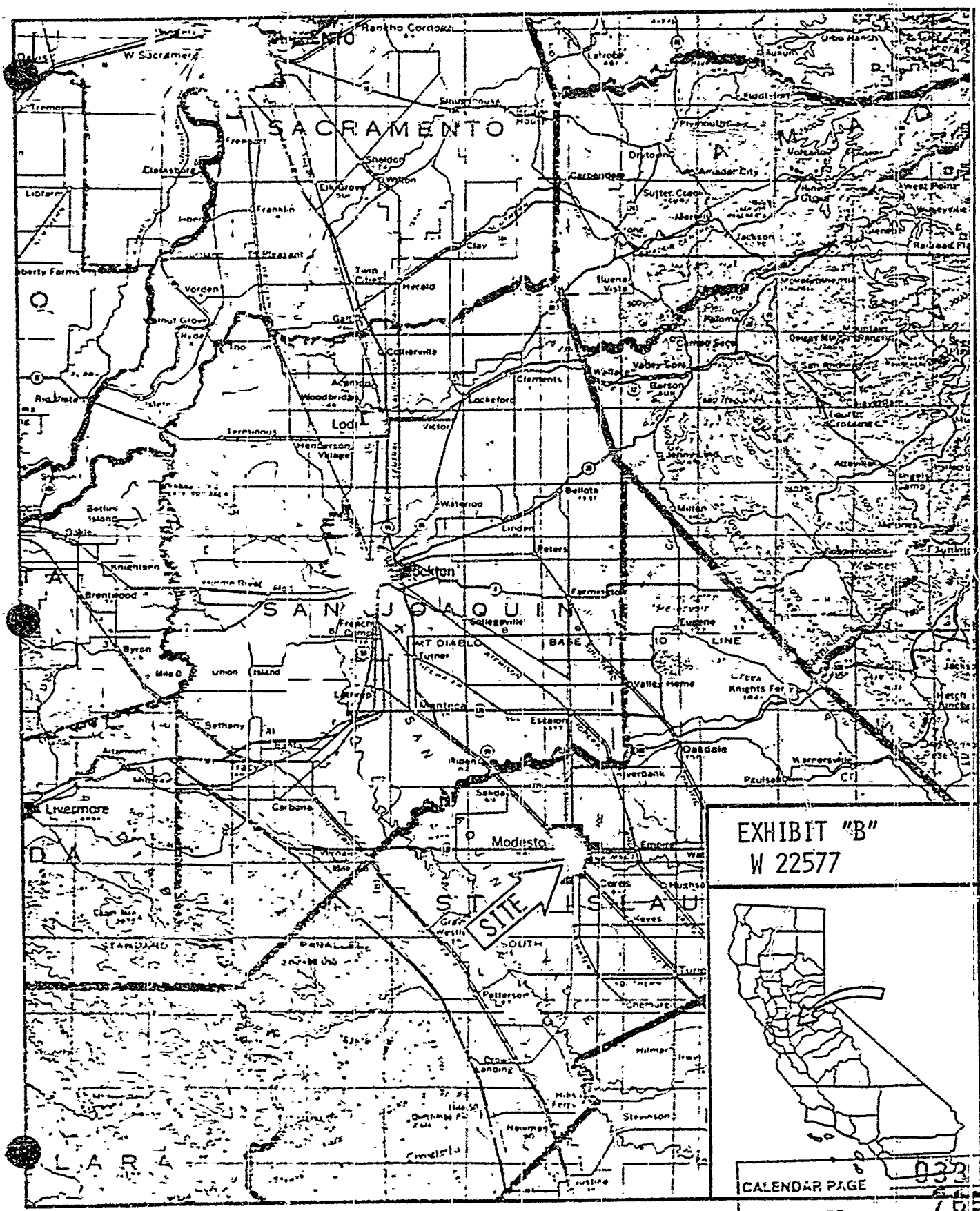

EXHIBIT "B"
W 22577

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EXHIBIT "C"
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W 22577

NOTICE OF DETERMINATION

TO: [xx] Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, CA 95814

FROM: Stanislaus County Board of Supervisors
1100 H Street
Modesto, CA 95354
(209) 526-6330

17 AM 11 50

or

[xx] County Clerk
County of Stanislaus

DWAYNE E. LILLY, CLERK
BY
DEPUTY

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Tuolumne River Crossing Project, CableCom General of Modesto
Project Title

Public Notice
State Lands Commission No. W 22577; Army Corps of Engineers No. / 7382
State Clearinghouse Number (if submitted to Clearinghouse) | Contact Person | Telephone Number

Tuolumne RiverCrossing, E. of S. 7th Street, W. of SP Right of Way
Project Location

To use Pacific Telephone Poles to extend cable vision service to the
Project Description

south side of the Tuolumne River, Modesto, California

This is to advise that the County of Stanislaus
(Lead Agency or Responsible Agency)

has approved the above described project and has made the following determinations regarding the above described project:

1. The project [ ] will, [X] will not, have a significant effect on the environment.

2. [ ] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

   [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

   The EIR or Negative Declaration and record of project approval may be examined at the Stanislaus County Board of Supervisors' Office, 1100 H Street, Modesto, CA.

3. Mitigation measures [ ] were, [xx] were not, made a condition of the approval of the project.

4. A statement of Overriding Considerations [ ] was, [xx] was not, adopted for this project.

Date Received for Filing 11/17/80

RECEIVED
Office of the Secretary
NOV 18 1980
Resources Agency of California

Signature
LOYD R. BROUILLARD,
Title CLERK OF THE BOARD OF SUPERVISORS

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EXHIBIT "C"
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W 22577

COUNTY OF STANISLAUS
NEGATIVE DECLARATION

A. NAME OF PROJECT: Tuolumne River Crossing Project, Cablecom General of Modesto.

B. LOCATION OF PROJECT: Tuolumne River Crossing, East of South 7th Street, West of the Southern Pacific Rignt of Way.

C. DESCRIPTION OF PROJECT: To hang cable on Pacific Telephone poles across th Tuolumne River for the purpose of extending cable television service to the south side of the Tuolumne River, Modesto, California.

D. FINDINGS OF THE BOARD OF SUPERVISORS: The Stanislaus County Board of Supervisors has found that the proposed project will not have a significant effect on the environment for the following reasons:

✓ 1. The project is consistent with all applicable local general plans.
✓ 2. The project is consistent with the area's zoning.
✓ 3. Any possible impacts can be mitigated by permit procedures.
✓ 4. No unique or significant natural features will be adversely affected.
✓ 5. No change in land use will result.
✓ 6. There will be no significant growth-inducing impact.
✓ 7. The general area of the project is committed to urban uses.
✓ 8. No significant adverse effects will occur to air or water quality or ambiant noise levels.
✓ 9. Other: Pacific Telephone poles already extend through the subject area. The hanging of a cable on these poles will not adversely affect the river bottom area.

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