

MINUTE ITEM
This Calendar Item No. 629
was approved as Minute Item
No. 629 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

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629

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08/22/90
PRC 7264
Dugal

AMEND A GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: American Telephone and Telegraph Company (AT&T)
4430 Rosewood Drive, Suite 3694
Pleasanton, California 94566-9083

AREA, TYPE LAND AND LOCATION: Three parcels of school land totalling 1.70±
acres located near Mountain Pass, San
Bernardino County.

LAND USE: Installation and maintenance of a buried fiber
optic communications cable.

TERMS OF ORIGINAL LEASE:

Initial period: 30 years beginning
November 30, 1988.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Consideration: \$200 per annum; five-year
rent review.

TERMS OF PROPOSED AMENDED LEASE:

Initial period: 30 years beginning
November 30, 1988.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

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CONSIDERATION: \$500 per annum, effective November 30, 1990, with the State reserving the right to fix a different rental on each fifth anniversary of the lease. In addition to the foregoing, Lessee shall pay the yearly rental, as stated in Section 1 or 2, five years in advance, to Lessor without deduction, delay, or offset. The first advance payment for five years rental will be due November 30, 1993 and shall then be due every five years for the remainder of the lease term.

BACKGROUND:

This lease was originally issued to AT&T on December 13, 1988, for installation and maintenance of a buried fiber optic communication cable. The cable route generally parallels Interstate 15 and is located within existing transportation corridors. No repeater stations are located on State land.

On January 22, 1990, AT&T contacted Commission staff regarding its desire to amend the lease to include an additional parcel of State school land crossed by the right-of-way. The Lessee originally believed the parcel of land to be under the jurisdiction of the Bureau of Land Management. Once it was determined that the land was under the jurisdiction of the Commission, AT&T immediately contacted the Commission to bring the additional parcel of school land under permit.

Under the original lease, Commission staff prepared a Proposed Negative Declaration. This Negative Declaration, ND 450, was reviewed by the Commission and adopted for this project at the December 13, 1988 Commission meeting.

This recommended lease amendment has been prepared in accordance with lease terms providing for such amendments. Staff has also negotiated a rental increase of \$300 per year or a total consideration of \$500 per year. Staff has also, as a cost-saving measure, negotiated a five-year advance rental payment. The Lessee shall pay the yearly rental five years in advance for the remainder of the lease term. A rent review scheduled for 1993 will be conducted pursuant to the lease terms of the original lease with AT&T.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

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PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and environmental costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 10/27/90.

OTHER PERTINENT INFORMATION:

1. Staff has received back rent in the amount of \$200 to cover the rent for the period of November 30, 1988 to November 29, 1990. Staff believes no penalty or interest should be assessed for the back rent since the Lessee acted in good faith and believed another agency had jurisdiction over the parcel.
2. On June 20, 1990, staff received from AT&T a fully executed lease amendment form and a check in the amount of \$200 to cover the back rent owed the State.
3. The Commission has adopted Negative Declaration identified as EIR ND 450, State Clearinghouse No. 88092610 for the telecommunication cable line at its December 13, 1988 meeting. This action merely amends the existing lease to bring an additional parcel of school land under permit which was previously believed to be under the jurisdiction of the Bureau of Land Management.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION, EIR ND 450, STATE CLEARINGHOUSE NO. 88092610, IS APPLICABLE TO THE ACTION AT HAND.

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2. AUTHORIZE ACCEPTANCE OF \$200 AS SETTLEMENT OF BACK RENTS.
3. AUTHORIZE ISSUANCE TO AT&T AN AMENDMENT, EFFECTIVE NOVEMBER 30, 1988, INCREASING THE LEASE AREA FROM 1.21± ACRES TO 1.70± ACRES AND A RENTAL ADJUSTMENT FROM \$200 PER ANNUM TO \$500 PER ANNUM, EFFECTIVE NOVEMBER 30, 1990. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

EXHIBIT 'A'

LAND DESCRIPTION

PRC 7264.2

Three parcels of California State school lands in San Bernardino County, California, lying within strips of land 10 feet wide, and lying 5 feet on each side the following described centerlines:

PARCEL 1

Said centerline being along a fiber optic cable lying in Lot 1, and the NW 1/4 of NE 1/4 of Section 16, T16N, R13E, SBM.

PARCEL 2

COMMENCING at a 3 inch Brass Cap Monument in a rock mound marked "US GLO 1940" accepted as the Southeast corner of Section 36, T16N, R11E, SBM, per State of California, Department on Transportation Right of Way drawing No. 981601; thence N 1° 00' 53" W 820 feet along the easterly Section line of said Section to the POINT OF BEGINNING; thence S 63° 48' 24" W 1921.42 feet more or less to the intersection with the southerly line of said Section, said point being 1738.85 feet along said southerly line from the point of COMMENCEMENT and the end of this centerline.

PARCEL 3

COMMENCING at the southeast corner of Section 36, T15N, R9E, SBM, as shown on State of California, Department on Transportation Right of Way Maps No. 91063 and 91064, on record with said department; thence N 00° 56' 00" E along the easterly line of said Section 36, 1179.91 feet to said centerline of said strip of land and the POINT OF BEGINNING of this description; thence along said centerline the following 5 courses:

1. S 53° 28' 14" W, 550.18 feet;
2. S 56° 57' 08" W, 500.26 feet;
3. S 55° 37' 25" W, 341.01 feet;
4. S 59° 18' 09" W, 754.01 feet;
5. S 55° 11' 49" W, 3.49 feet more or less, to a point in the southerly line of said section,

said point being 1774.07 feet more or less, west along said southerly line from the point of commencement and the end of this description.

END OF DESCRIPTION

PREPARED MAY 22, 1990 BY LLB.

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STATE OF CALIFORNIA—STATE LANDS C
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

MISSION

GEORGE DEUKMEJIAN, Governor



EXHIBIT "C"
PROPOSED NEGATIVE DECLARATION

EIR ND 450

File Ref.: W 24197

SCH#: 88092610

Project Title: AT&T Cable - Las Vegas to San Bernardino
Project Proponent: AT&T
Project Location: Las Vegas, Nevada to San Bernardino, roughly following Interstate 15
Project Description: Placement of a 0.5 inch fiber optic cable, with regeneration stations every 22 miles (approximately), splice boxes and marker poles.
The cable, associated facilities and ROW will be maintained during the active use period of the system.

Contact Person: Dan Cohen, Environmental Specialist

Telephone: (916) 324-8497

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Administrative Code).

Based upon the attached Initial Study, it has been found that:

the project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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Form 13-17 (2/82)	

STATE LANDS COMMISSION

GEORGE DEUKMEJIAN Governor

LEO T. MCGARTHY, Lieutenant Governor
 GRAY DAVIS, Controller
 JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, California 95814
 CLAIRE T. DEDRICK
 Executive Officer



File Ref.: W 24197
 SCH. NO. 88092610

October 3, 1988

TO: All Responsible Agencies and Interested Parties/Agencies

SUBJECT: Initial Study - AT&T Cable Las Vegas to San Bernardino

Enclosed please find:

- 1) An Environmental Impact Assessment Checklist
- 2) An AT&T Initial Study
- 3) A U.S. Sprint Environmental Assessment (SCH. No. 88010802)
- 4) A Williams Telecommunications Company Environmental Assessment (SCH. No. 86061610)

These documents comprise an initial study for AT&T's proposed placement of a fiber optic cable from Las Vegas, Nevada to San Bernardino, California. The U.S. Sprint and Williams Telecommunications Company documents have previously been circulated through the State Clearinghouse, and are presently being distributed because most of the AT&T proposal is located within rights-of-way, and involves construction techniques addressed in those documents. The AT&T document addresses portions of the project not covered in the U.S. Sprint or Williams Telecommunications Environmental Assessments.

Please review these materials and offer any comments you may have to the undersigned no later than November 3, 1988. After all comments are received, the staff of the State Lands Commission will determine what type of environmental document is appropriate for the proposed project.

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OCTOBER 3, 1988

If you have any questions, please telephone the undersigned at (916) 324-8497, ATSS 454-8497. Your cooperation is greatly appreciated.



DAN COHEN
Environmental Specialist
Division of Research
and Planning

DC:ma
Enclosures

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 24197

SCH. No. 88092610

I. BACKGROUND INFORMATION

A. Applicant: American Telephone and Telegraph Company
5925 W. Las Positas Blvd.
Pleasanton, CA 94566

B. Checklist Date: 10 / 03 / 88

C. Contact Person Dan Cohen
Telephone: (916) 324-8497

D. Purpose: See AT&T EA, Section 1.0

E. Location: See AT&T EA, map 1 for California Route; See Sprint EA
Figure 1 for Nevada route

F. Description: See AT&T EA, Section 2

G. Persons Contacted: All responsible agencies and interested parties/agencies
through this distribution.

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

A. Earth. Will the proposal result in:

- 1. Unstable earth conditions or changes in geologic substructures?
2. Disruptions, displacements, compaction, or overcovering of the soil? AT&T 4.1.3, 2.1.6
3. Change in topography or ground surface relief features?
4. The destruction, covering, or modification of any unique geologic or physical features?
5. Any increase in wind or water erosion of soils, either on or off the site?
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, or similar failure, or similar hazards?

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- | | | Yes | Maybe | No |
|---|--|-------------------------------------|-------------------------------------|-------------------------------------|
| B. Air. Will the proposal result in: | | | | |
| 1. | Substantial air emissions or the degradation of ambient air quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | The creation of objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Water. Will the proposal result in: | | | | |
| 1. | Changes in the currents, or the course or direction of water movements, in either marine or fresh waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Alterations to the course or flow of flood waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Change in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. | Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? .. AT&T 4.1.4, 2.1.6 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Alteration of the direction or rate of flow of ground waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. | Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. | Exposure of people or property to water-related hazards such as flooding or tidal waves? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. | Significant changes in the temperature, flow or chemical content of surface thermal springs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Plant Life. Will the proposal result in: | | | | |
| 1. | Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Reduction of the numbers of any unique, rare or endangered species of plants? AT&T 4.1.5, 2.1.6 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. | Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Reduction in acreage of any agricultural crop? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Animal Life. Will the proposal result in: | | | | |
| 1. | Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)? .. AT&T 4.1.6, 2.1.6 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. | Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Deterioration to existing fish or wildlife habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Noise. Will the proposal result in: | | | | |
| 1. | Increase in existing noise levels? .. AT&T 4.1.2, 2.1.6 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| G. Light and Glare. Will the proposal result in: | | | | |
| 1. | The production of new light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| H. Land Use. Will the proposal result in: | | | | |
| 1. | A substantial alteration of the present or planned land use of an area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| I. Natural Resources. Will the proposal result in: | | | | |
| 1. | Increase in the rate of use of any natural resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Substantial depletion of any nonrenewable resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- J. *Risk of Upset.* Does the proposal result in
- | | Yes | Maybe | No |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? ... AT&T 2.1.6 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. *Population.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. *Housing.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. *Transportation/Circulation.* Will the proposal result in:
- | | | | |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? ... AT&T 4.1.8, 2.1.6 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? AT&T 4.1.8, 2.1.6 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. *Energy.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities
- | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? ... AT&T 4.1.8, 2.1.6 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. *Human Health.* Will the proposal result in:
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- R. *Aesthetics.* Will the proposal result in:
- | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|-------------------------------------|-------------------------------------|
- S. *Recreation.* Will the proposal result in:
- | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|-------------------------------------|-------------------------------------|

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T. Cultural Resources.

Yes Maybe No

- 1. Will the proposal result in the alteration of or any destruction of a prehistoric or historic archeological site?
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

U. Mandatory Findings of Significance.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

A.2, C.5, D.2, E.1 and 2, F.1, J.1, M.3 and 4, P.2: Please refer to AT&T Initial Study, Sections 2.1.6 and 4.

IV. PRELIMINARY DETERMINATION : Determination to be made at conclusion of initial study review period.

- On the basis of this initial evaluation: I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 10 / 03 / 88



DAN COHEN

For the State Labor Commission - Environmental

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