

CALENDAR ITEM
C23

MINUTE ITEM
This Calendar Item No. C23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 2
to 0 at its 12/21/94
meeting.

A 6, 7, 8, 11
S 2, 3, 4, 7

12/21/94
W 25172
N. Smith
PRC 7803

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Southern Pacific Telecommunications Company
555 17th Street, 10th Floor
Denver, Colorado 80202

AREA, TYPE LAND AND LOCATION:

Parcels of tide and submerged land, located in numerous waterways including the Petaluma, Napa, and San Antonio Rivers and Hastings Slough; parcels located within the existing railroad right of way in Sonoma, Marin, Napa, Solano and Contra Costa Counties.

LAND USE:

Installation, maintenance and operation of a fiber optic cable for telecommunications and cable television.

PROPOSED LEASE TERMS:

Lease period:

25 years beginning December 21, 1994.

Surety bond:

\$50,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Consideration:

\$2,000 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. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing 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 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Code Regs. 15061 (b) (3).

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based on the 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 classification.

APPROVALS OBTAINED:

Regional Water Quality Control Board, BCDC, USCE, and Fish and Game.

FURTHER APPROVALS REQUIRED:

State Lands Commission and Marin County.

EXHIBIT:

- A. Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (14 CAL. CODE REGS. 15061 (b) (3)).

CALENDAR ITEM NO. C23 (CONT'D)

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO SOUTHERN PACIFIC TELECOMMUNICATIONS COMPANY OF A 25 YEAR GENERAL LEASE - RIGHT OF WAY USE, BEGINNING DECEMBER 21, 1994; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,000 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$50,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 FOR INSTALLATION, MAINTENANCE AND OPERATION OF A FIBEROPTIC CABLE FOR TELECOMMUNICATIONS AND CABLE TELEVISION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

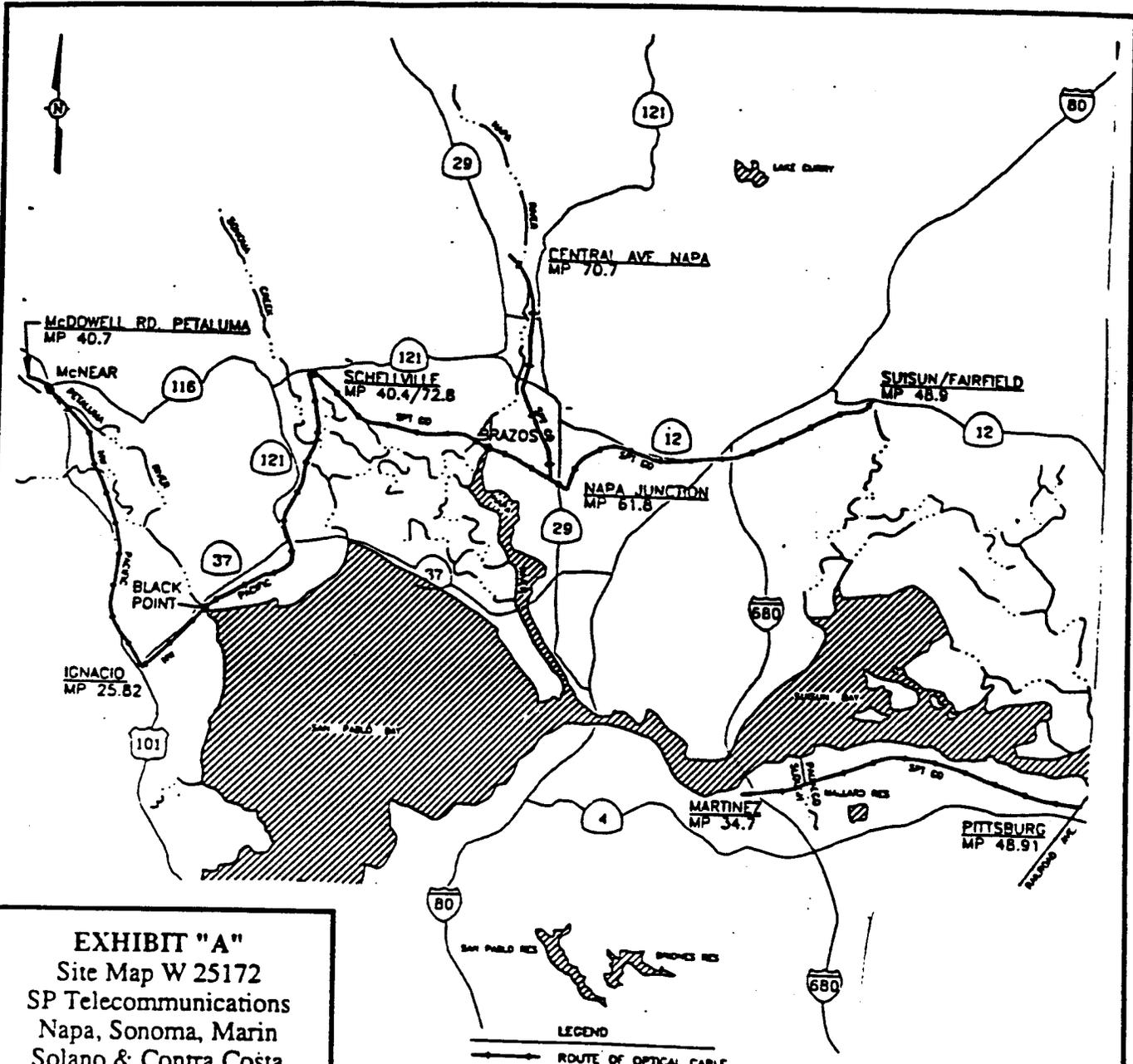


EXHIBIT "A"
 Site Map W 25172
 SP Telecommunications
 Napa, Sonoma, Marin
 Solano & Contra Costa
 Counties



NOTE:
 THIS EXHIBIT IS SOLELY FOR PURPOSE OF GENERALLY
 DEFINING THE LEASE PREMISE, 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.