

**MINUTE ITEM**

This Calendar Item No. C33 was approved as Minute Item No. 33 by the California State Lands Commission by a vote of 3 to 0 at its 2/27/98 meeting.

**CALENDAR ITEM  
C33**

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02/27/98  
PRC8014 W 25434  
PRC 2597.9  
PRC 4175.9  
D. Jones

S 5, 12

**GENERAL LEASE - RIGHT OF WAY**

**LESSEE:**

GST Telecom California, Inc.  
4317 NE Thurston Way  
Vancouver, Washington 98662

**AREA, LAND TYPE, AND LOCATION:**

0.30 acre, more or less, of submerged lands in the San Joaquin River at Grayson Road, Stanislaus County; the San Joaquin River at Laird Slough, Stanislaus County; the Tuolumne River at Shilo Road, Stanislaus County; the Tuolumne River at Ninth Street, city of Modesto, Stanislaus County; the Merced River at Santa Fe Drive, Merced County; and the San Joaquin River near Herndon, Madera and Fresno counties.

**AUTHORIZED USE:**

Directional boring, placement, and maintenance of an eight-inch steel black iron pipe casing containing six 2-inch high density polyethylene conduits, one of which will be used for a fiber optic cable, at the following locations:

San Joaquin River at Grayson Road, west of the city of Modesto, Stanislaus County; the San Joaquin River at Laird Slough, west of the city of Modesto, Stanislaus County; the Tuolumne River at Shilo Road, Stanislaus County; the Tuolumne River at Ninth Street, city of Modesto, Stanislaus County; and the San Joaquin River near Herndon, Madera and Fresno counties.

Attachment of an eight-inch steel casing containing six 2-inch high density polyethylene conduits, which will be used for a fiber optic cable, to the Merced County Bridge at Santa Fe Drive, Merced River, Merced County.

**LEASE TERM:**

25 years, beginning February 1, 1998.

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**CONSIDERATION:**

\$767 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:**

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Bond:

\$30,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant has a right to use the uplands adjoining the lease premises.
2. 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 the CEQA as a categorically exempt project under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment. Authority: Title 14, California Code of Regulations, section 15061 (b) (3).
3. 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 the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. GST Telecom Communications has applied to construct a fiber optics cable system involving six crossings of State-owned navigable waterways: San Joaquin River at Grayson Road, west of the city of Modesto, Stanislaus County; the San Joaquin River at Laird Slough, west of the city of Modesto, Stanislaus County; the Tuolumne River at Shilo Road, Stanislaus County; the Tuolumne River at Ninth Street, city of Modesto, Stanislaus County; the Merced River at Santa Fe Drive near the town of Cressey; and the San Joaquin River near Herndon, Madera and Fresno Counties. Four of the six of the crossings will be constructed by

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directional boring a minimum of 30 feet beneath the waterways (the San Joaquin River at Grayson Road, Stanislaus County; the Tuolumne River at Shilo Road, Stanislaus County; the Tuolumne River at Ninth Street, city of Modesto, Stanislaus County; and the San Joaquin River near Herndon, Madera and Fresno Counties). The crossing at the San Joaquin River at Laird Slough, Stanislaus County, has been completed and was constructed by directional boring a minimum of 15 feet beneath the waterway. One crossing will be attached to a County bridge at Santa Fe Drive across the Merced River, Merced County.

These crossings consist of the last phase of GST's fiber optics cable system project which is from Tracy to Fresno. The purpose of this project is to connect the Fresno City Ring to the GST network in Tracy. GST has completed construction of the entire project, except for the five crossings and a few canals not under the jurisdiction of the Commission.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers, California Department of Fish and Game, The Reclamation Board; counties of Stanislaus, Merced, and Madera; cities of Modesto and Fresno.

**EXHIBITS:**

- A. Site Map
- B. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

April 10, 1998

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

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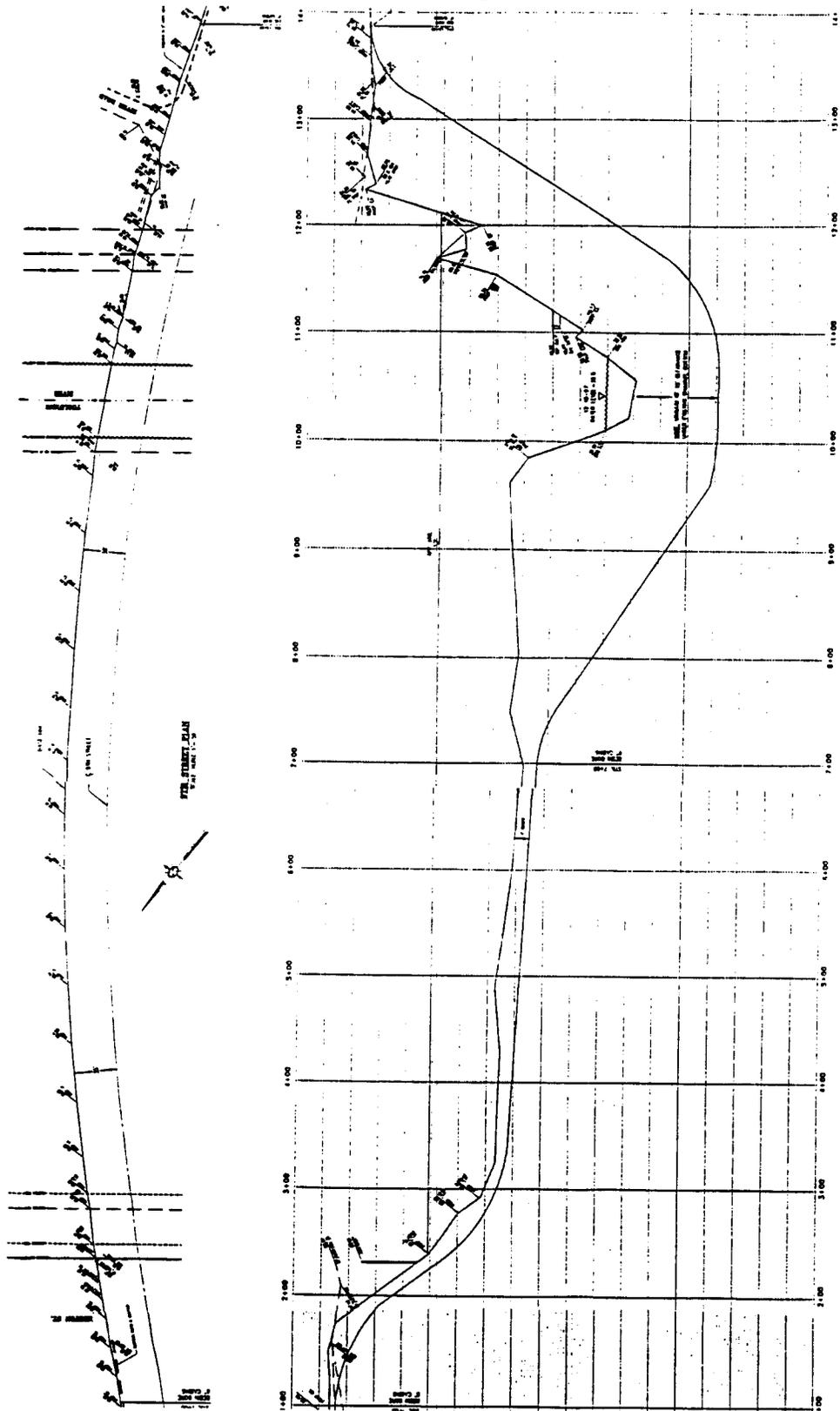
**SIGNIFICANT LANDS INVENTORY FINDING:**

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 TO GST TELECOM CALIFORNIA, INC. OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING FEBRUARY 1, 1998, FOR A TERM OF 25 YEARS, FOR A FIBER OPTIC CABLE SYSTEM ON THE LAND SHOWN ON EXHIBITS A-1 THROUGH A-6 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$767 PER YEAR, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; INSURANCE: LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; SURETY IN THE AMOUNT OF \$30,000.

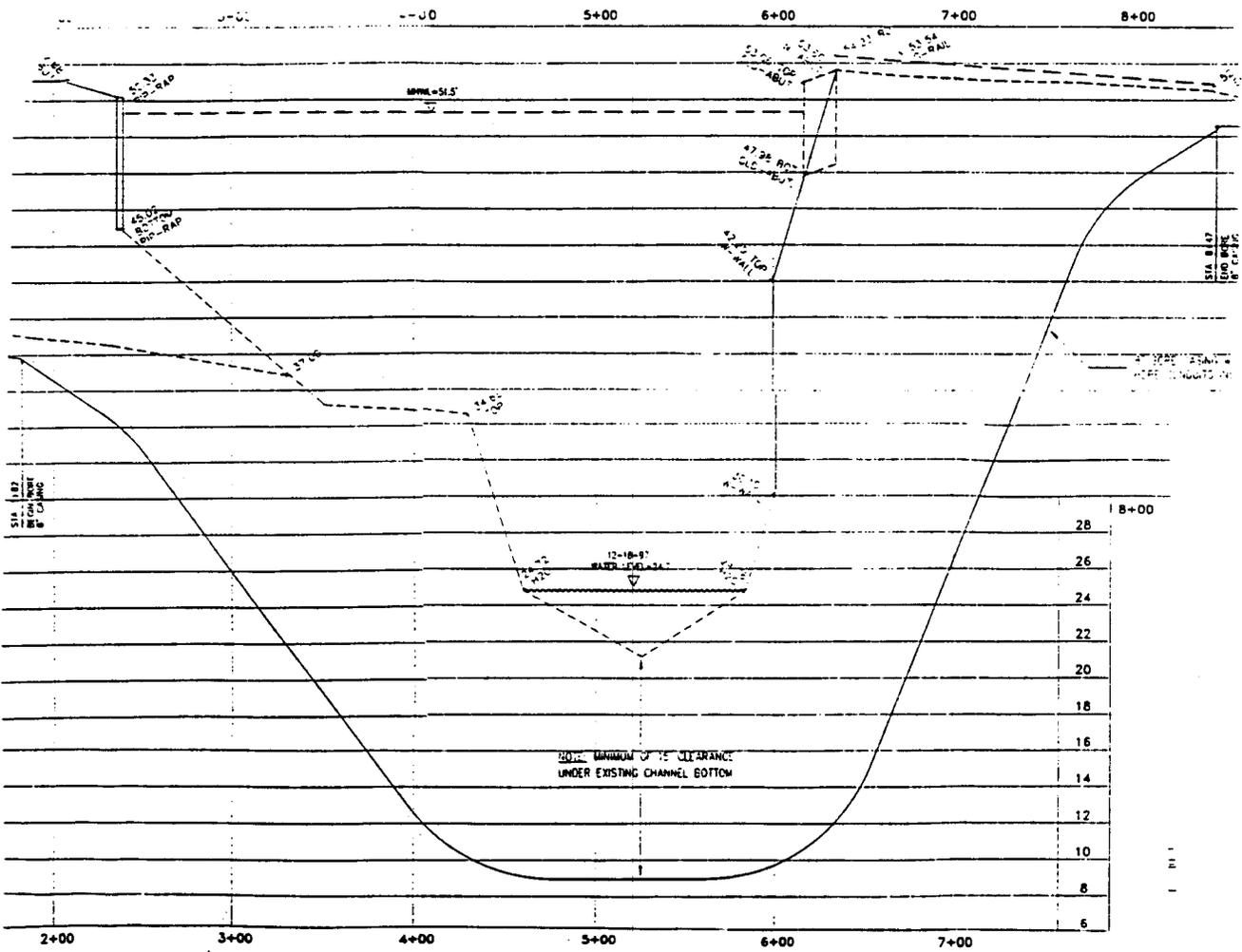
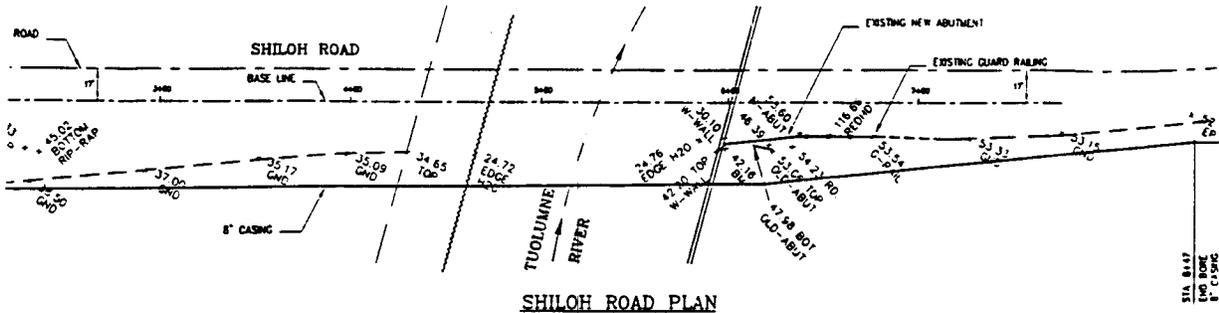
# Tuolumne River Crossing, 9th Street, Modesto



This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

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**Exhibit A-1 194**  
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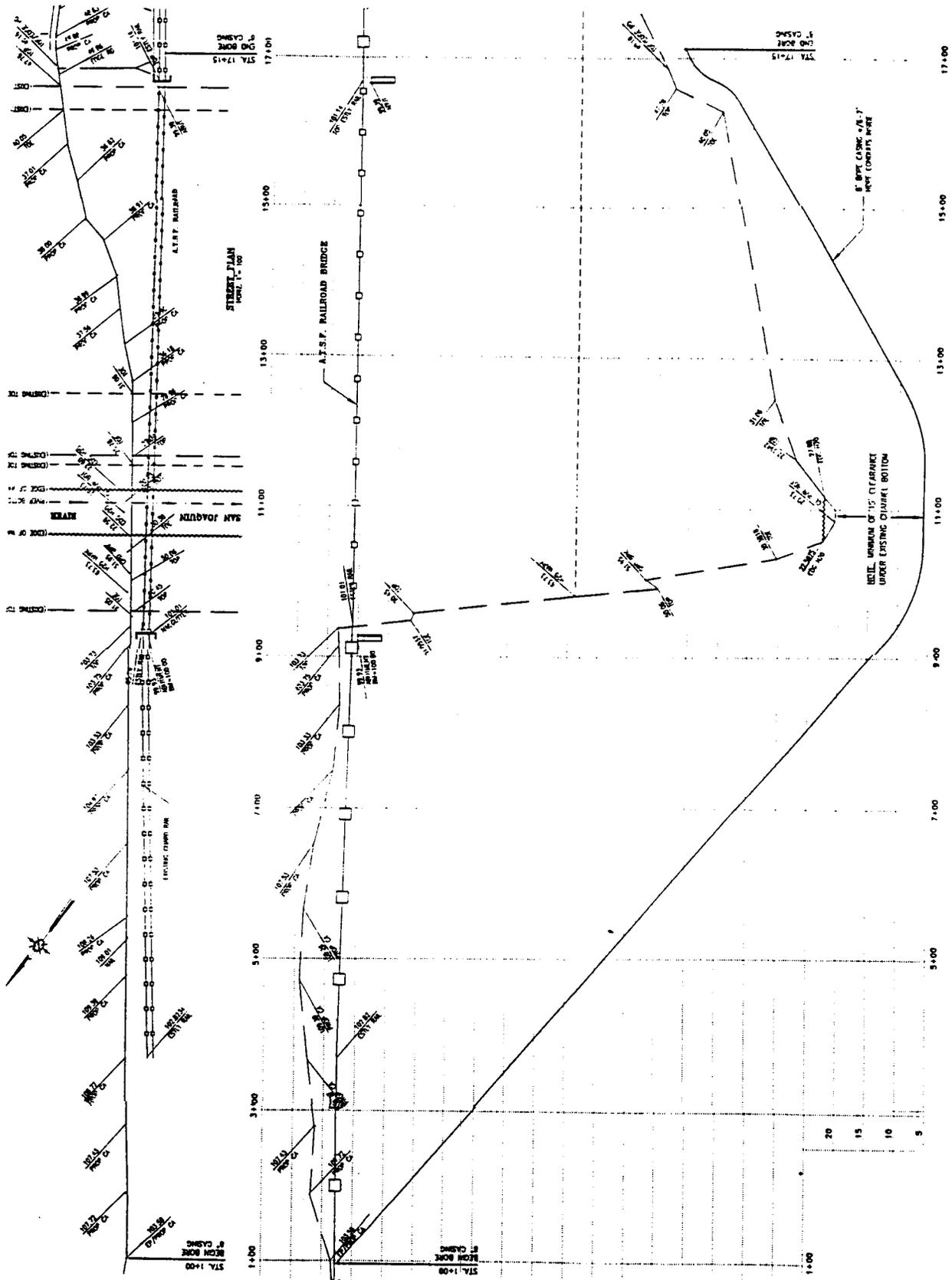
# Toulumne River Crossing, Shiloh Road Stanislaus County



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CALENDAR DATE **Exhibit A-2** 195  
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# San Joaquin River Crossing, A.T.S.F. Fresno-Madera County Line



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**Exhibit B**  
**W 25434**

**Sites**

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