

MINUTE ITEM

This Calendar Item No. C23 was approved as Minute Item No. 23 by the California State Lands Commission by a vote of 3 to 0 at its 9-3-99 meeting.

**CALENDAR ITEM
C23**

A 8
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PRC 8104

09/03/99
W 25569
D. Jones

GENERAL PERMIT - RIGHT OF WAY

PERMITTEE:

TCG San Francisco
1350 Treat Blvd., Suite 500
Walnut Creek, CA 94596

AREA, LAND TYPE, AND LOCATION:

0.30 acres, more or less, of sovereign lands in the Sacramento River adjacent to the Tower Bridge, near the cities of Sacramento and West Sacramento, Sacramento and Yolo counties.

AUTHORIZED USE:

Directional boring, placement and maintenance of an 8-inch black steel pipe casing containing thirteen 1.25-inch diameter innerducts.

PERMIT TERM:

Continuous use plus one year, beginning September 1, 1999.

CONSIDERATION:

No consideration shall be charged for the placement, use and maintenance of fiber optic cables or other similar transmission devices placed by those qualifying under the scope of Section 7901 of the Public Utilities Code.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the permit premises.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared a Proposed Mitigated Negative Declaration identified as CSLC ND 701, State Clearinghouse No. 99072071. Such Proposed Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA.

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Based upon the Initial Study, the Proposed Mitigated Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment (Title 14, California Code of Regulations, section 15074(b)).

A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6).

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. TCG San Francisco is a general partnership wholly owned by Teleport Communications Group, Inc., which is wholly owned by AT&T. TCG San Francisco has applied to construct a fiber optic cable casing by directional boring to a minimum depth of 30 feet beneath the Sacramento River. The proposed project will extend TCG/AT&T's existing fiber optic communications system into the area on the west side of the Sacramento River including, but not limited to, the city of West Sacramento, and provide local multiple communication services to customers.

TCG San Francisco obtained a Certificate of Public Necessity and Convenience from the California Public Utility Commission (CPUC) and is regulated by the CPUC as a telephone public utility.

5. Applicants qualifying under the scope of Section 7901 of the Public Utilities Code are not charged consideration for the placement, use and maintenance of fiber optic cables or other similar transmission devices. Staff has determined that the applicant qualifies for a rent free permit under this section. Consideration under the Commission's regulations shall be charged those not qualifying under the aforesaid Section 7901.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, California Department of Transportation,
California Department of Fish and Game, the Reclamation Board, California

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Regional Water Quality Control Board, city of Sacramento, city of West Sacramento.

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

February 6, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. CERTIFY THAT A PROPOSED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, CSLC ND NO. 701, STATE CLEARINGHOUSE NO. 99072071 WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE OFFICES OF THE CALIFORNIA STATE LANDS COMMISSION.

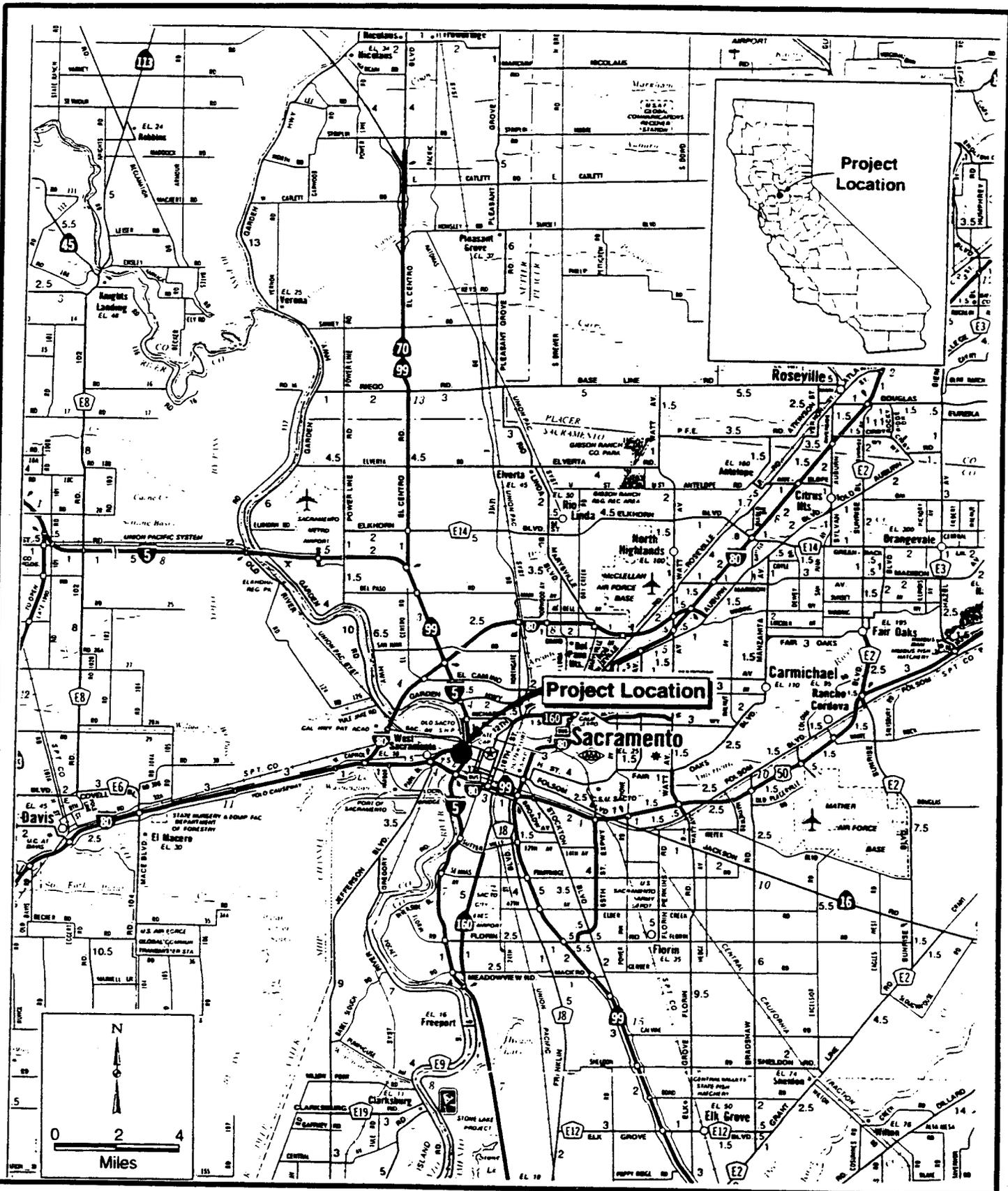
SIGNIFICANT LANDS INVENTORY FINDING:

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.

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AUTHORIZATION:

AUTHORIZE ISSUANCE TO TCG SAN FRANCISCO OF A GENERAL PERMIT - RIGHT OF WAY USE, BEGINNING SEPTEMBER 1, 1999, FOR A CONTINUOUS PERIOD PLUS ONE YEAR, FOR THE INSTALLATION AND OPERATION OF A FIBER OPTIC CABLE CASING ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: EXEMPT PURSUANT TO SECTION 7901 OF THE PUBLIC UTILITIES CODE, WITH THE STATE RESERVING THE RIGHT, IN THE EVENT OF CHANGED CIRCUMSTANCES, TO FIX A RENT AND MODIFY IT PERIODICALLY DURING THE PERMIT TERM, AS PROVIDED IN THE PERMIT.



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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