

MINUTE ITEM

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 12-3-99 meeting.

**CALENDAR ITEM
C25**

A 17
S 5

12/03/99
PRC 8130.9 W 25573
D. Jones

PERMIT FOR TELEPHONE LINE RIGHT OF WAY

PERMITTEE:

Pacific Bell, a California Corporation
2300 E. Eight Mile Road
Stockton, California 95210

AREA, LAND TYPE, AND LOCATION:

0.07 acres, more or less, of sovereign lands in the San Joaquin River, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Directional boring, placement and maintenance of a six-inch diameter steel pipe conduit containing four (4) 1.25-inch inner ducts, with one inner duct containing a fiber optic cable with 24 fibers.

PERMIT TERM:

Continuous use plus one year, commencing October 1, 1999.

CONSIDERATION:

No monetary 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 lease premises.

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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 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 in the record, 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. Pacific Bell is proposing to provide telephone communication service to areas west of the city of Stockton. This segment of the service is from the city of Stockton to the town of Holt near Whiskey Slough, San Joaquin County.
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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, California Department of Fish and Game, The Reclamation Board, city of Stockton.

EXHIBITS:

- A. Site Map
- B. Lease Description
- C. Location Map

PERMIT STREAMLINING ACT DEADLINE:

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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).

SIGNIFICANT LANDS INVENTORY FINDING:

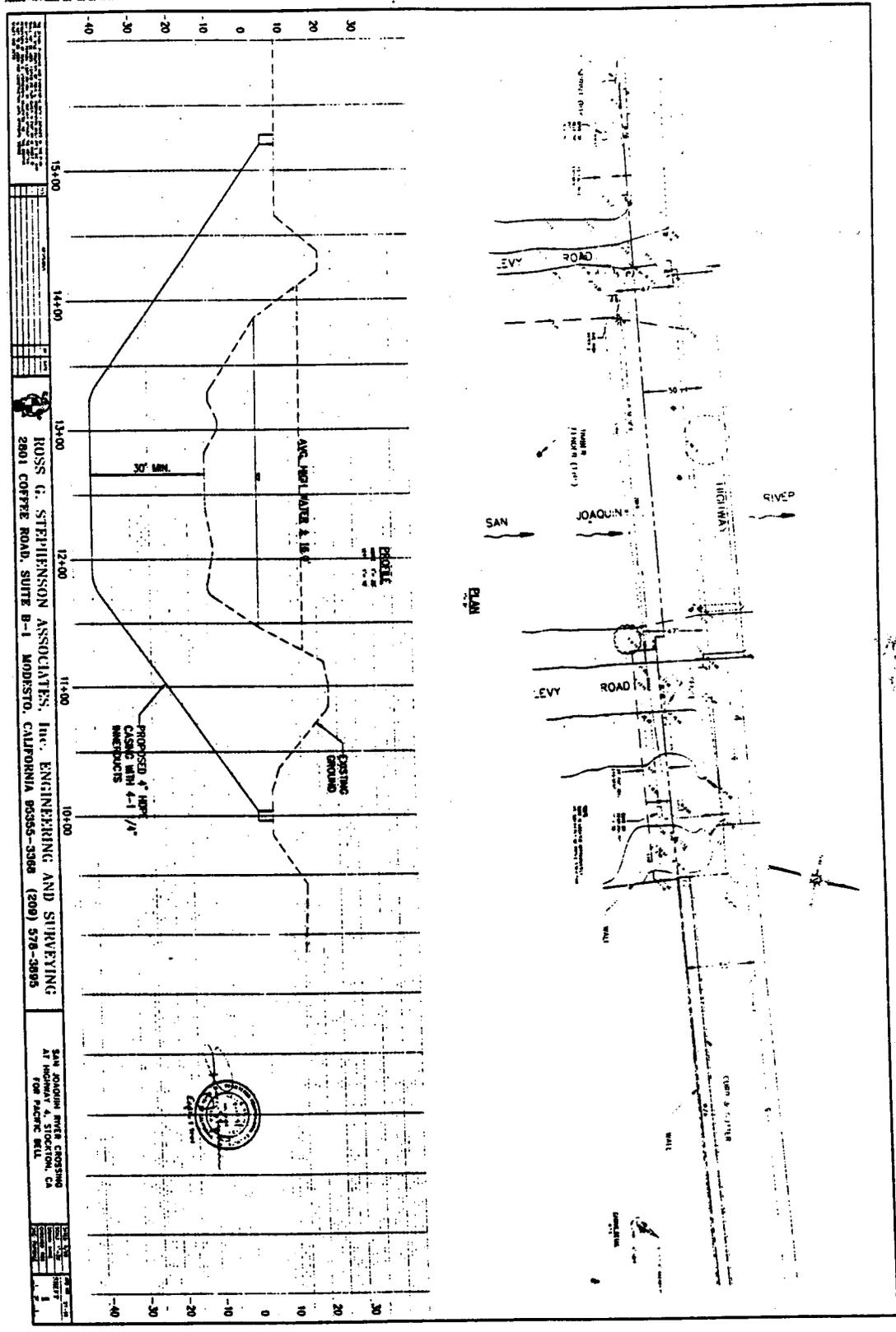
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

FINDING OF NON-INTERFERENCE WITH PUBLIC USE PURSUANT TO PUBLIC UTILITIES CODE SECTION 7901:

FIND THAT THE AUTHORIZED IMPROVEMENTS WILL NOT UNREASONABLY INTERFERE WITH THE PUBLIC USE OF THE PREMISES OR INTERRUPT THE NAVIGATION OF THE OVERLYING WATERS IF CARRIED OUT IN ACCORDANCE WITH THE TERMS, CONDITIONS AND COVENANTS OF THE PERMIT.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO PACIFIC BELL, A CALIFORNIA CORPORATION, OF A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, FOR CONTINUOUS USE PLUS ONE YEAR, BEGINNING OCTOBER 1, 1999, FOR THE INSTALLATION AND OPERATION OF A SIX-INCH DIAMETER STEEL PIPE CONDUIT CONTAINING FOUR (4) ONE AND ONE-QUARTER INCH INNER DUCTS, ONE OF WHICH WILL CONTAIN A FIBER OPTIC CABLE WITH 24 FIBERS ON THE LAND DESCRIBED ON EXHIBIT B 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.



ROSS G. STEPHENSON ASSOCIATES, INC. ENGINEERING AND SURVEYING
 2801 COPPER ROAD, SUITE B-1 MIDDLETOWN, CALIFORNIA 95355-3368 (209) 578-3895

SAN JOAQUIN RIVER CROSSING
 AT MIDDLETOWN & STOCKTON, CA
 FOR PACIFIC RAIL

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.

Exhibit A

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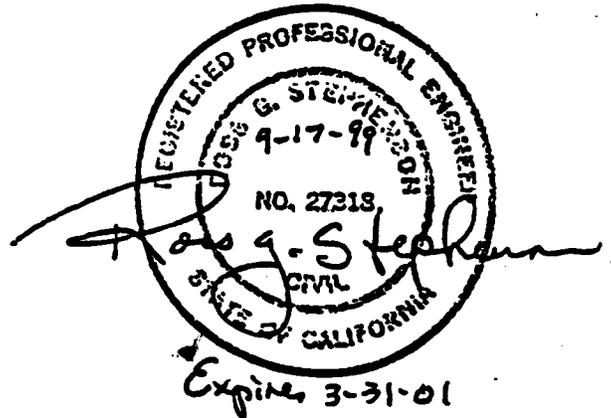
Legal Description

Description for Pacific Bell easement for telecommunications purposes over California State Lands (San Joaquin River).

A strip of land eleven feet in width situated in Section 21, Township 11 North, Range 6 East, San Joaquin County, California, the centerline of which is described as follows:

Commencing at the City of Stockton Survey Control Monument 5 S 23, shown on that certain map filed for record in Book 29 of Surveys at Page 8, San Joaquin County Records; thence S 0° 07' W, 2277.47 feet to the City of Stockton Survey Control Monument 5 S 24 at the centerline intersection of Eighth Street and Fresno Street; thence N 78° 33' 21" W. 4,276.38 feet to a point on the Southerly right of way of State Highway No. 4 (Charter Way); thence S 66° 03' 51" W, 181.11 feet to a point on the ordinary high water mark of the east bank of the San Joaquin River and the True Point of Beginning of said strip of land; thence S 71° 52' 19" W, 280.0 feet more or less to the ordinary high water mark on the West Bank of the San Joaquin River.

The sidelines of the above described strip of land to be shortened or lengthened as required to start and end at said ordinary high water marks.



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Exhibit B

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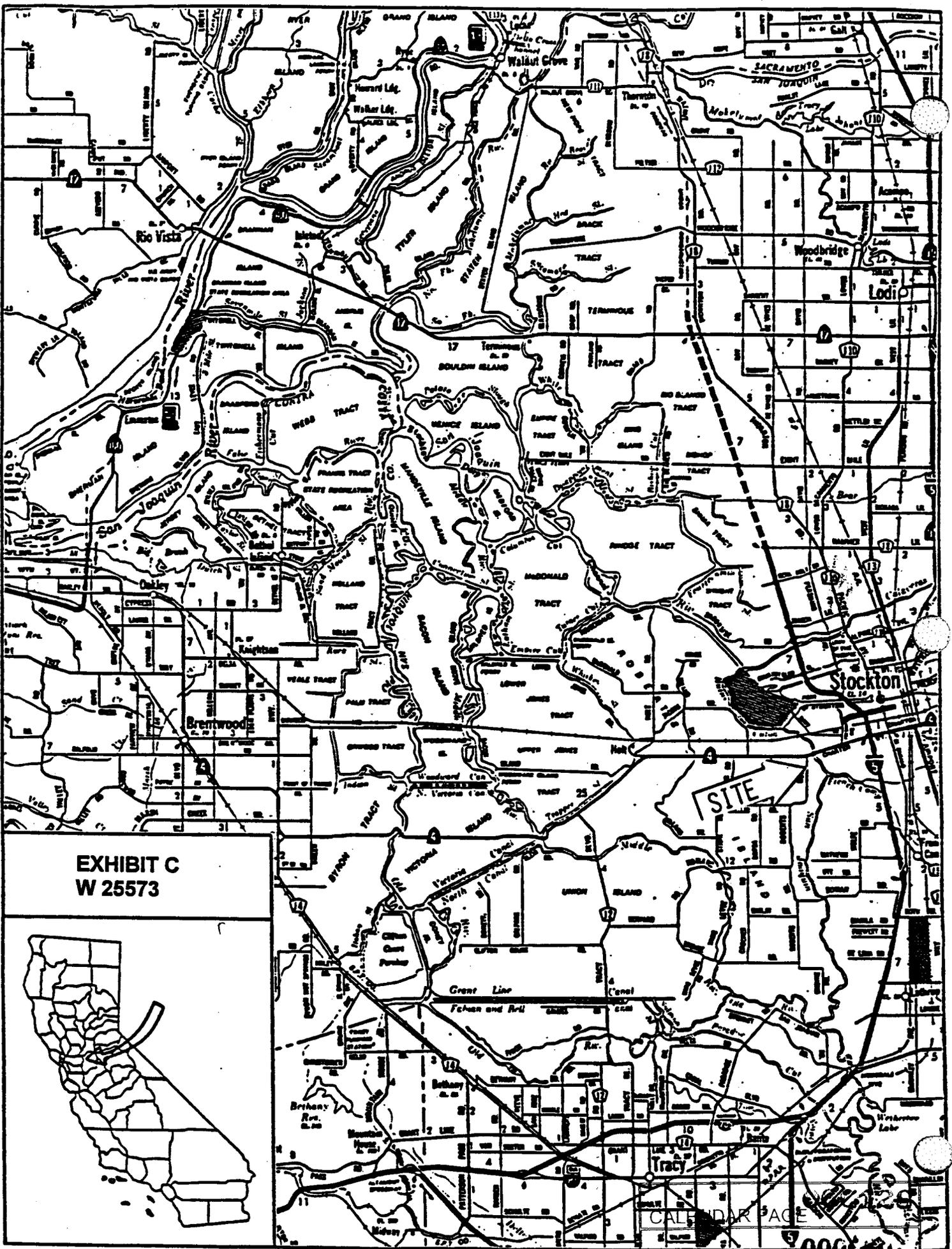


EXHIBIT C
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SITE

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