MINUTE ITEM
This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to Ø at its 6-27-00 meeting.

CALENDAR ITEM
C21

A 8, 11

S 9

June 27, 2000
PRC 8156.9
D. Jones

AMENDMENT OF PERMIT

PERMITTEE:

Level 3 Communications, Inc.
1025 El Dorado Blvd.
Broomfield, Colorado 80221

AREA, LAND TYPE, AND LOCATION:

Sovereign lands located in the Cosumnes River near the town of Galt, Sacramento County; the Carquinez Straits near the town of Crockett, Contra Costa County; the Mokelumne River in the city of Lodi, San Joaquin County; the Stanislaus River near the city of Ripon, Stanislaus and San Joaquin counties; the Tuolumne River in the city of Modesto, Stanislaus County; the Merced River near the city of Livingston, Merced County; the San Joaquin River near the city of Fresno, Madera and Fresno counties; the Kings River in the city of Laton, Kings County; and Cordelia Slough in the city of Fairfield, Solano County.

AUTHORIZED USE:

Cosumnes, Mokelumne, Stanislaus, Tuolumne, Merced, San Joaquin, and Kings Rivers and Cordelia Slough:

Installation, operation, maintenance, and use of an 11-inch diameter high density polyethylene (HDPE) casing containing 12 (HDPE) innerducts, four of which will each contain one fiber optic cable with approximately 108 fiber strands.

Carquinez Straits:

Installation, operation, maintenance, and use of a 12-inch steel casing containing 20 HDPE innerducts, one of which will contain one fiber optic cable with approximately 108 fiber strands.

PERMIT TERM:

Continuous use plus one year, commencing April 20, 2000.

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.

PROPOSED AMENDMENT:

The proposed amendment will increase the number of fiber optic cables authorized from one fiber optic cable to four fiber optic cables at the Carquinez Straits. All other terms and conditions of the permit shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the permit premises.

2. At its April 20, 2000, meeting the Commission authorized a Permit for Telephone Right of Way to Level 3 Communications, LLC. The Permit authorized the installation, operation, maintenance and use of a fiber optic cable system underneath nine sovereign waterways, one of which was the Carquinez Straits. This project serves Level 3's national long-haul network from Sacramento to Los Angeles.

   At the Carquinez Straits, the Commission authorized a 12-inch steel casing containing 20 high density polyethhylene innerducts, with one fiber optic cable. At the other eight waterways, the Commission authorized the installation of four fiber optic cables. Level 3's current business plan requires its use of four fiber optic cables. To meet its business plan, Level 3 is requesting an amendment to its Permit to add three additional cables at the Carquinez Straits.

3. Pursuant to California Public Utilities Code Section 7901 (PUC Section 7901), telephone corporations may construct and operate lines and equipment along and upon any public road, highway or the navigable waters of the State, without payment of compensation, provided the lines and facilities do not interfere with the public use. Applicant has provided staff with a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) authorizing Applicant to operate as a facilities-based competitive local carrier and to provide intrastate telecommunications services in California.

4. A Mitigated Negative Declaration was prepared and adopted for this project by California Public Utilities Commission. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the California Public Utilities Commission.

5. 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.

EXHIBITS:

A.. Land Description
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 10, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY CALIFORNIA PUBLIC UTILITIES COMMISSION AND THAT STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM ON FILE IN THE OFFICE OF THE 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.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF PERMIT NO. PRC 8156.9, A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 27, 2000, TO INCREASE THE NUMBER OF FIBER OPTIC CABLES AUTHORIZED AT THE CARQUINEZ STRAITS CROSSING FROM ONE FIBER OPTIC CABLE TO FOUR FIBER OPTIC CABLES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT A

LAND DESCRIPTION

All that portion of tide and submerged lands located in the Carquinez Strait, Counties of Contra Costa and Solano, State of California, being a portion of Section 31, Township 3 North, Range 3 West, M.D.M., described as follows:

A strip of land 10.00 feet in width, lying 5.00 feet on each side of the following described centerline:

Beginning at a point on the south line of the main line right of way of the Southern Pacific Company, said line being identical with the north line of that tract of land which was conveyed by Mary E. Zuppan to Winton Jones and Nathalie N Jones, his wife, by deed dated January 10, 1963 and recorded January 15, 1963 in Book 4282, Official Records of Contra Costa County, at Page 130, from which point of beginning the Southeast corner of said Section 31 bears South 73°10'16" East 2408.32 feet; thence from said point of beginning North 24°48'29" East 3505.02 feet to the boundary of the California Maritime Academy.

The Basis of Bearings for the foregoing description is identical with the California Coordinate System of 1983 (CCS83) Zone 3. Distances described are ground distances.

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY HIGH WATER MARK

End of Description

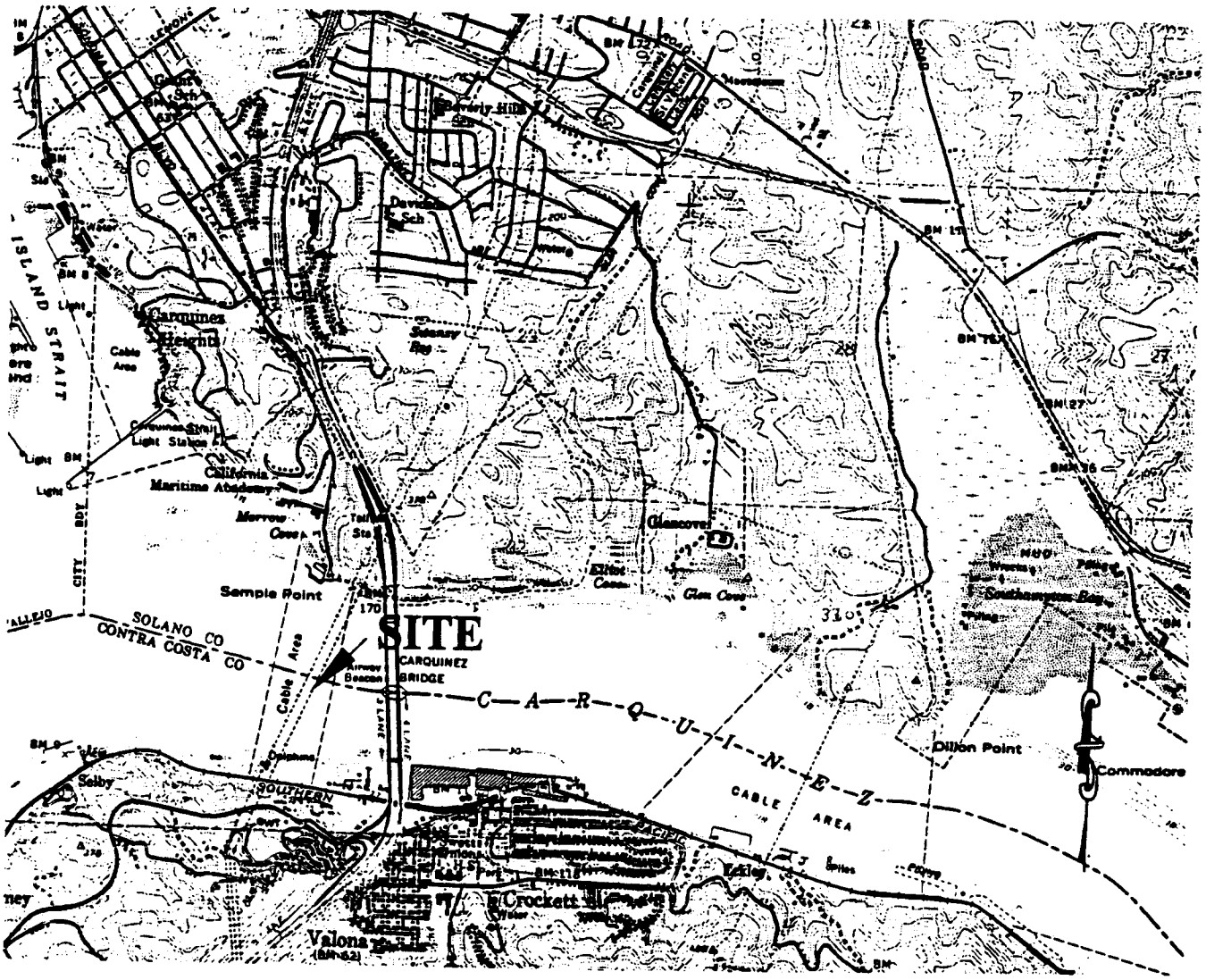
LICENSED LAND SURVEYOR
TERRY FLETCHER
No. 5834
Exp. 9/30/06
STATE OF CALIFORNIA

CALENDAR PAGE 0135
MINUTE PAGE 8507

NO SCALE

LOCATION MAP

Carquinez Straits



NO SCALE

CALIFORNIA MAP

EXHIBIT B

PRC 8156.9

Level 3 Communications

Carquinez Straits

SOLANO COUNTY
CALENDAR PAGE 1136
MINUTE PAGE 8508
CONTRA COSTA CO.

This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.