

MINUTE ITEM

This Calendar Item No. C22 was approved as Minute Item No. 22 by the California State Lands Commission by a vote of 3 to 0 at its 6-27-00 meeting.

**CALENDAR ITEM
C22**

A 2, 8, 10
S 4, 5, 6

June 27, 2000
PRC 8157.9
D. Jones

AMENDMENT OF PERMIT

PERMITTEE:

Worldwide Fiber Networks, Inc.
11719 NE 95th Street
Vancouver, Washington 98682

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, cities of Sacramento and West Sacramento, Yolo and Sacramento counties; Sacramento River near Knights Landing, Yolo County; Sacramento River near the city of Redding, Shasta County; Sacramento River in the city of Tehama, Tehama County; and the Fall River near the town of Fall River Mills, Shasta County.

AUTHORIZED USE:

Installation, operation, maintenance, and use of the following:

Sacramento River, cities of Sacramento and West Sacramento: A 12-inch steel casing, with 16 high density polyethylene (HDPE) innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River near Knights Landing: An 8-inch steel casing, with six HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River in the city of Redding: A 10-inch steel casing, with 15 HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River in the city of Tehama: An 8-inch steel casing, with five HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

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Fall River near Fall River Mills, Shasta County: A 12-inch steel casing, with 17 HDPE innerducts, one of which contain one fiber optic cable with approximately 184 fibers.

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 to allow for one fiber optic cable in each of the innerducts in each of the waterways authorized at the April 20, 2000, meeting. 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 Worldwide Fiber Networks, Inc. (WFN), Permit No. PRC 8157.9. The Permit authorized the installation, operation, maintenance and use of a fiber optic cable system underneath five sovereign waterway crossings. A specific number of innerducts were authorized at each of the crossings, but the Commission only authorized the installation of one fiber optic cable at each of the crossings. WFN has applied to the Commission for authorization to install one fiber optic cable in each of the innerducts at each of the crossings.
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 carrier of intrastate

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telecommunications services offered by communications common carriers in California. Applicant has also been authorized to provide interstate and international telecommunications service in California as a common carrier.

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-1 through
- A-5. Lease Descriptions
- B-1 through
- B-5. Location Maps

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 THE 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.

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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 THE AMENDMENT OF LEASE NO. PRC 8157.9, A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 27, 2000, TO INCREASE THE NUMBER OF AUTHORIZED FIBER OPTIC CABLES AS FOLLOWS:

SACRAMENTO RIVER, CITIES OF SACRAMENTO AND WEST SACRAMENTO, FROM ONE CABLE TO 16 CABLES;

SACRAMENTO RIVER NEAR KNIGHTS LANDING, FROM ONE CABLE TO SIX CABLES;

SACRAMENTO RIVER NEAR THE CITY OF REDDING, FROM ONE CABLE TO 15 CABLES;

SACRAMENTO RIVER IN THE CITY OF TEHAMA, FROM ONE CABLE TO FIVE CABLES;

FALL RIVER NEAR THE TOWN OF FALL RIVER MILLS, FROM ONE CABLE TO 17 CABLES;

ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

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EXHIBIT A-1

Legal Description

A strip of land eleven feet (11') in width situate in the City of Sacramento and the City of West Sacramento, California, the centerlines being described as follows:

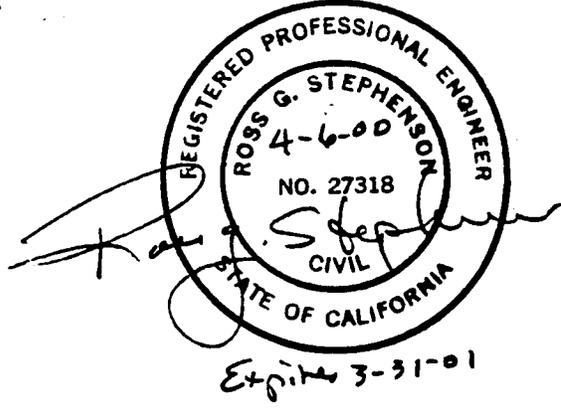
Beginning at a point on the ordinary high water mark on the West bank of the Sacramento River which bears S 80° 58' 35" E, 244.83 feet from the Centerline Intersection of 2nd Street and "E" Street in the City of West Sacramento, California, said centerline intersection being marked by a spike with a punch mark set in concrete; thence from said Point of Beginning, S 71° 05' 09" E, approximately 600 feet to the ordinary high water mark on the East Bank of the Sacramento River.

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

Excepting therefrom any portion of said strip lying landward of the ordinary high water mark.

Basis of Bearing

The centerline of "E" Street between 3rd Street and 2nd Street in the City of West Sacramento as being S 81° 31' 55" E, per monuments found based on Record of Survey filed in Book 13 of Maps and Surveys at Page 61, Yolo County Records.



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EXHIBIT A-2

RGSA Job No. 01-00

Legal Description

A strip of land eleven feet (11') in width situate in Section 14, Township 11 North, Range 2 East, M.D.B. & M. in Yolo County and Sutter County, California the centerline of which is described as follows:

Commencing at a point on the ordinary high water mark on the North bank of the Sacramento River (Sutter County), which bears N 75° 56' 53" W, 1140.51 feet from the California Reclamation Board Survey Point NR-14 A, said point being a scribed "X" in concrete bridge abutment; thence from said point of commencement S 11° 00' 34" E, to the True Point of Beginning of said strip at the ordinary low water mark on the North bank of the Sacramento River; thence S11° 00' 34" E approximately 400 feet to the ordinary low water mark on the South bank (Yolo County) of the Sacramento River.

The sidelines of the above described strip to be shortened or lengthened as required to start and end at the ordinary low water mark.

Excepting therefrom any portion of said strip lying landward of the ordinary low water mark.

Basis of Bearings

Being N 21° 20' 00" E between centerline monuments at 2nd Street and Railroad Street and Front Street and Railroad Street. California Coordinate System of 1927 Zone 2. Knights Landing, CA.

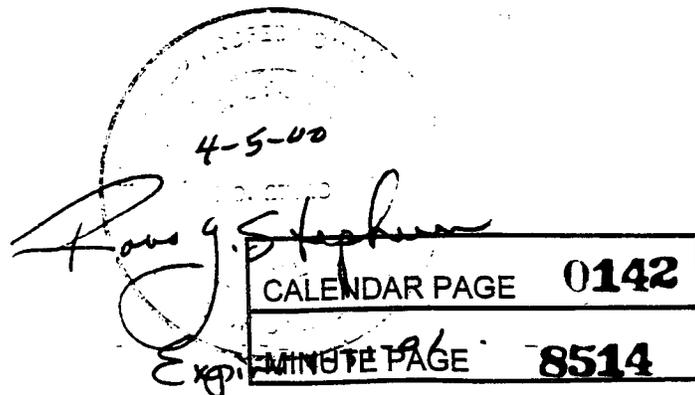


EXHIBIT A-3

RGSA Job No. 01-00

Legal Description

A strip of land eleven feet (11') in width situate in Section 29, Township 38 North, Range 4 East, M.D.M., in the unincorporated territory of Shasta County, California, the centerline of which is described as follows:

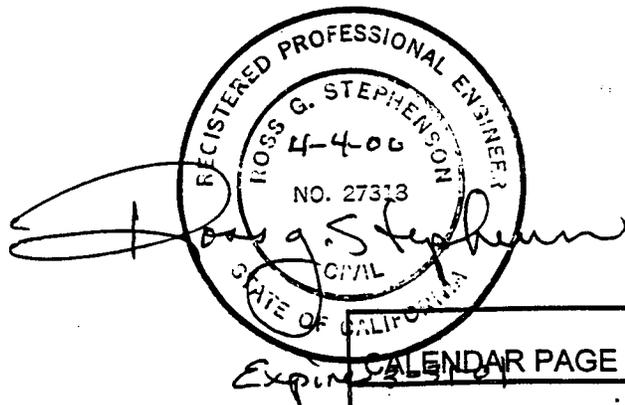
Commencing at a point which lies N 61° 25' 33" E, 3,767.72 feet from the Southwest corner of said Section 29; thence N 10° 02' 24" W, to the True Point of Beginning on the ordinary low water mark on the South Bank of Fall River; thence N 10° 02' 24" W, approximately 150 feet to the ordinary low water mark on the North bank of Fall River.

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

Excepting therefrom any portion of said strip lying landward of the ordinary low water mark.

Basis of Bearing

The south line of Section 29, T 38 N, R 4 E, M.D.M. as being N 89° 38' 30" W.



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EXHIBIT A-4

01-00

Legal Description

A strip of land 42.58 feet in width situate in Rancho San Buenaventura and in Section 7, Township 30 North, Range 3 West, M.D.M. in the unincorporated territory of Shasta County, California the centerline of which is described as follows:

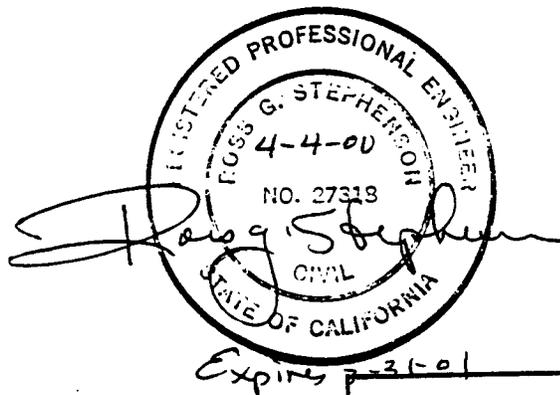
Commencing at a point on the centerline of Deschutes Road said point being the end of curve at Station 110 + 03.12 as shown on the construction plans for the Sacramento River Bridge at Deschutes Road, Shasta County Project Number S - 1073141 as filed in the Shasta County Department of Public Works Records; thence N 05° 45' 45" E along said centerline to the ordinary low water mark on the South bank of the Sacramento River and the True Point of beginning of said strip of land; thence continuing N 05° 45' 45" E, approximately 430 feet to the ordinary low water mark on the North bank of the Sacramento River and the terminus of said strip of land.

The sidelines of the above described strip to be shortened or lengthened as required to start and end at the ordinary low water mark.

Excepting therefrom any portion of said strip lying landward of the ordinary low water mark.

Basis of Bearing

The centerline of the Deschutes Road Bridge over the Sacramento River as being N 05° 45' 45" E.



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EXHIBIT A-5

Legal Description

A strip of land eleven feet (11') in width situate in Rancho Saucos and Rancho Rio de Los Molinos, City of Tehama, California, the centerline of which is described as follows:

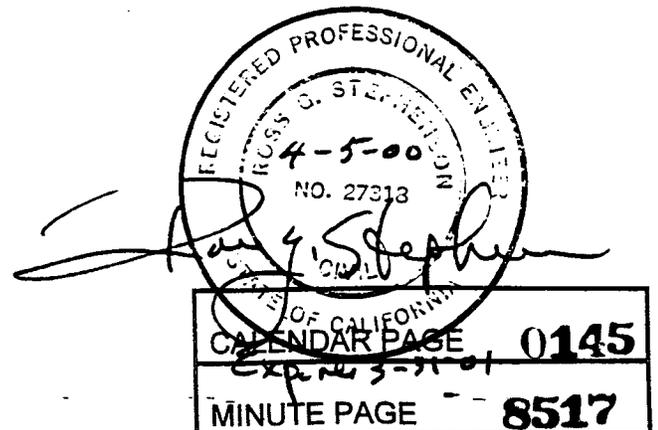
Commencing at a point on the ordinary high water mark on the West bank of the Sacramento River which bears N 72° 50' 46" E, 395.51 feet from the Centerline Intersection of 2nd Street and "C" Street in the City of Tehama, California; said Centerline Intersection being marked by a nail set in asphalt; thence from said Point of Commencement N76° 10' 07"E, to the True Point of Beginning of said strip at the ordinary low water mark on the West bank of the Sacramento River; thence, N76° 10' 07"E, approximately 500 feet to the ordinary low water mark on the East bank of the Sacramento River.

The sidelines of the above described strip to be shortened or lengthened as required to start and end at the ordinary low water mark.

Excepting therefrom any portion of said strip lying landward of the ordinary low water mark.

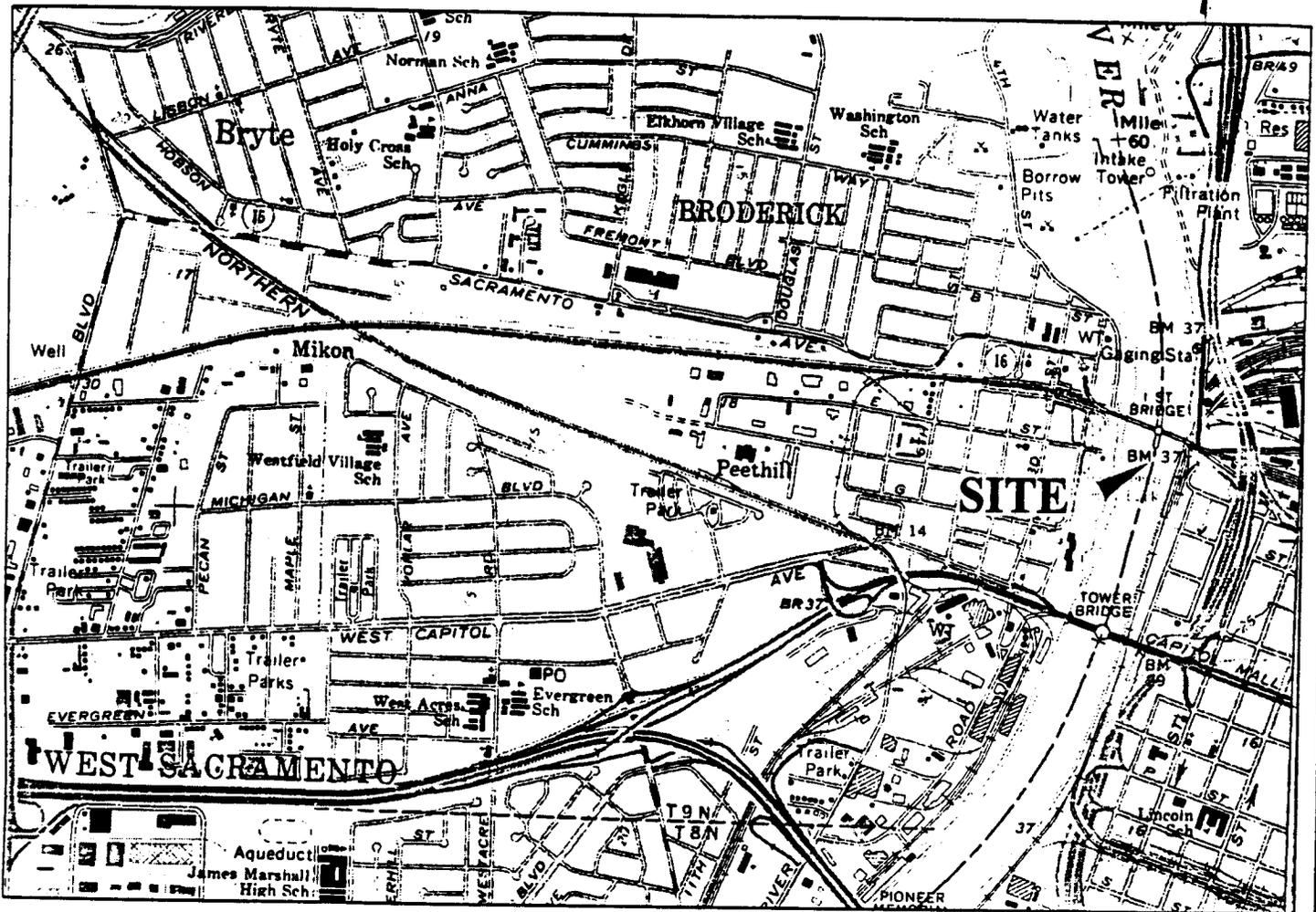
Basis of Bearing

The centerline of 2nd Street between "C" Street and "D" Street in City of Tehama as being N 7° 15' 13" W, per monuments found based on the map filed in Book 1 of Parcel Maps at Page 63, Tehama County Records.



LOCATION MAP

Sacramento River



CITY OF WEST SACRAMENTO AND CITY OF SACRAMENTO

CALIFORNIA MAP



EXHIBIT B-1

PRC 8157.9

**WORLDWIDE
FIBER NETWORK**

Sacramento River 0146

SACRAMENTO CO. 8518

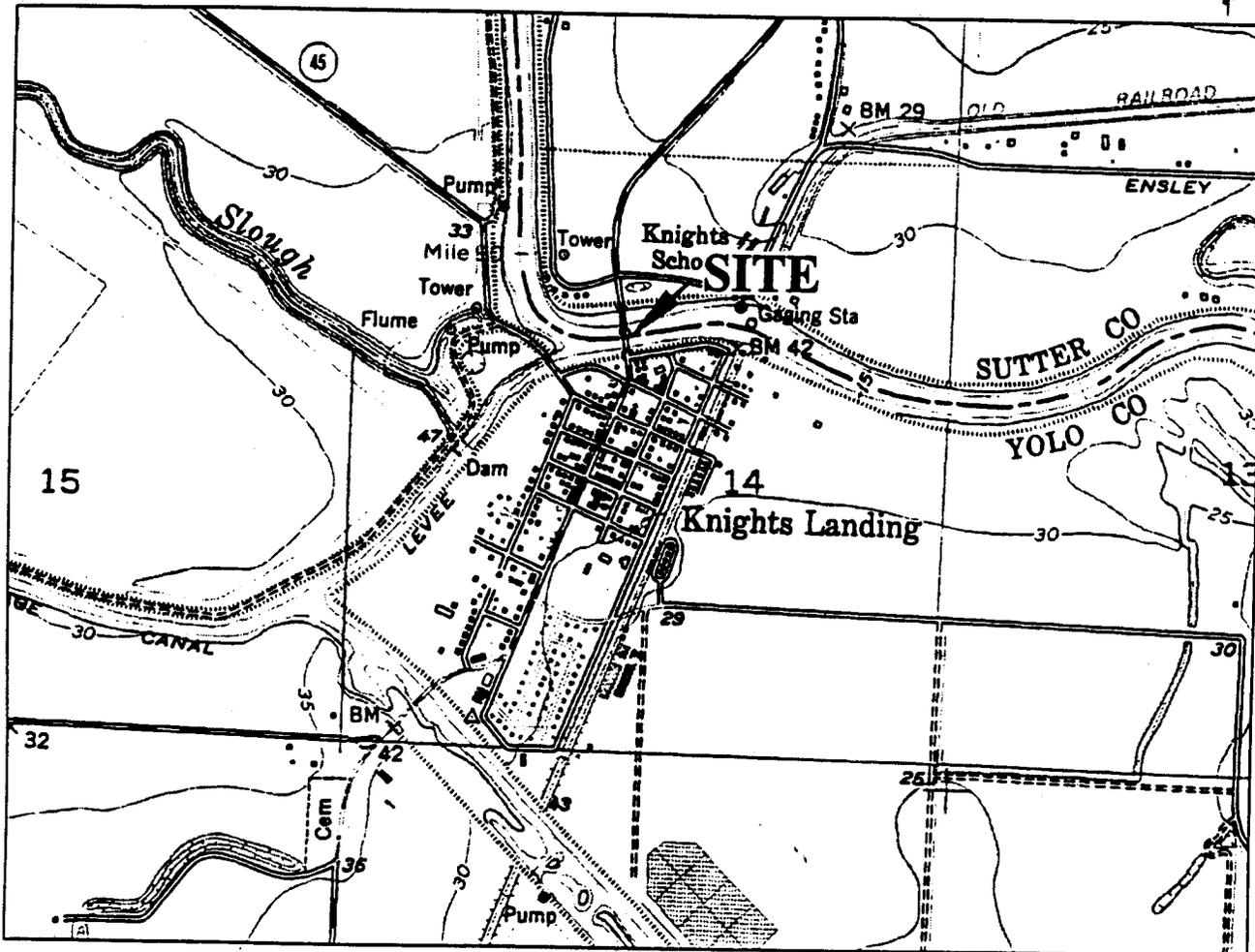
YOLO COUNTY

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.

NO SCALE

LOCATION MAP

Sacramento River



TOWN OF KNIGHTS LANDING

NO SCALE

CALIFORNIA MAP



EXHIBIT B-2

PRC 8157.9

WORLDWIDE FIBER NETWORK

Sacramento River 0147

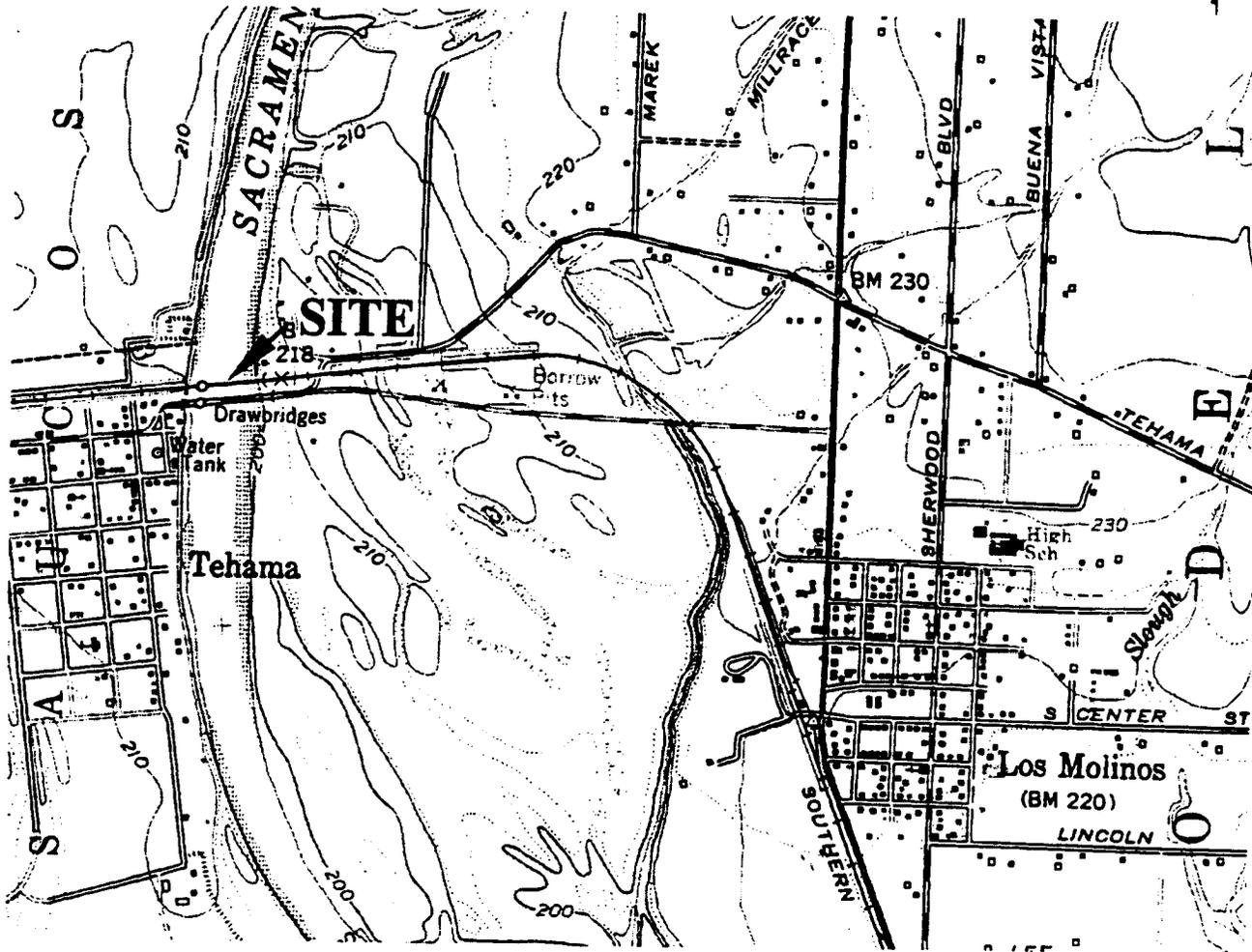
MINUTE PAGE 8519
SUTTER COUNTY
YOLO COUNTY

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NO SCALE

LOCATION MAP

Sacramento River



CITY OF TEHAMA

NO SCALE

CALIFORNIA MAP



EXHIBIT B-3

PRC 8157.9

**WORLDWIDE
FIBER NETWORK**

Sacramento River 0148

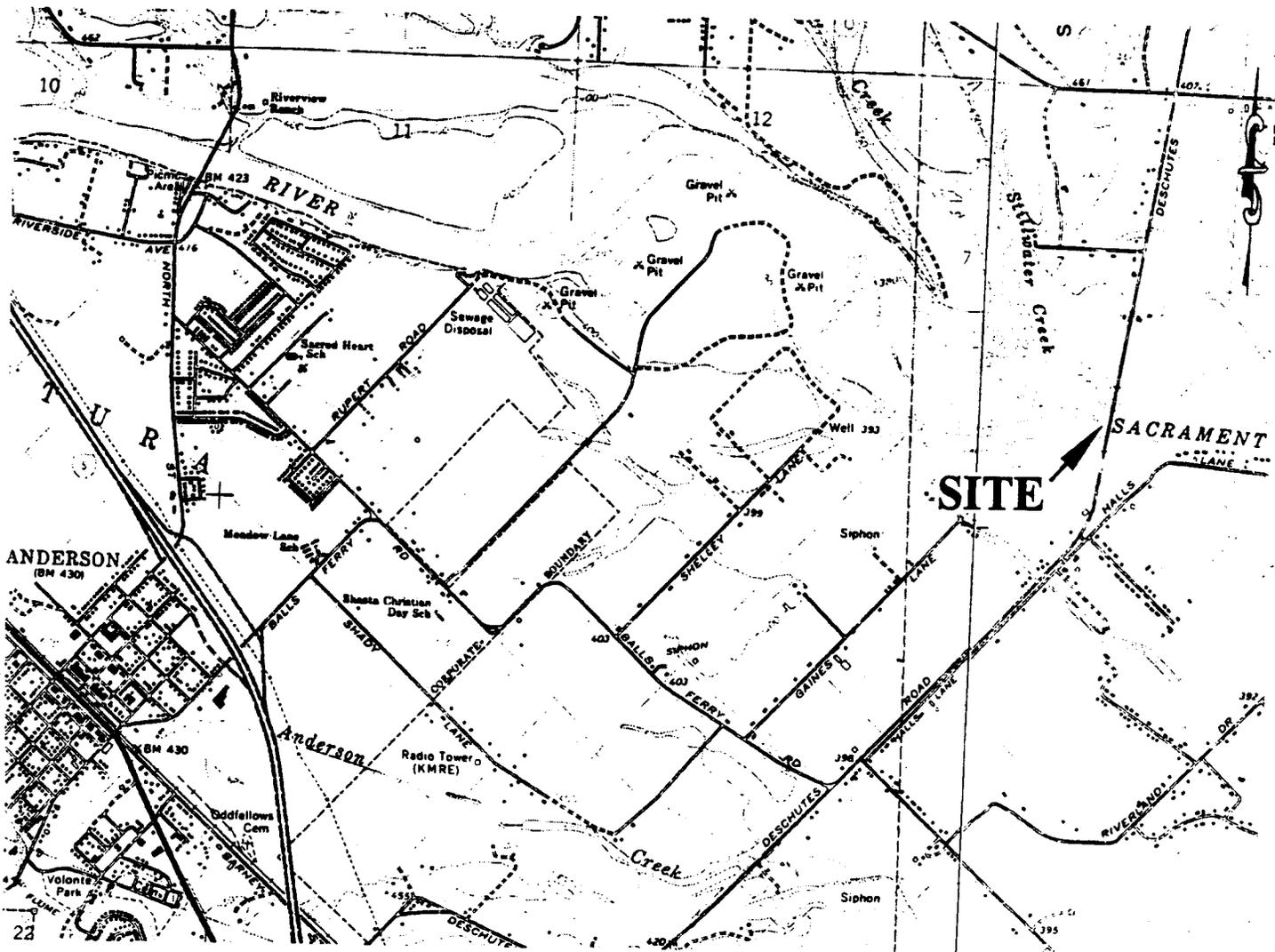
TEHAMA COUNTY 8520

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NO SCALE

LOCATION MAP

Sacramento River



ANDERSON VICINITY

NO SCALE

CALIFORNIA MAP



EXHIBIT B-4

PRC 8157.9

WORLDWIDE FIBER NETWORK

Sacramento River 0149

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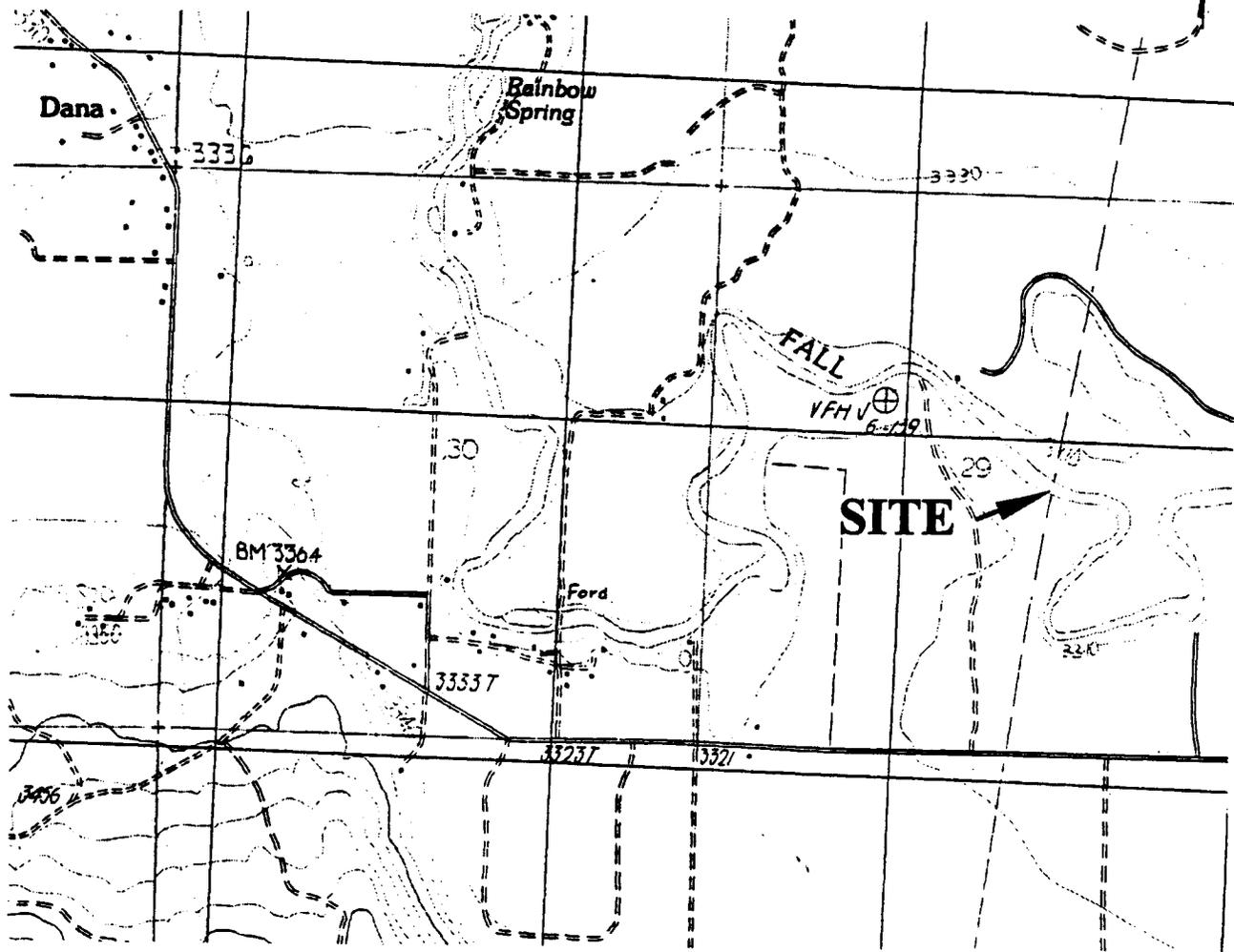
SHASTA COUNTY

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NO SCALE

LOCATION MAP

Fall River



FALL RIVER VALLEY

NO SCALE

CALIFORNIA MAP



EXHIBIT B-5

PRC 8157.9

WORLDWIDE FIBER NETWORK

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SHASTA COUNTY

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.