

MINUTE ITEM
This Calendar Item No. 271 was approved as
Minute Item No. 71 by the California State Lands
Commission by a vote of 3 to 0 at its
6-27-00 meeting.

**CALENDAR ITEM
C71**

A 1, 2, 7, 8, 9

06/27/00

S 2, 4

PRC 8198.9
8199.9

W 25634
N. Smith

PERMITS FOR TELEPHONE LINE RIGHT OF WAY

LESSEE:

Williams Communications, Inc.
Attn: Mr. Stephen Lee
P.O. Box 22064
Tulsa, Oklahoma 74121

AREA, LAND TYPE, AND LOCATION:

Sovereign lands under the Garcia River at Highway 1, Mendocino County; Sonoma Creek at Highway 12, Sonoma County; Napa River just south of Highway 12, Napa County and Sacramento River in the city of Sacramento, Sacramento and Yolo counties, these crossings are for the Pt. Arena to Sacramento Route; and one crossing under the Sacramento River at Howell's Landing for the Pt. Arena to Robbins Route.

AUTHORIZED USE:

Directional borings for the installation, operation, maintenance, and use of a 10-inch diameter steel conduit containing ten innerducts, under the Garcia River; a 10-inch diameter steel conduit with twelve innerducts, under Sonoma Creek; a 10-inch diameter steel conduit with twelve innerducts, under the Napa River; a 22-inch diameter steel conduit with thirty-nine innerducts, under the Sacramento River in Sacramento; and a 6-inch diameter steel conduit with six innerducts, under the Sacramento River at Howell's Landing. At each crossing only one of the innerducts will house a single fiber optic cable, having 96 hair-thin fibers.

LEASE TERM:

Continuous use plus one year, commencing July 8, 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.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. Williams Communications, Inc. is proposing to construct a portion of its nationwide fiber optic network in California. This network includes numerous routes within the State and the routes for consideration, at this time, are Pt. Arena to Sacramento and Pt. Arena to Robbins.
3. Pursuant to California Public Utilities Code Section 7901 (PUC §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 offer resold and facilities-based intrastate, interexchange telephone services to the public in California.
4. The CPUC considered this proposed project at its meeting June 7, 2000. At that time, the CPUC, acting as lead agency under the California Environmental Quality Act (CEQA) adopted the Subsequent Mitigated Negative Declaration and approved the project. The CPUC's procedures provide for a thirty day period following its decision during which relevant parties may file an "application for rehearing." If such an application(s) is not filed, the CPUC's decision of June 7th becomes final. The CPUC will not be filing a Notice of Determination until such decision is final, potentially on or about July 8th, 2000, subsequent to the consideration of this item by the State Lands Commission (Commission).
5. The Commission will be acting as a responsible agency under CEQA when considering this project, Staff believes that the Commission may consider the project at the June 27th meeting by adopting the following condition: the Commission's action on the project would be invalidated in its entirety. if an application for rehearing, as described above, is accepted by the CPUC. The matter would then be rescheduled for Commission action after the CPUC's final resolution of the rehearing.

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6. A Subsequent Mitigated Negative Declaration was prepared and adopted for this project by the CPUC. The California State Lands Commission staff has reviewed such document. A Mitigation Monitoring Program was adopted by the CPUC.
7. 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.

APPROVALS OBTAINED:

California Department of Fish and Game, California Public Utilities Commission, Regional Water Quality Control Board, Reclamation Board and U.S. Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

Union Pacific Railroad and Mendocino County.

EXHIBITS:

- A - 1. Pt. Arena to Sacramento Route
- A - 2. Pt. Arena to Robbins Route
- B - 1. Garcia River Plat
- B - 2. Sonoma Creek Plat
- B - 3. Napa River Plat
- B - 4. Sacramento River, city of Sacramento Plat
- B - 5. Sacramento River at Howell's Landing Plat

PERMIT STREAMLINING ACT DEADLINE:

December 10, 2000.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THAT THE COMMISSION HAS

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REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, A COPY OF WHICH IS AVAILABLE IN THE OFFICE OF THE CSLC.

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:

- 1) AUTHORIZE, SUBJECT TO THE LIMITATION SET FORTH IN PARAGRAPH 2 BELOW, ISSUANCE TO WILLIAMS COMMUNICATIONS, INC.;
 - A) OF A PERMIT FOR TELEPHONE LINE RIGHT OF WAY FOR A TERM OF CONTINUOUS USE PLUS ONE YEAR, BEGINNING JULY 8, 2000, FOR INSTALLATION, OPERATION, MAINTENANCE AND USE OF A 10-INCH STEEL CONDUIT CONTAINING TEN INNERDUCTS UNDER THE GARCIA RIVER; A 10-INCH DIAMETER STEEL CONDUIT CONTAINING TWELVE INNERDUCTS UNDER SONOMA CREEK; A 10-INCH DIAMETER STEEL CONDUIT CONTAINING TWELVE INNERDUCTS UNDER THE NAPA RIVER AND A 22-INCH DIAMETER STEEL CONDUIT CONTAINING THIRTY-NINE INNERDUCTS UNDER THE SACRAMENTO RIVER, EACH CONDUIT WILL HOUSE ONLY ONE FIBER OPTIC CABLE HAVING 96 HAIR-THIN GLASS FIBERS ON THE LAND SHOWN ON EXHIBIT B-1, B-2, B-3 AND B-4 ATTACHED AND BY THIS REFERENCE MADE A

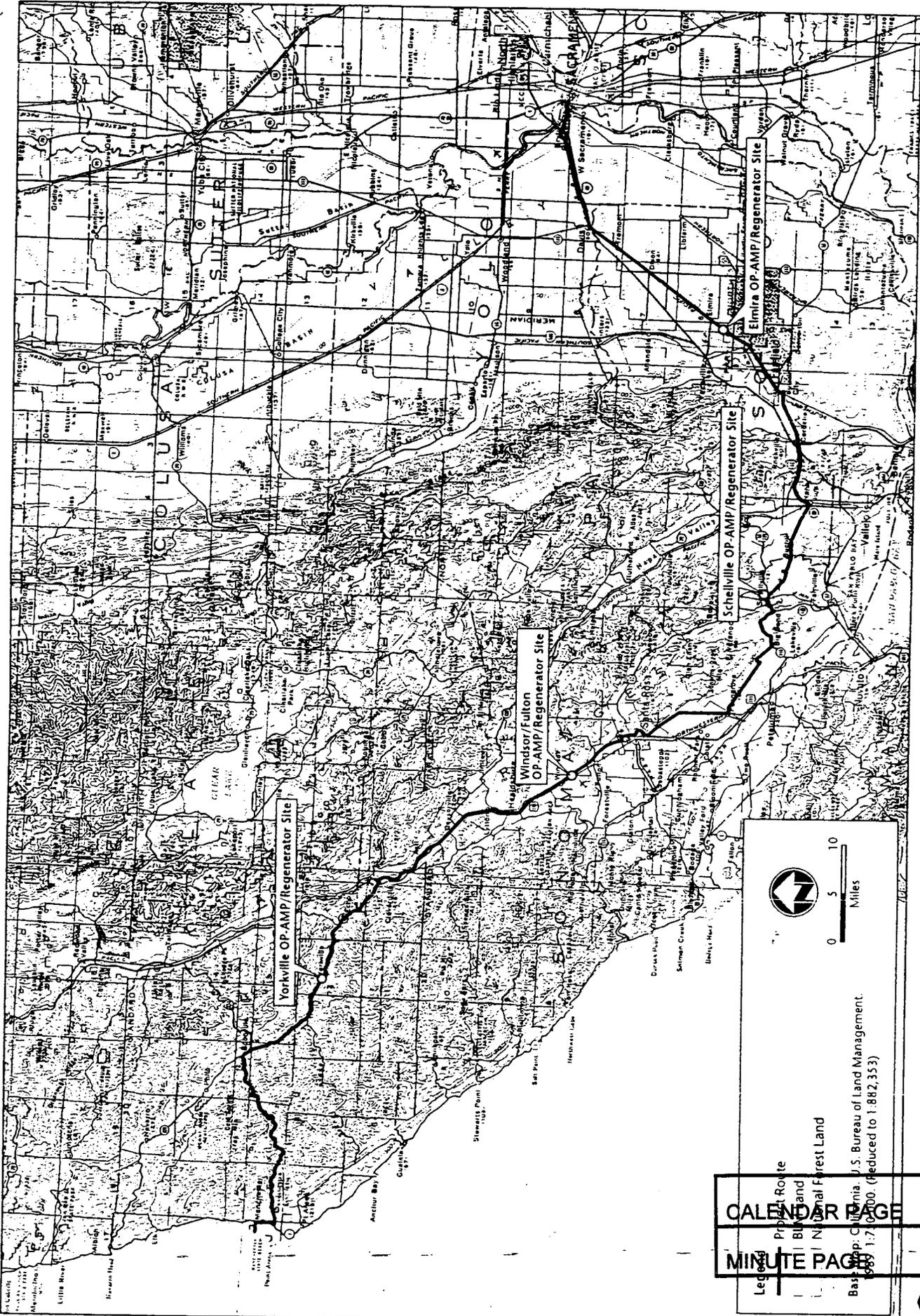
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PART HEREOF; CONSIDERATION; EXEMPT PURSUANT TO SECTION 7901 OF THE PUBLIC UTILITIES CODE.

- B) AUTHORIZE ISSUANCE TO WILLIAMS COMMUNICATIONS, INC., OF A PERMIT FOR TELEPHONE LINE RIGHT OF WAY FOR TERM OF CONTINUOUS USE PLUS ONE YEAR, BEGINNING JULY 8, 2000, FOR INSTALLATION, OPERATION, MAINTENANCE AND USE OF A 6-INCH DIAMETER STEEL CONDUIT CONTAINING SIX INNERDUCTS WITH ONLY ONE FIBER OPTIC CABLE HAVING 96 HAIR-THIN GLASS FIBERS, UNDER THE SACRAMENTO RIVER AT HOWELL'S LANDING ON THE LAND SHOWN ON EXHIBIT B-5 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION; EXEMPT PURSUANT TO SECTION 7901 OF THE PUBLIC UTILITIES CODE.
- 2) PROVIDE FURTHER, THAT THE ACTION TAKEN BY THE COMMISSION IN THIS MATTER SHALL BECOME NULL AND VOID IF AN APPLICATION FOR REHEARING CONCERNING THIS PROJECT IS FILED WITH AND ACCEPTED BY THE CPUC PRIOR TO THE LAPSE OF THE CPUC'S 30-DAY APPEAL PERIOD FOLLOWING ITS ACTION OF JUNE 7, 2000, ON THE PROJECT.
- 3) AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO AFFECT THIS COMMISSION ACTION.

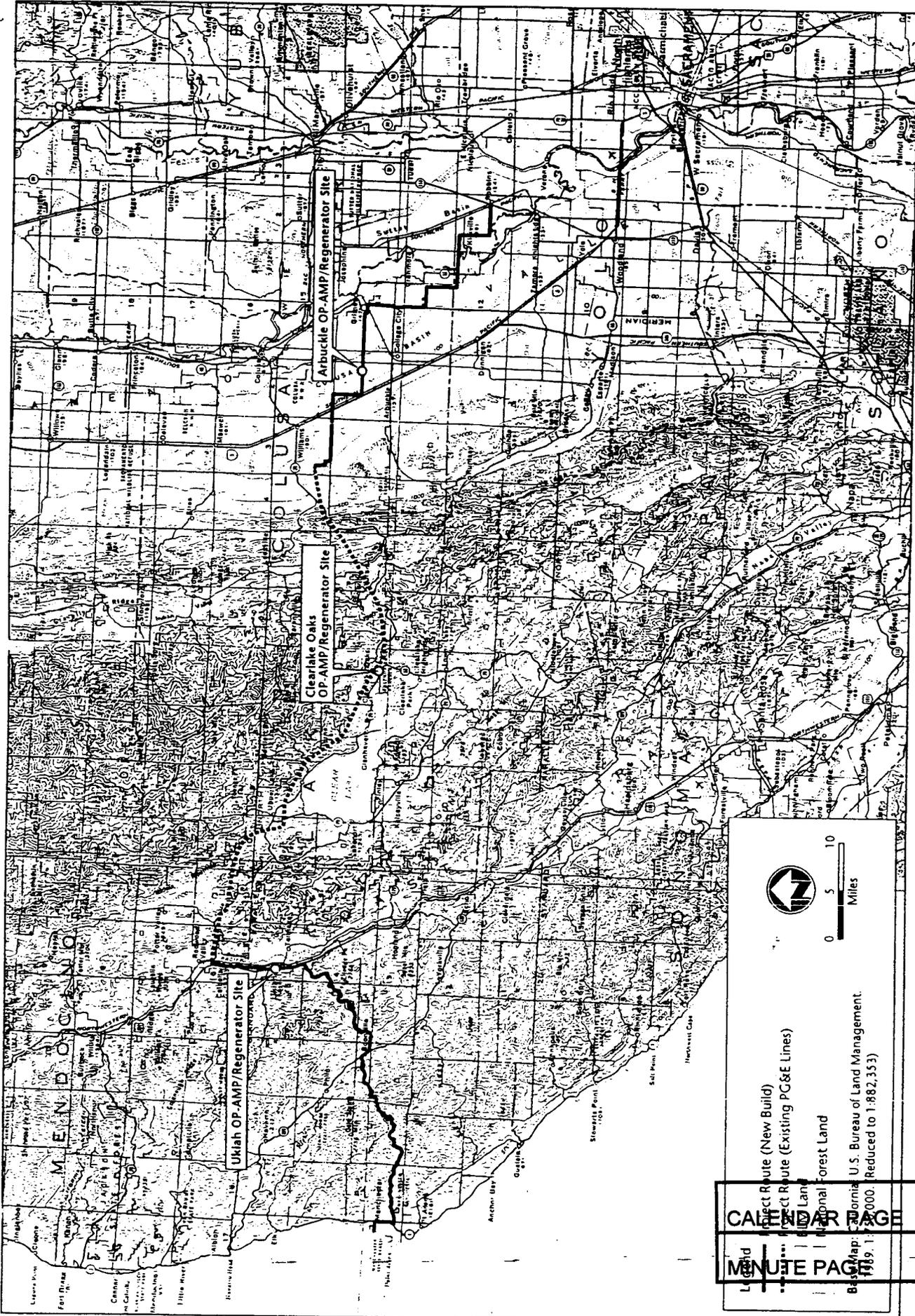
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Vicinity Map
Point Arena to Sacramento Project Route

Legend	Project Route
—	Private Land
—	BLM Land
—	National Forest Land
Base Map: California, U.S. Bureau of Land Management, 1989 1:750,000. (Reduced to 1:882,353)	
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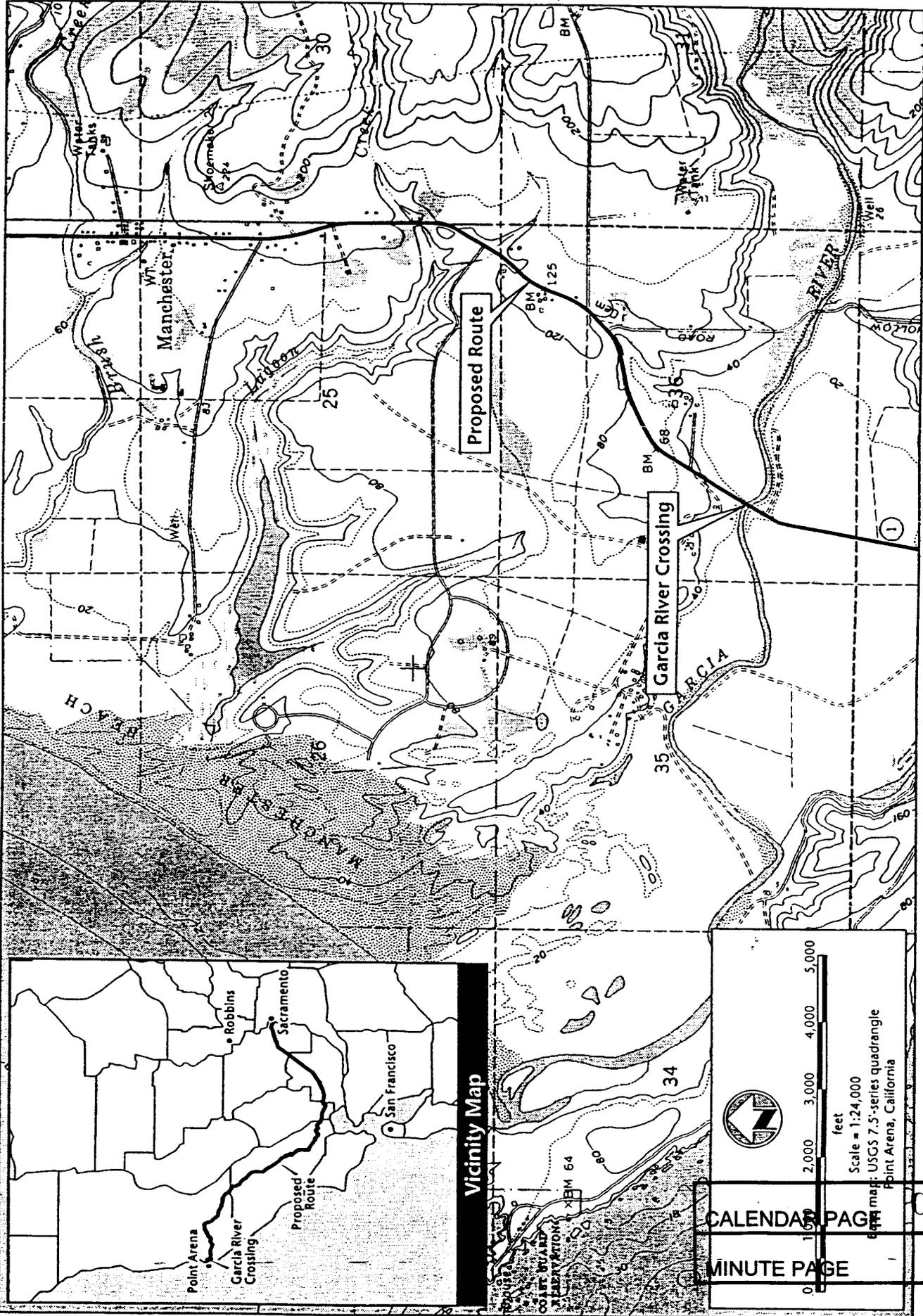
Jones & Stokes



Vicinity Map
Point Arena to Robbins Project Route

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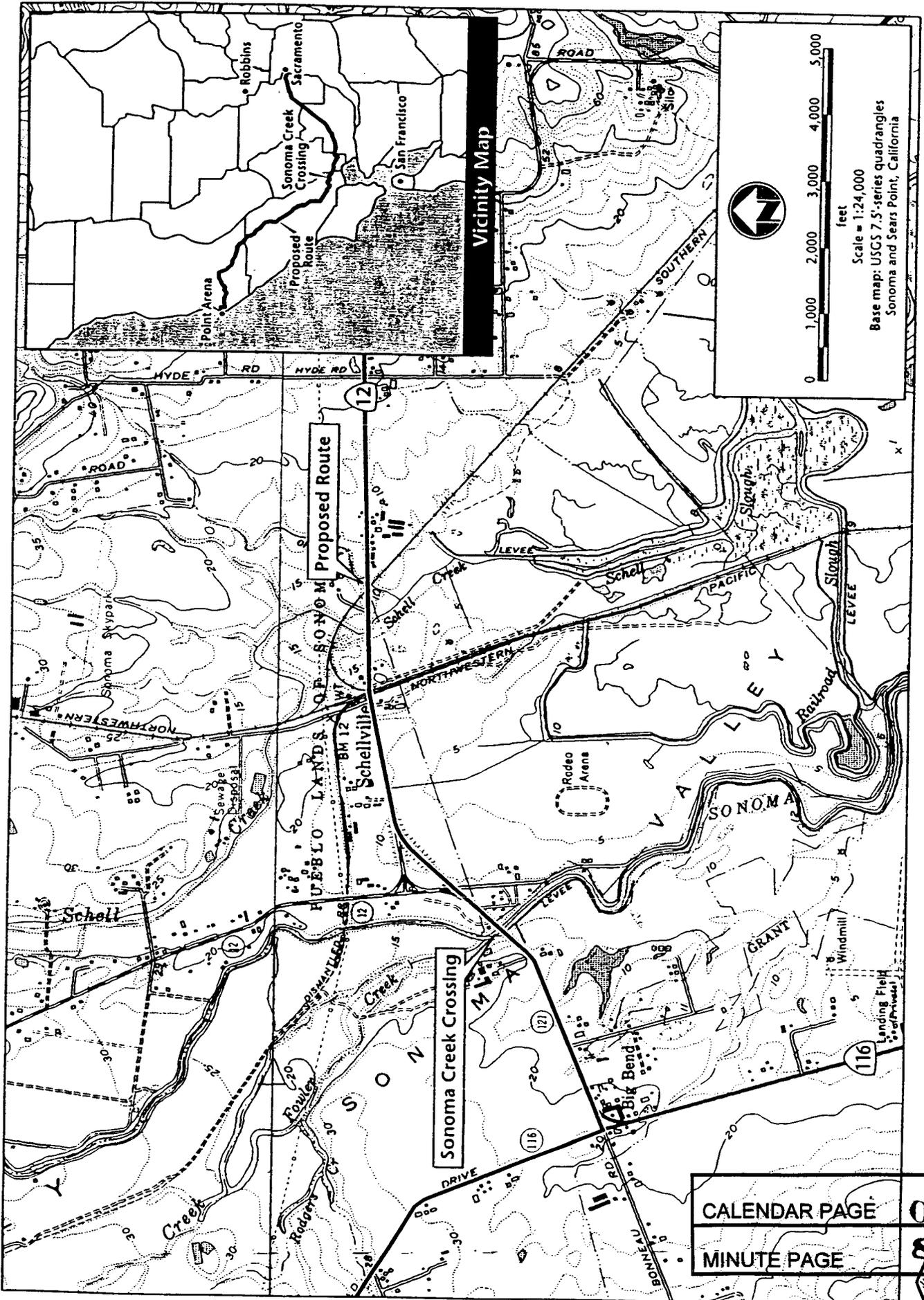


Location of Garcia River Crossing at State Route 1

James Stokes

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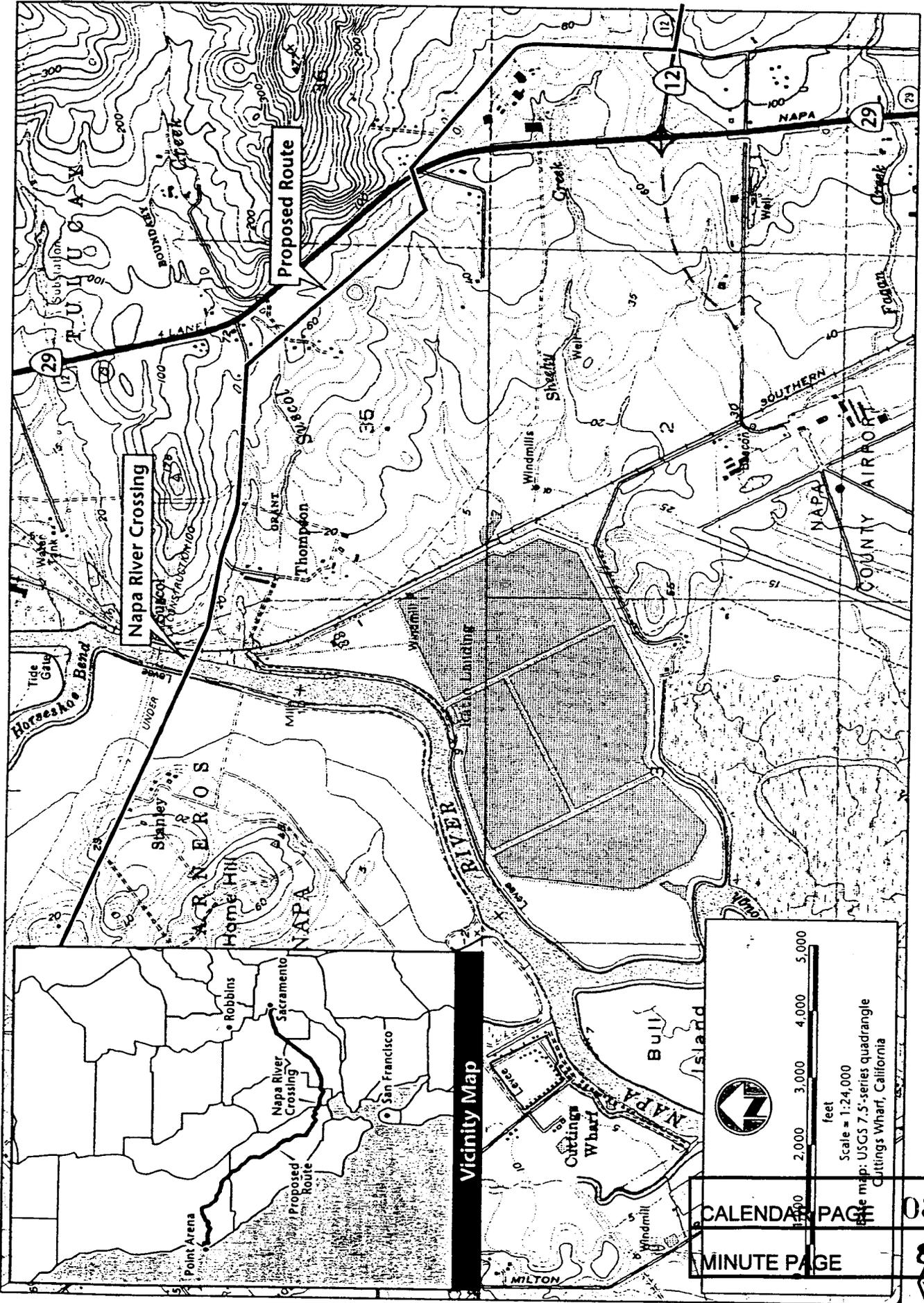
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Location of Sonoma Creek Crossing

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Stokes & Stokes



Location of Napa River Crossing

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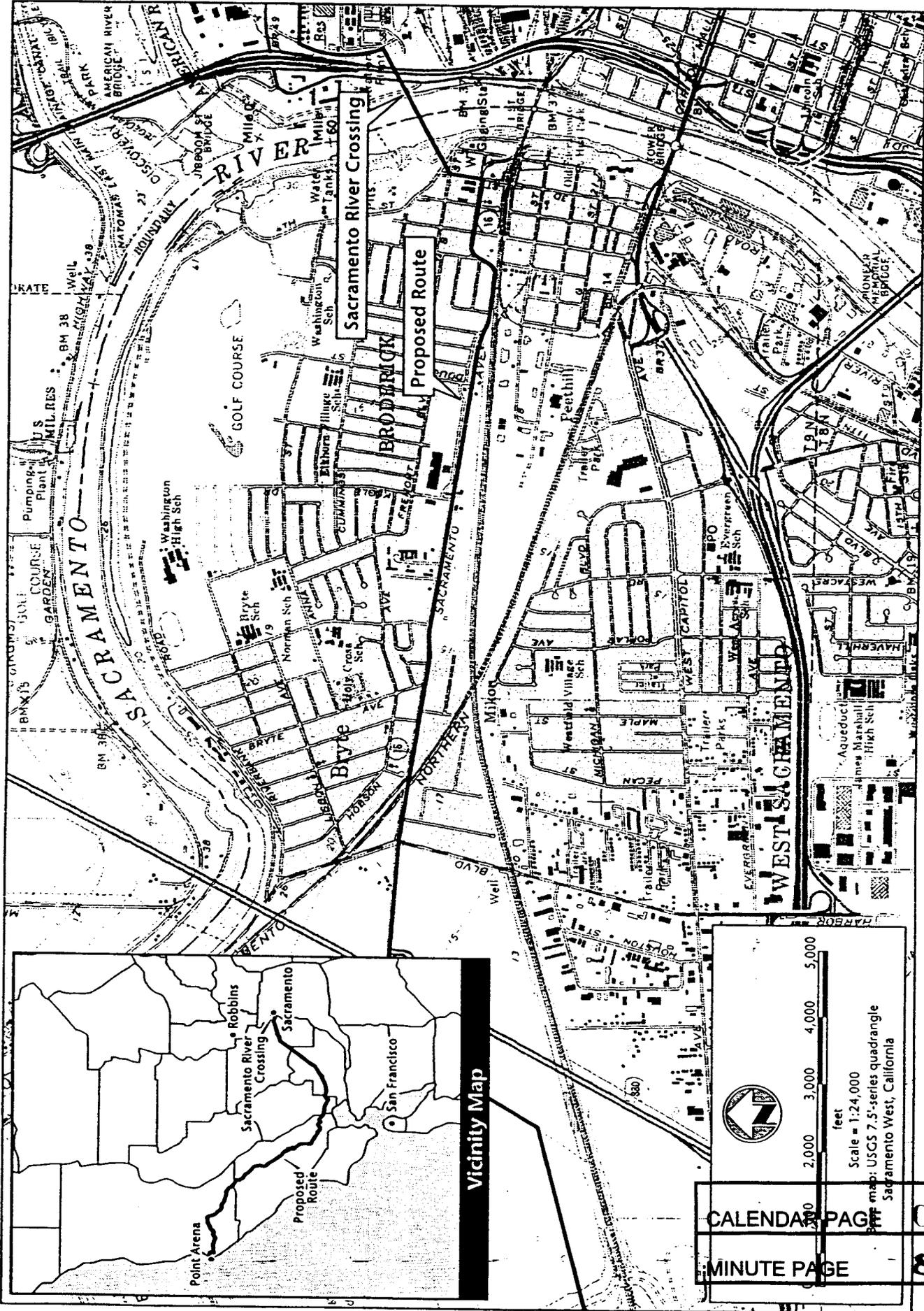
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Scale = 1:24,000
 Map: USGS 7.5-series quadrangle
 Cuttings Wharf, California

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 feet

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Stokes & Stokes



Location of Sacramento River Crossing at Sacramento

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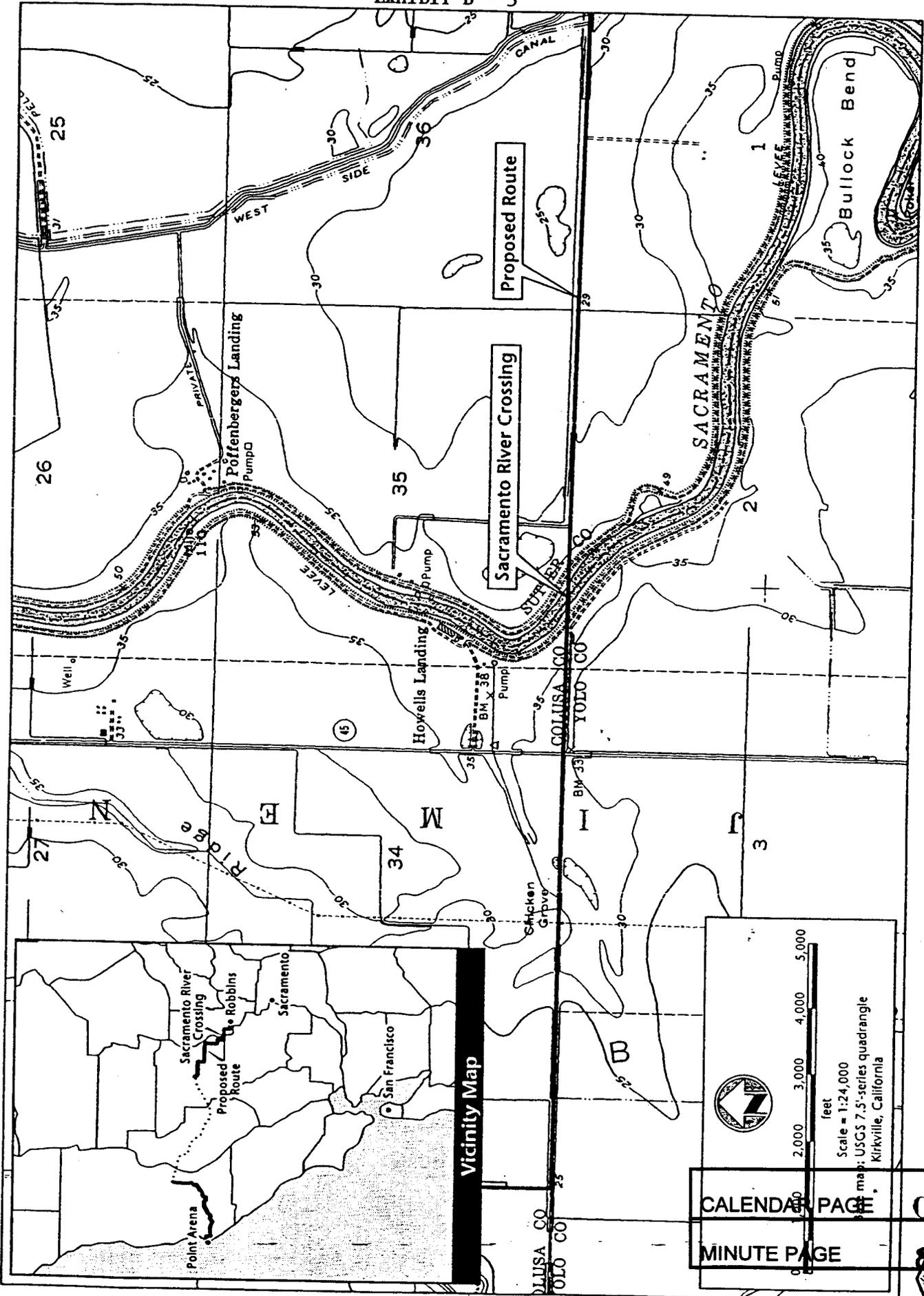
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map: USGS 7.5-series quadrangle
Sacramento West, California

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Location of Sacramento River Crossing at Howells Landing

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