MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to Ø at its 2-5-01
meeting.

CALENDAR ITEM
C12

A 33

S 18

02/05/01
WP 8168
B. Dugal

AMENDMENT OF
PERMIT FOR A TELEPHONE LINE RIGHT OF WAY

PERMITTEE:

Global West Network, Inc.
600 West Broadway, #1200
San Diego, California 92101

AREA, LAND TYPE, AND LOCATION:

76 acres, more or less, of sovereign lands in the Pacific Ocean, with cable landing points in San Francisco, Santa Cruz, Monterey, San Luis Obispo and Santa Barbara counties.

AUTHORIZED USE:

The construction, installation, operation, maintenance, and use of five five-inch steel conduits and one fiber optic cable for use in connection with or to facilitate communication by telephone.

PERMIT TERM:

Continuous use, beginning April 20, 2000, unless sooner terminated as provided in the Permit.

CONSIDERATION:

Public benefit derived from Permittee's acceptance of franchise obligations pursuant to Section 7901 of the Public Utilities Code.

PROPOSED AMENDMENT:

Amend the proposed beach landing site in San Luis Obispo County for one fiber optic cable and two conduits. All other terms and conditions of the Permit shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has applied for the right to use the uplands adjoining the permit premises.
2. On April 20, 2000, the California State Lands Commission (CSLC) adopted an Environmental Impact Report (EIR) and authorized the issuance of Permit No. PRC 8168.9 to Global Photon Systems, Inc., as a rent-free Right of Way Permit pursuant to Public Utilities Code Section 7901 (PUC §7901).

3. On June 26, 2000, the CSLC approved the 100% assignment of Permit No. PRC 8168.9 from Global Photon Systems, Inc., to Global West Network, Inc., effective July 1, 2000.

4. The approved landing site for the San Luis Obispo cable landing, as depicted on Exhibit A, was to be located at the Chevron Estero Marine Terminal located near the City of Morro Bay. However, the Permittee and Chevron have been unable to come to terms and Chevron has decided not to pursue further negotiations with the Permittee.

5. Pursuant to the Permit terms and conditions, and prior to commencement of work, the Permittee is required to secure the written authorization from the adjacent upland landowners for access and for the construction and maintenance of the project improvements that are associated with the Permit. Further, the Permittee is required to provide copies of the authorizations to the CSLC. Since the Permittee has been unable to come to terms regarding the improvements to be located on Chevron's property, the Permittee proposes to delete the previously authorized landing site and amend the proposed landing site for the fiber optic cable and two conduits.

6. The proposed alternative landing site, as depicted on Exhibit B attached, was analyzed and reviewed in the EIR which was adopted by the CSLC at the April 20, 2000, Commission meeting.

7. Due to concerns raised at the April 20, 2000, Commission meeting, the CSLC conditioned its authorization regarding the issuance of the Permit to the Permittee with the understanding that the Permittee would have to resolve issues raised concerning the Monterey Bay National Marine Sanctuary. The Permittee is proposing to install two conduits, one within the "North Landing" and one at the "South Landing" which are shown on

the attached Exhibit B. The Permittee intends to pull cable into the "South Landing" conduit only. Once the Permittee has secured the appropriate authorizations to lay cable north of the Morro Bay area, the Permittee will be required to amend the Permit in order to pull cable through the north conduit.

8. The property lying immediately landward of and adjacent to State lands is under the control and ownership of the State of California, Department of Parks and Recreation (Parks), at Morro Strand State Beach. The Permittee has submitted an application to Parks seeking authorization to cross Parks' property. The Permittee and Parks are currently in negotiations and Parks' staff anticipates authorization will be given to the Permittee.

9. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff prepared an EIR identified as CSLC EIR No. 692, State Clearinghouse No. 99021067. Such EIR was certified and a Mitigation Monitoring Program was adopted by the CSLC on April 20, 2000.

10. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15091) were also adopted at the April 20, 2000, CSLC meeting.

11. 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:

US Army Corps of Engineers, State Water Resources Control Board, and California Coastal Commission

FURTHER APPROVALS REQUIRED:

California Department of Parks and Recreation and City of Morro Bay

EXHIBIT:

A. Site Maps – Morro Bay – South and North End
B. Site Maps – Morro Bay South and North Landing

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT AN EIR NO. 692, STATE CLEARINGHOUSE NO. 99021067, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THAT THE EIR REFLECTS THE COMMISSION'S INDEPENDENT JUDGMENT AND ANALYSIS.

ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE REGULATIONS, SECTION 15091, AS ADOPTED BY THE COMMISSION APRIL 20, 2000, AND ON FILE AT THE SACRAMENTO OFFICE OF THE COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, AS ADOPTED BY THE COMMISSION APRIL 20, 2000, AND ON FILE AT THE SACRAMENTO OFFICE OF THE COMMISSION.

DETERMINE THAT THE PROPOSED PROJECT AMENDMENT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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.

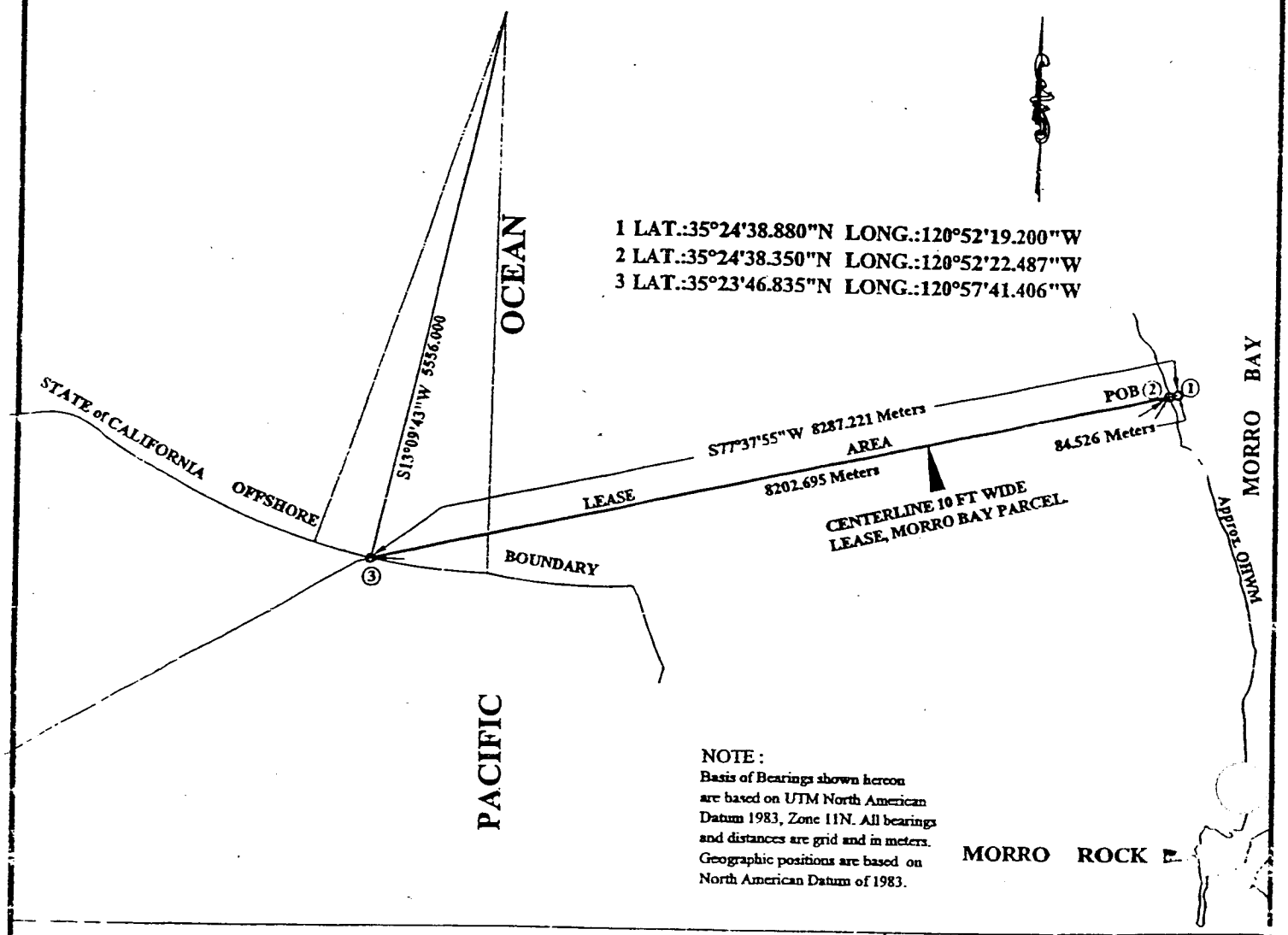
AUTHORIZATION:

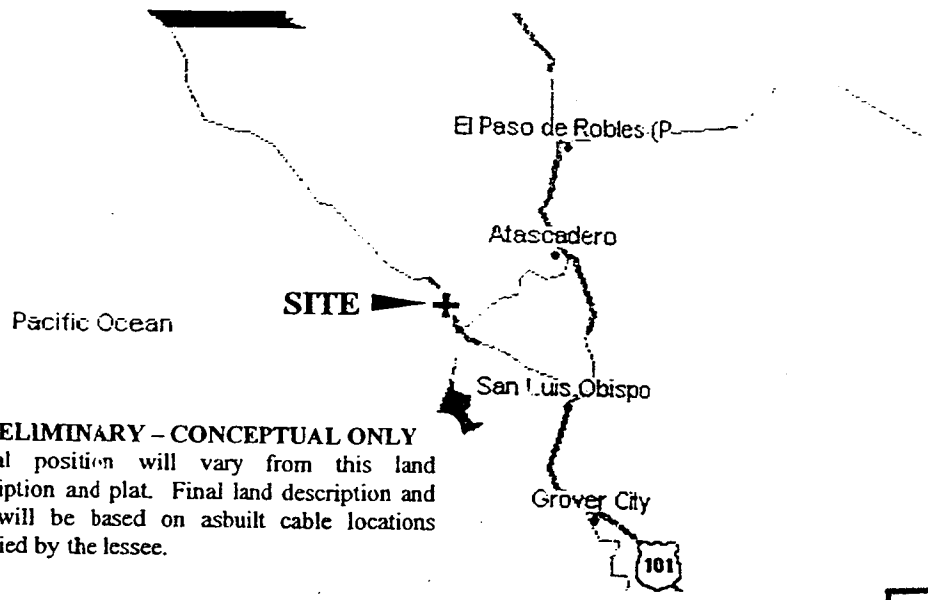
AUTHORIZE THE AMENDMENT OF A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, PERMIT NO. PRC 8168.9, TO DELETE THE LANDS DESCRIBED AND SHOWN ON EXHIBIT A, ATTACHED BY THIS REFERENCE MADE A PART HEREOF, AND TO AMEND THE PERMIT TO INCLUDE THE LANDS DESCRIBED AND SHOWN ON EXHIBIT B, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, AUTHORIZE THE INSTALLATION, MAINTENANCE AND OPERATION OF THE FOLLOWING IMPROVEMENTS WITHIN THE LANDS DESCRIBED ON EXHIBIT B: ONE FIVE-INCH STEEL CONDUIT

CONTAINING ONE FIBER OPTIC CABLE WITHIN THE "SOUTH LANDING" AND ONE FIVE-INCH STEEL CONDUIT ONLY IN THE "NORTH LANDING"; EFFECTIVE FEBRUARY 5, 2001, ALL OTHER TERMS AND CONDITIONS OF THE PERMIT WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE MAP





PRELIMINARY – CONCEPTUAL ONLY
Actual position will vary from this land description and plat. Final land description and plat will be based on asbuilt cable locations supplied by the lessee.

EXHIBIT A

W25454
GLOBAL PHOTON SYSTEMS INC
SANTA BARBARA TO SAN LUIS OBISPO NORTH END

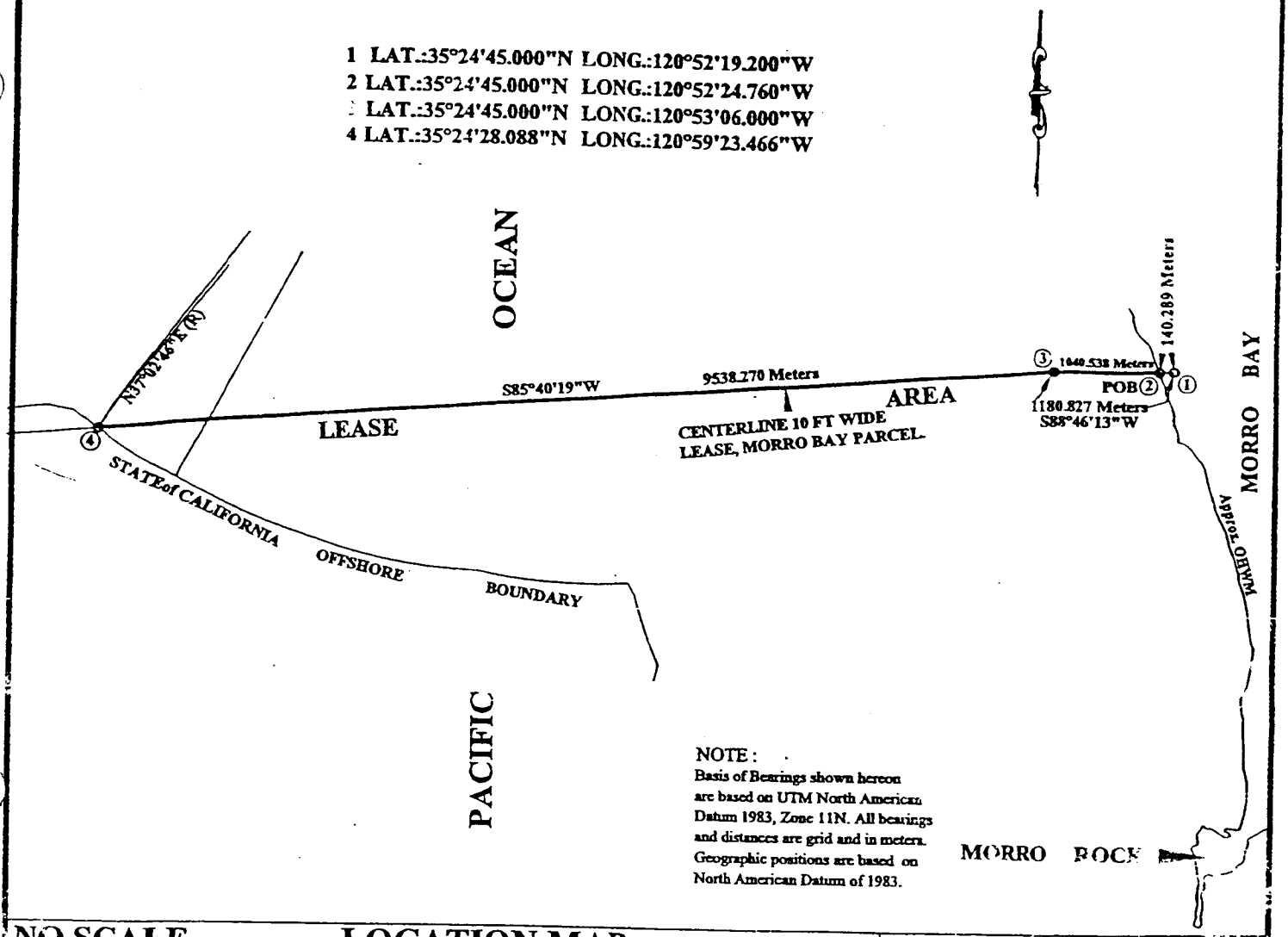
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

CALENDAR PAGE 000069
MINUTE PAGE 000096

NO SCALE

SITE MAP

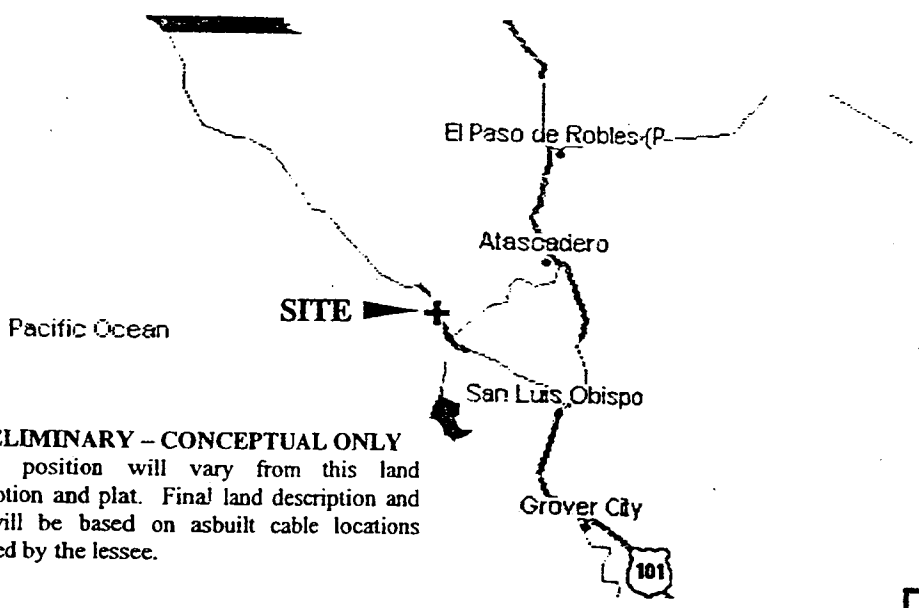
1 LAT.:35°24'45.000"N LONG.:120°52'19.200"W
2 LAT.:35°24'45.000"N LONG.:120°52'24.760"W
3 LAT.:35°24'45.000"N LONG.:120°53'06.000"W
4 LAT.:35°24'28.088"N LONG.:120°59'23.466"W



NOTE:
Basis of Bearings shown hereon are based on UTM North American Datum 1983, Zone 11N. All bearings and distances are grid and in meters. Geographic positions are based on North American Datum of 1983.

NO SCALE

LOCATION MAP



PRELIMINARY – CONCEPTUAL ONLY
Actual position will vary from this land description and plat. Final land description and plat will be based on asbuilt cable locations supplied by the lessee.

EXHIBIT A
W25454
GLOBAL PHOTON SYSTEMS INC
MORRO BAY TO MONTEREY SOUTH END

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CALENDAR PAGE 000070
MINUTE PAGE 000097

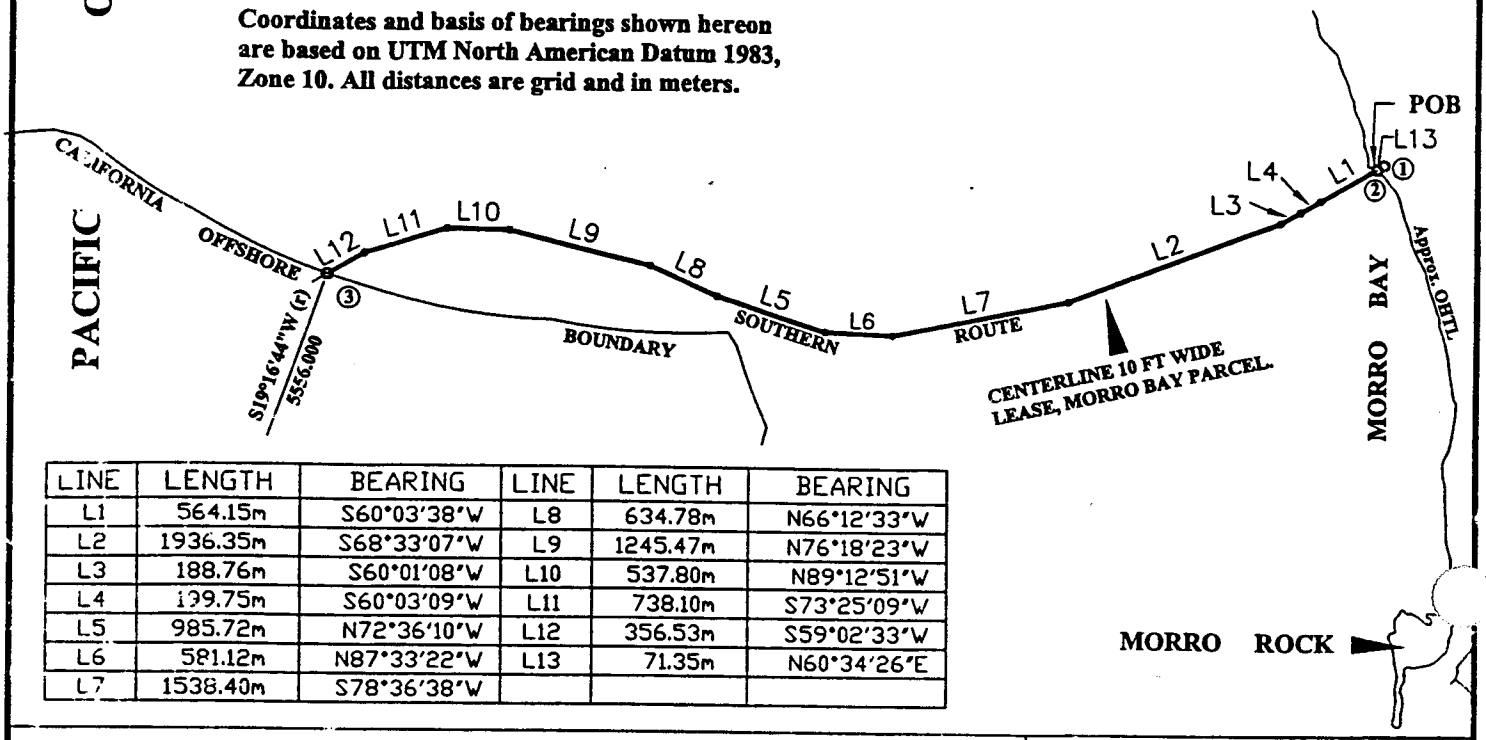
NO SCALE

SITE MAP

1 LAT: 35°24'22.500"N LONG: 120°52'12.420"W MANHOLE
2 LAT: 35°24'21.392"N LONG: 120°52'14.891"W POB
3 LAT: 35°23'54.974"N LONG: 120°58'12.263"W END OF LEASE CA OFFSHORE BNDY

NOTE

Coordinates and basis of bearings shown hereon are based on UTM North American Datum 1983, Zone 10. All distances are grid and in meters.



LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	564.15m	S60°03'38"W	L8	634.78m	N66°12'33"W
L2	1936.35m	S68°33'07"W	L9	1245.47m	N76°18'23"W
L3	188.76m	S60°01'08"W	L10	537.80m	N89°12'51"W
L4	199.75m	S60°03'09"W	L11	738.10m	S73°25'09"W
L5	985.72m	N72°36'10"W	L12	356.53m	S59°02'33"W
L6	581.12m	N87°33'22"W	L13	71.35m	N60°34'26"E
L7	1538.40m	S78°36'38"W			

LOCATION MAP

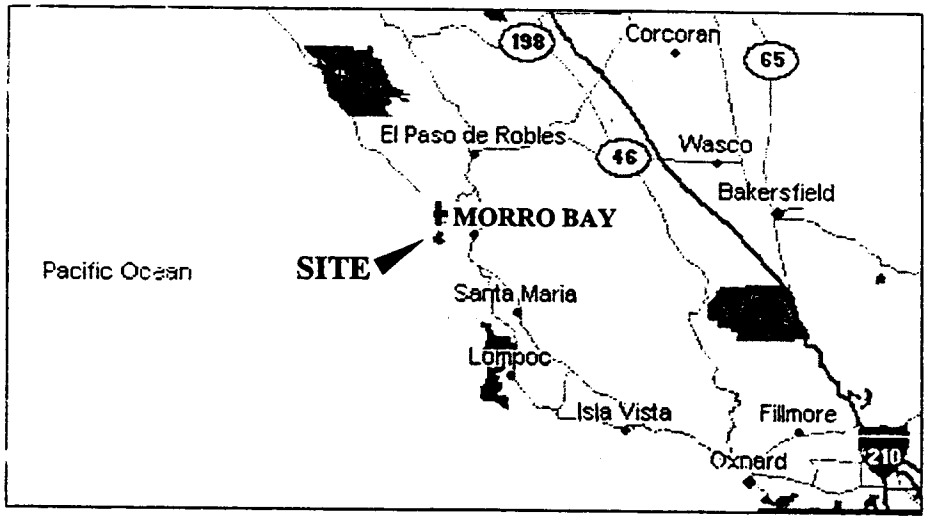
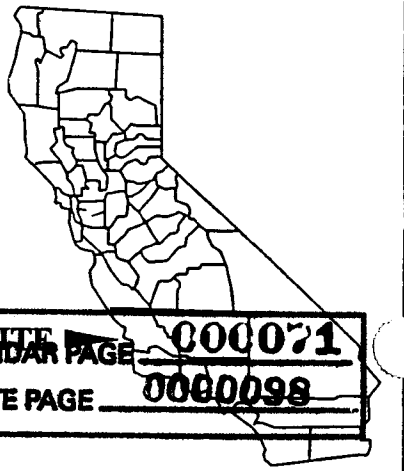


EXHIBIT B
PRC 8168.9
GLOBAL WEST NETWORK INC
SAN LUIS OBISPO
SOUTH LANDING



CALENDAR PAGE 000071
MINUTE PAGE 000098

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SCL 1/2001

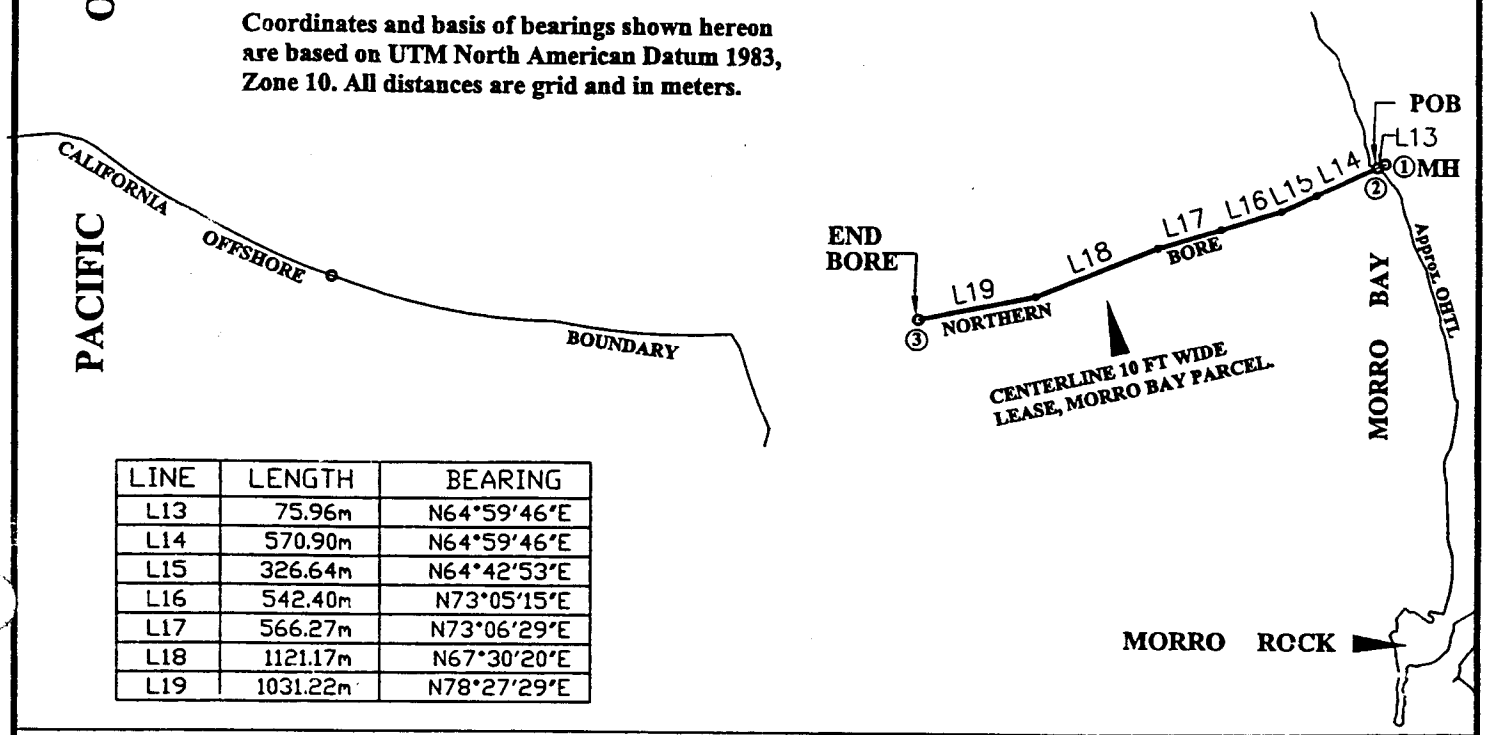
NO SCALE

SITE MAP

1 LAT: 35°24'22.500"N LONG: 120°52'12.420"W MANHOLE
2 LAT: 35°24'21.507"N LONG: 120°52'15.175"W POB
3 LAT: 35°23'40.800"N LONG: 120°54'51.600"W END BORE

NOTE

Coordinates and basis of bearings shown hereon are based on UTM North American Datum 1983, Zone 10. All distances are grid and in meters.



LINE	LENGTH	BEARING
L13	75.96m	N64°59'46"E
L14	570.90m	N64°59'46"E
L15	326.64m	N64°42'53"E
L16	542.40m	N73°05'15"E
L17	566.27m	N73°06'29"E
L18	1121.17m	N67°30'20"E
L19	1031.22m	N78°27'29"E

LOCATION MAP

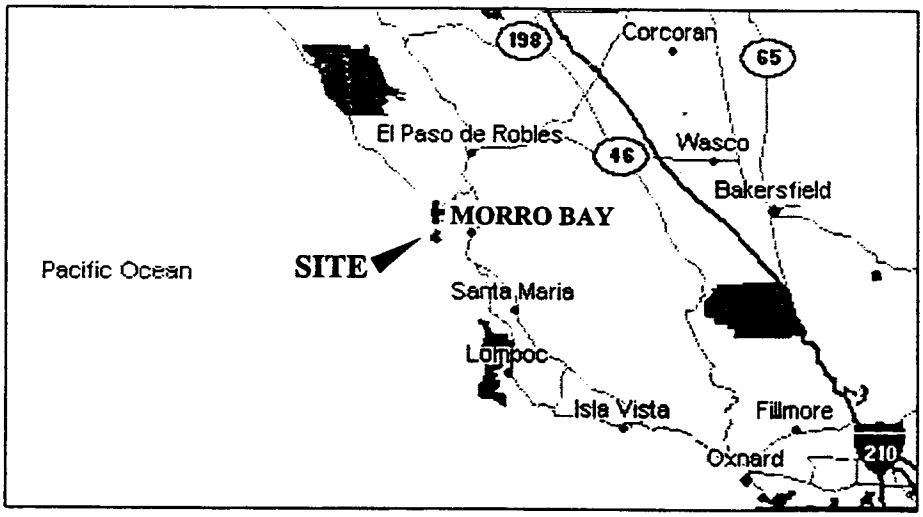


EXHIBIT B
PRC 8168.9
GLOBAL WEST
NETWORK INC
SAN LUIS OBISPO
NORTH LANDING

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CALENDAR PAGE 000072
MINUTE PAGE 0000099

Sheet 2 of 2

SCL 1/2001