

**MINUTE ITEM**

This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 4-24-01 meeting.

**CALENDAR ITEM  
C38**

A 34  
S 17

April 24, 2001  
PRC 8156 WP 8156  
D. Jones

**NON-EXCLUSIVE RIGHT OF WAY LEASE**

**LESSEE:**

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

**AREA, LAND TYPE, AND LOCATION:**

0.47 acres of school lands located in Section 36, T 15 N, R 7 E, SBM, near Barstow, San Bernardino County.

**AUTHORIZED USE:**

The installation, operation, maintenance and use of 12 uncased high-density polyethylene (HDPE) innerducts, one of which will contain one fiber optic cable with approximately 144 fibers.

**LEASE TERM:**

Ten years, beginning April 1, 2001.

**CONSIDERATION:**

\$426 per year; subject to modification by Lessor as specified in Section 2 - Special Provisions and Paragraph 2(b) of Section 4 - General Provisions.

**SPECIFIC LEASE PROVISIONS:**

Insurance:  
\$1,000,000 Combined Single Limit

Bond:  
\$10,000

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CALENDAR ITEM NO. C38 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Section 36, T15N, R7E, SBM, near Silver Lake, San Bernardino County, is State-owned school land under the Commission's jurisdiction.
2. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Bureau of Land Management. The document was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072 (a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.
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. Level 3 Communications, LLC is constructing a national long-haul network for the transmission of voice and data services. The proposed project is part of the San Bernardino, California, to Las Vegas, Nevada, segment and will be approximately 256 miles in length. It will begin at Lessee's San Bernardino Terminal, end at its Las Vegas Terminal, and will be constructed within existing utility, roadway, and railroad right of ways.

The innerducts and the fiber optic cable will be installed underground in a trench which will measure approximately two feet wide and four feet deep with a minimum cover of 42 inches. The lease will authorize a 12-foot right of way.

5. The proposed project is contained within the area of the proposed expansion of the Fort Irwin National Training Center, East Gate Expansion Area. This lease contains a provision that should a sale or exchange of the school land parcel take effect, the lease will terminate.

CALENDAR ITEM NO. C38 (CONT'D)

**APPROVALS OBTAINED:**

Federal Bureau of Land Management, U. S. Fish and Wildlife Service, U. S. Army Corps of Engineers, California Department of Fish and Game, County of San Bernardino.

**EXHIBITS:**

- A-1. Lease Description
- A-2. Site Map
- B. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

August 1, 2001

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES BUREAU OF LAND MANAGEMENT, MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

**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 ISSUANCE TO LEVEL 3 COMMUNICATIONS, LLC, OF A GENERAL LEASE - NON-EXCLUSIVE RIGHT OF WAY USE, BEGINNING APRIL 1, 2001, FOR A TERM OF TEN YEARS, FOR THE INSTALLATION, OPERATION, MAINTENANCE AND USE OF 12 UNCASED HIGH-DENSITY POLYETHYLENE INNERDUCTS, ONE OF WHICH WILL CONTAIN ONE FIBER OPTIC CABLE WITH APPROXIMATELY 144 FIBERS ON THE LAND SHOWN AND

CALENDAR ITEM NO. C38 (CONT'D)

DESCRIBED ON EXHIBITS A-1 AND A-2 ATTACHED AND BY REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$426, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000; SURETY IN THE AMOUNT OF \$10,000.

EXHIBIT A-1

LEGAL DESCRIPTION  
FOR  
COMMUNICATION SYSTEMS LEASE

THAT PORTION OF SECTION 36, TOWNSHIP 15 NORTH, RANGE 7 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 12-FOOT WIDE STRIP OF LAND LYING 6-FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE ALONG THE WEST LINE THEREOF SOUTH 00°10'52" EAST A DISTANCE OF 998.55 FEET TO A POINT LYING 195.00 FEET NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHEASTERLY LINE OF THE INTERMOUNTAIN POWER AUTHORITY RIGHT-OF-WAY AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 62, PAGES 6 THROUGH 16, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 53°08'17" EAST, PARALLEL WITH SAID SOUTHEASTERLY RIGHT-OF-WAY, A DISTANCE OF 1702.56 FEET TO THE NORTHERLY LINE OF SAID SECTION 36 AND THE POINT OF TERMINUS OF SAID STRIP OF LAND.

THE SIDELINES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE SOUTHWESTERLY ON THE WEST LINE OF SAID SECTION 36 AND NORTHEASTERLY ON THE NORTH LINE OF SAID SECTION 36.

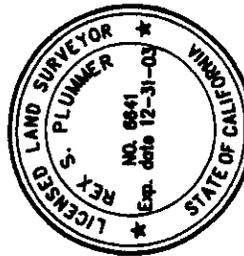


*[Handwritten Signature]* 1/10/2001  
\_\_\_\_\_  
REX S. PLUMMER DATE  
LS 6641  
EXPIRATION DATE 12/31/03

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MINUTE PAGE 0000850

EXHIBIT A-2

SCALE: 1" = 200'



*[Signature]*  
REX S. PLUMMER, L.S. 6641  
REGISTRATION EXPIRES 12/31/2003

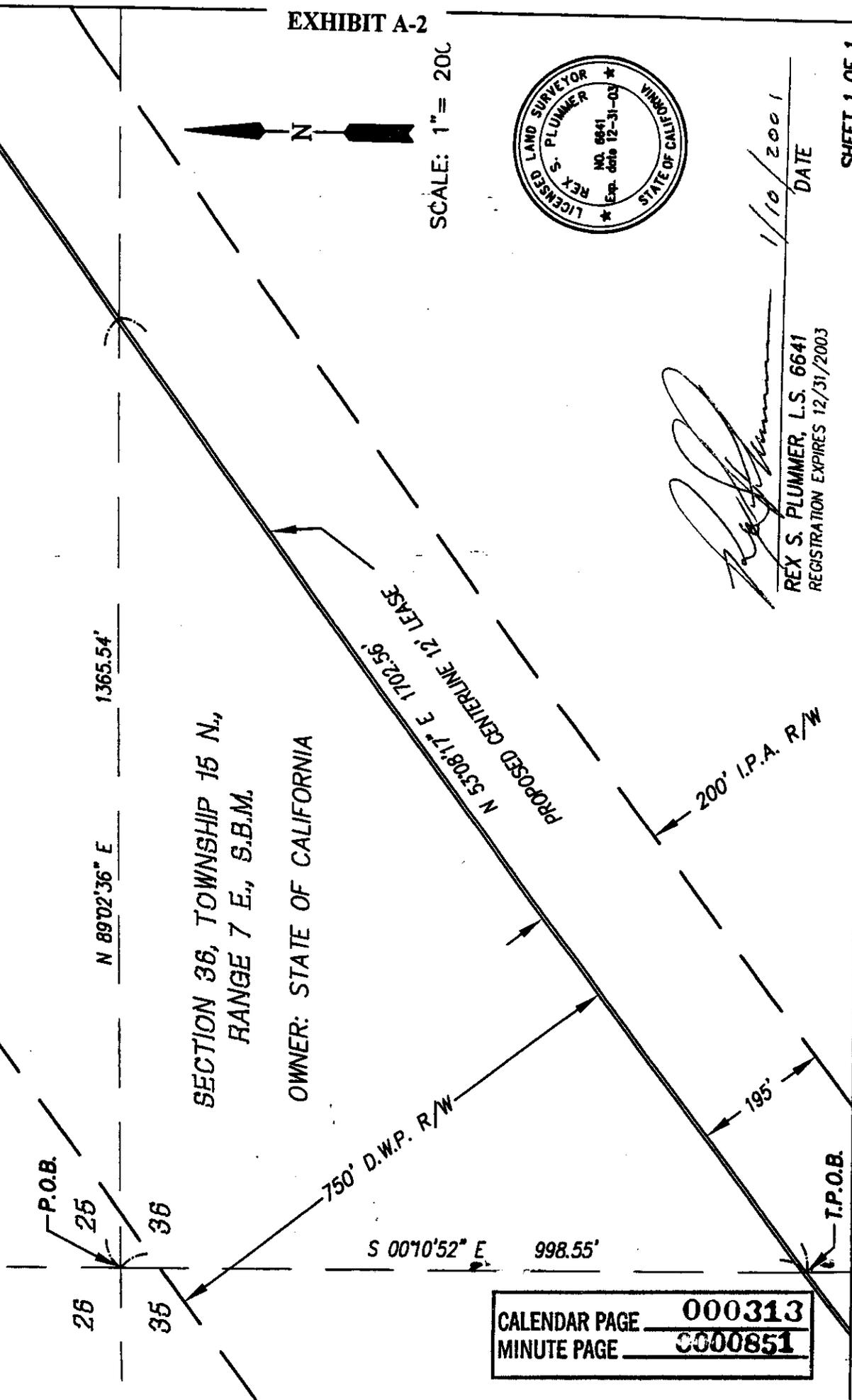
11/10/2001  
DATE

DATE: 04-13-00 JOB NUMBER: 1473.90 DRAWN BY KP, CHECKED BY SH

**Project Design Consultants**  
PLANNING ENGINEERING SURVEYING  
701 "B" Street, Suite 800, San Diego, Ca. 92101  
619-235-6471 FAX 234-0349

TITLE:  
AN EXHIBIT FOR A LEASE  
CLIENT:  
LEVEL 3 COMMUNICATIONS, LLC

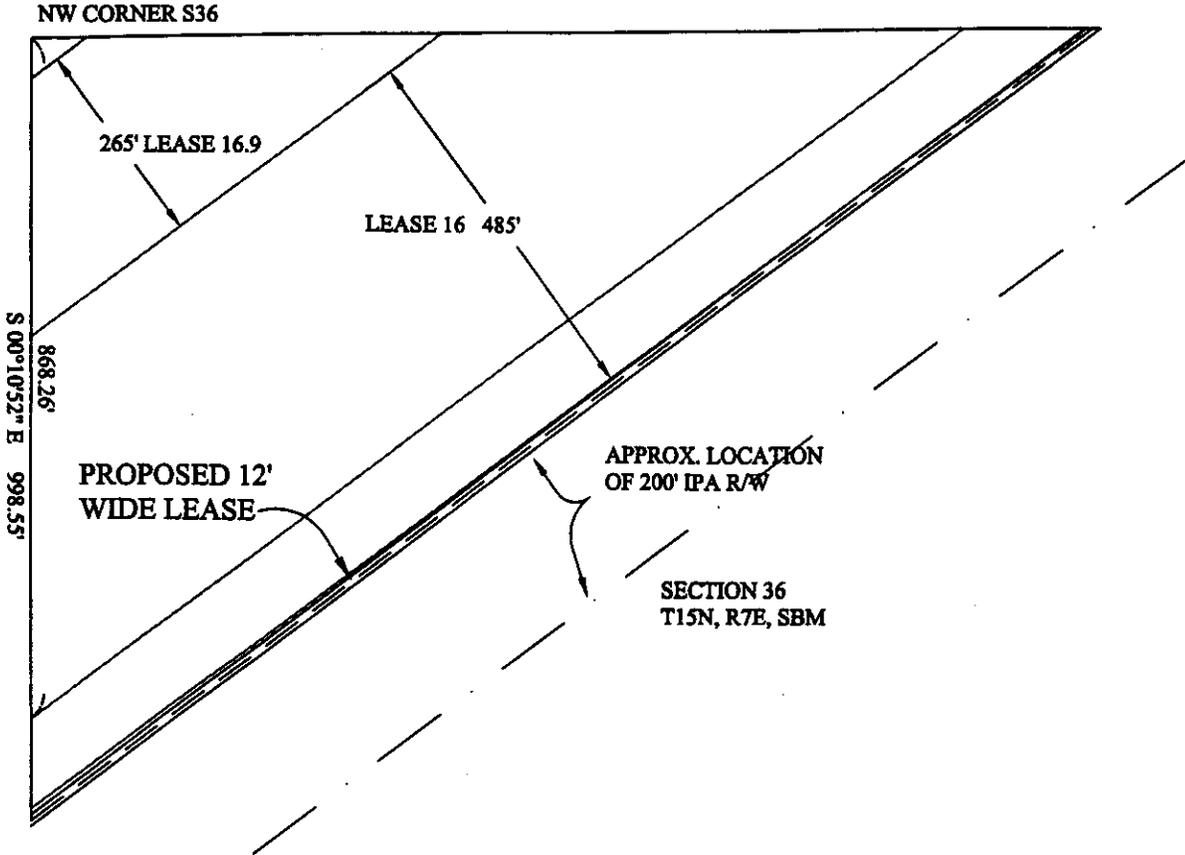
**LEGEND**  
I.P.A. INTERMOUNTAIN POWER AUTHORITY  
D.W.P. DEPARTMENT OF WATER AND POWER



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NO SCALE

# SITE MAP



Northwest 1/4 of Section 36, Township 15 North, Range 7 East, SBM

NO SCALE

# LOCATION MAP

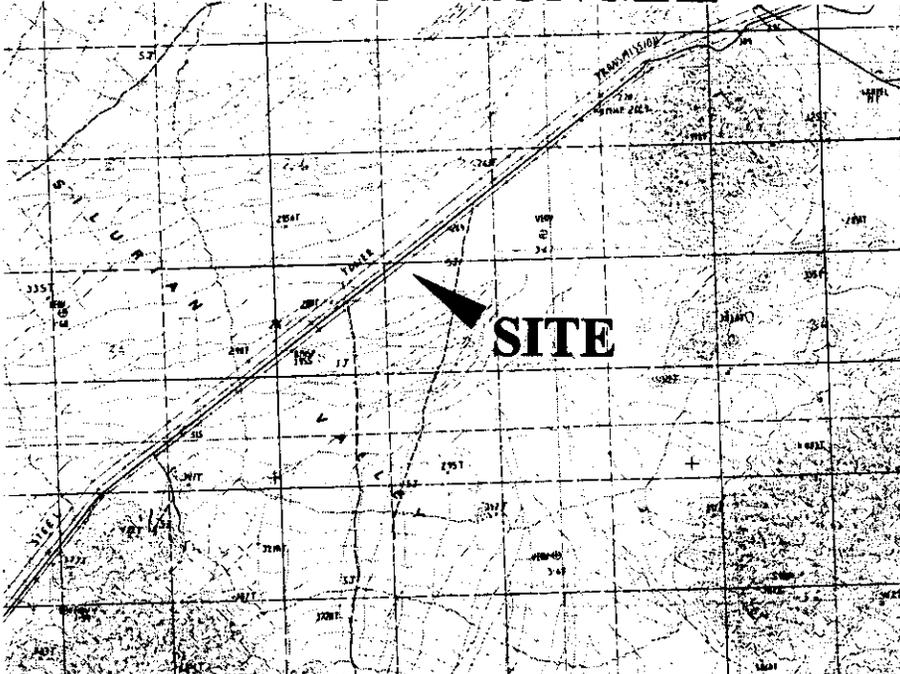
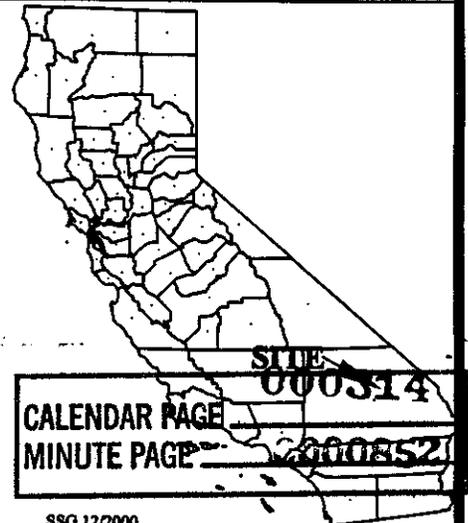


Exhibit B  
 PRC 8156.9  
 Level 3 Communication  
 School Lands  
 SAN BERNARDINO COUNTY



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 or limitation of any state interest in the subject or any other property.