

**CALENDAR ITEM
C63**

A 35
S 17

02/09/16
PRC 8141.1
R. Collins

REVISION OF RENT

LESSEE:

MFS Globenet, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, offshore of Montana de Oro State Park, San Luis Obispo County.

AUTHORIZED USE:

Use and maintenance of one six-inch diameter steel conduit and one fiber optic cable.

LEASE TERM:

15 years, beginning February 8, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$116,361 per year to \$128,377 per year, effective February 8, 2016.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the upland adjacent to the Lease premises.
2. On October 29, 2010, the Commission authorized a General Lease – Non Exclusive Right-of-Way Use to MFS Globenet, Inc., for a term of 15 years, for the continued use and maintenance of one six-inch diameter steel conduit and one fiber optic cable. The cable is a portion of the Japan-US Segment 1 fiber optic cable system. The lease will expire on February 7, 2025.
3. The lease includes a condition requiring cable burial inspection surveys to be performed every five years. The most recent burial inspection surveys were conducted in the fall of 2015, and staff is in the process of reviewing

CALENDAR ITEM NO. **C63** (CONT'D)

the results. The lease does not include oil or gas pipelines that might release product into the environment, however, surveys are required to verify that the cables remain buried and are not a threat to commercial and recreational fishing. The 2010 surveys of this line did not show any exposed cables.

4. This proposed action is consistent with Strategy 2.1 of the Commission's Strategic Plan, to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.
5. Approving the revision of rent is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

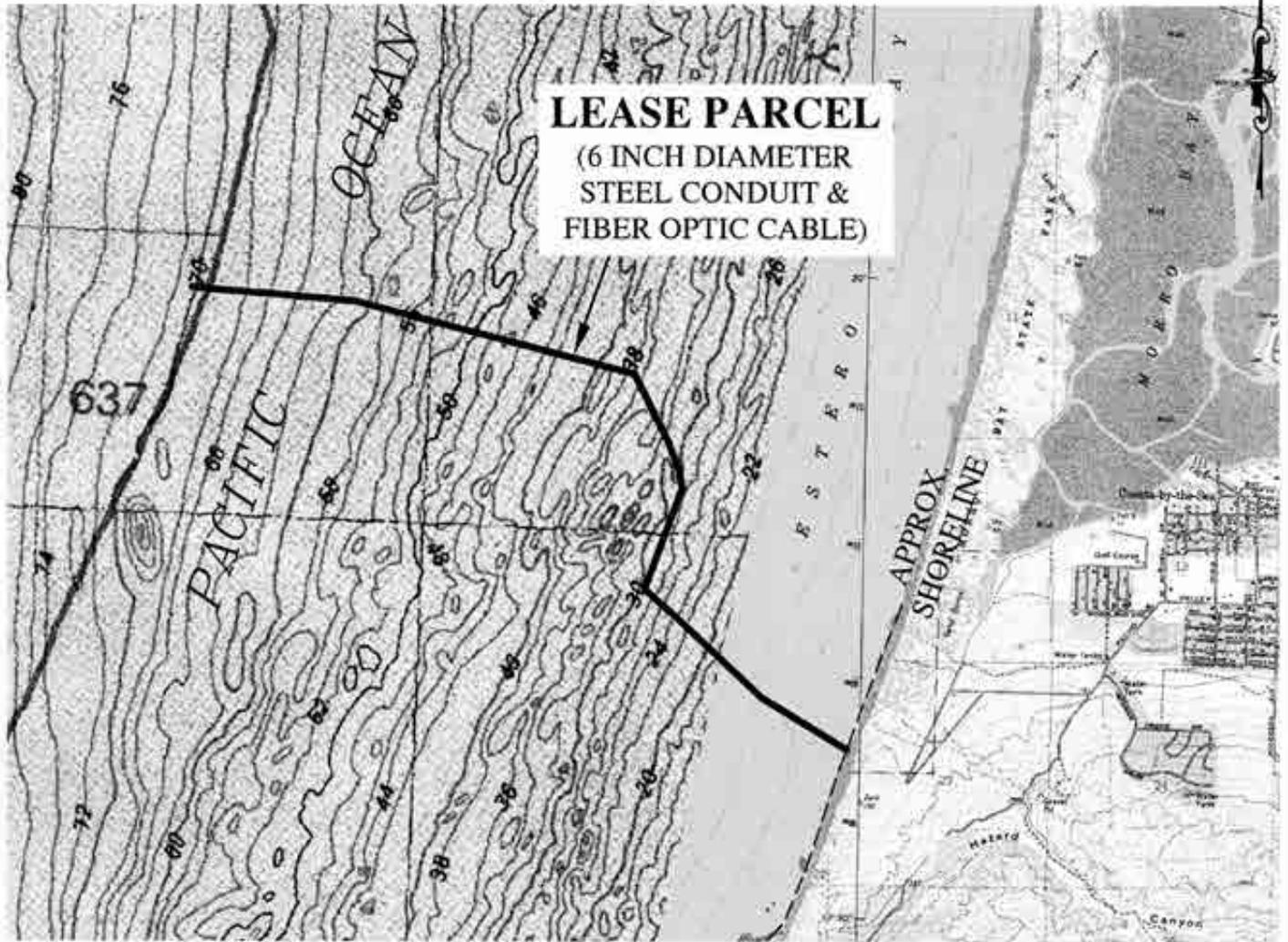
It is recommended that the Commission:

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8141.1 from \$116,361 per year to \$128,377 per year, effective February 8, 2016.

NO SCALE

SITE



OFFSHORE OF MONTANA DE ORO STATE PARK, PACIFIC OCEAN

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

Exhibit A

PRC 8141.1
MFS GLOBENET, INC.
GENERAL LEASE -
NON EXCLUSIVE
RIGHT-OF-WAY USE
SAN LUIS OBISPO COUNTY

