

**CALENDAR ITEM
C81**

A 33
S 16

06/28/16
W 26857
C. Hudson

GENERAL LEASE – RIGHT OF WAY USE

APPLICANT:

Pacific Bell Telephone Company, a California Corporation,
dba AT&T California, a California Corporation
7337 Trade Street, Room 5685
San Diego, CA 92121

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

1.40 acres, more or less, of State-owned school land within a portion of Section 36, Township 15 North, Range 8 East, SBM, near the unincorporated community of Baker, San Bernardino County.

AUTHORIZED USE:

Installation, use, and maintenance of one fiber optic communication cable encased in one of three direct-buried 1.5-inch-diameter high-density polyethylene fiber optic cable conduits, subsurface warning tape, marker posts, one buried access vault, and an existing access road.

LEASE TERM:

25 years, beginning June 28, 2016.

CONSIDERATION:

\$1,374 per year, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at each 10-year anniversary, as provided in the Lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$2,000,000 per occurrence, or equivalent staff-approved self-insurance program.

Bond: Surety bond or other security in an amount of \$10,000.

CALENDAR ITEM NO. **C81** (CONT'D)

Within 90 days of completion of construction, Lessee shall provide to Lessor a set of as-built drawings, a post-construction written narrative report, and revised Exhibits A and B describing the as-built location of the facilities. If the as-built location falls outside the lease Premises as described in the lease, revised Exhibits, if any, shall be incorporated into the Lease and shall supersede corresponding Exhibits upon review and written approval by Commission staff.

OTHER PERTINENT INFORMATION:

1. The Applicant is requesting authorization from the Commission to install one fiber optic communication cable encased in one of three direct-buried 1.5-inch-diameter high-density polyethylene fiber optic cable conduits, subsurface warning tape, marker posts, one buried access vault, and an existing access road (the Project) to support AT&T's Shoshone Central Office cellular network (Shoshone district) and the U.S. Army's Combat Training Center Instrumentation System-Range Communication System (CTC-IS RCS). These improvements, proposed to be located along State Route 127 from the unincorporated community of Baker to the U.S. Army National Training Center (NTC) at Fort Irwin in California, would total 12.25 acres, of which 1.40 acres will be located on State-owned school land within a portion of Section 36, Township 15 North, Range 8 East, SBM, near the unincorporated community of Baker in San Bernardino County.
2. The proposed Project consists of pulling the fiber optic communication cable through one of the conduits, leaving the other two conduits empty for future use.
3. Installation construction techniques will be based on terrain conditions and take into account any existing sensitive environmental constraints. The various construction techniques consist of cable plowing, trenching, and direction boring. It is anticipated that rubber-tired backhoe/loader, motor graders, vibrator compactors, and small bulldozers will be used to support backfilling. The proposed installation will not involve blocking or restricting any access routes. Equipment will be removed from the job site daily and be taken off site after every work day. The existing access road would remain open to the public and above-ground warning marker posts will be installed along the entire Project route during installation activities. The installation is expected to take approximately two months and be completed by the end of summer 2016.

CALENDAR ITEM NO. **C81** (CONT'D)

4. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
5. A Mitigated Negative Declaration, State Clearinghouse No. 2015041015, was prepared by San Bernardino County and adopted on March 2, 2016, for this Project. The Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by San Bernardino County.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the Project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

San Bernardino County

FURTHER APPROVALS REQUIRED:

U.S. Department of the Interior, Bureau of Land Management
U.S. Army Corps of Engineers
U.S. Department of Defense Fort Irwin
California Department of Fish and Wildlife
California Department of Transportation, District 9
California State Water Resources Control Board
California Regional Water Quality Control Board, Lahontan Region
Southern California Edison Company

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

CALENDAR ITEM NO. **C81** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2015041015, and a Mitigation Monitoring Program were prepared by San Bernardino County and adopted on March 2, 2016, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Right-of-Way Use to Pacific Bell Telephone Company, a California Corporation, dba AT&T California, a California Corporation, beginning June 28, 2016, for a term of 25 years, for the installation, use, and maintenance of one fiber optic communication cable encased in one of three direct-buried 1.5-inch-diameter high-density polyethylene fiber optic cable conduits, subsurface warning tape, marker posts, one buried access vault, and an existing access road as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,374 per year, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at each 10-year anniversary, as provided in the Lease; liability insurance in an amount no less than \$2,000,000 per occurrence, or equivalent staff-approved self-insurance program; and surety bond or other security in an amount of \$10,000.
2. Authorize the Executive Officer or her designee to replace Exhibits A and B, as needed, upon review of as-built plans, if the as-built location of the new fiber optic cable conduits and associated facilities falls outside the Lease Premises as described in the Lease on State-owned school land.

EXHIBIT A

W 26857

LAND DESCRIPTION

A strip of State School Land 10.00 feet in width lying 5.00 feet on each side of a fiber optic cable lying in Section 36, Township 15 North, Range 8 East, San Bernardino Base & Meridian, County of San Bernardino, State of California, the centerline of said strip of land more particularly described as follows:

Beginning at the Southeast corner of said Section 36 as shown on a map to the State of California Department of Public Works Division of Highways showing ungranted or sovereign lands of said State of California, Section 36, Township 15 North, Range 8 East, San Bernardino Base & Meridian, needed as a Right Of way for and for the protection of State Highway, Road VIII-S.B.D.-127-D, A66604-01, Approved July 1, 1946, the Easterly line of said Section 36 bears North 01° 44' East, Thence North 89° 30' West along the Southerly line of said Section 36, a distance of 2,183.86 feet to a point, said point being the **True Point of Beginning** of said centerline of said strip, said point also being the beginning of a curve concave Southwesterly having a radius of 50.00 feet, a radial line through said points bears North 79° 45' 35" East; Thence Northwesterly along said curve through a central angle of 39° 44' 16", a distance of 34.68 feet to point of reverse curve having a radius of 50.00 feet; Thence Northerly along said curve through a central angle of 42° 08' 51", a distance of 36.78 feet; Thence North 07° 29' 51" West, a distance of 1,054.20 feet to the beginning of a curve concave Easterly having a radius of 50.00 feet; Thence Northerly along said curve through a central angle of 08° 00' 56", a distance of 6.99 feet; Thence North 00° 31' 05" West, a distance of 33.89 feet to the beginning of a curve concave Westerly having a radius of 50.00 feet; Thence Northerly along said curve through a central angle of 06° 25' 50", a distance of 5.61 feet; Thence North 05° 54' 44" West, a distance of 102.93 feet to the beginning of a curve concave Easterly having a radius of 50.00 feet; Thence Northerly along said curve through a central angle of 12° 36' 58", a distance of 11.01 feet; Thence North 06° 42' 14" East, a distance of 42.09 feet to the beginning of a curve concave Westerly having a radius of 50.00 feet; Thence Northerly along said curve through a central angle of 14° 01' 35", a distance of 12.24 feet; Thence North 07° 19' 21" West, a distance of 198.82 feet; Thence North 00° 44' 56" West, a distance of 34.77 feet; Thence North 07° 11' 37" West, a distance of 132.07 feet the beginning of a non-tangent curve concave Westerly having a radius of 15,420.85 feet, a radial line through said points bears North 81° 49' 35" East; Thence Northerly and Northwesterly along said curve through a central angle of 01° 26' 20", a distance of 387.25 feet to the beginning of a non-tangent curve concave Westerly having a radius of 4,185.79 feet, a radial line through said points bears North 82° 36' 18" East;

Thence Northwesterly along said curve through a central angle of $07^{\circ} 35' 51''$, a distance of 555.04 feet; Thence North $15^{\circ} 14' 47''$ West, a distance of 114.60 feet to the beginning of a non-tangent curve concave Westerly having a radius of 3,362.77 feet, a radial line through said points bears North $74^{\circ} 26' 32''$ East; Thence Northwesterly along said curve through a central angle of $02^{\circ} 35' 53''$, a distance of 152.48 feet to the beginning of a non-tangent curve concave Westerly having a radius of 1,126.16 feet, a radial line through said points bears North $71^{\circ} 01' 37''$ East; Thence Northwesterly along said curve through a central angle of $03^{\circ} 58' 14''$, a distance of 78.04 feet to the beginning of a non-tangent curve concave Southwesterly having a radius of 2,077.30 feet, a radial line through said points bears North $66^{\circ} 49' 49''$ East; Thence Northwesterly along said curve through a central angle of $04^{\circ} 54' 41''$, a distance of 178.07 feet to the beginning of a non-tangent curve concave Southwesterly having a radius of 7,607.14 feet, a radial line through said points bears North $62^{\circ} 23' 27''$ East; Thence Northwesterly along said curve through a central angle of $01^{\circ} 55' 44''$, a distance of 256.10 feet to the beginning of a non-tangent curve concave Southwesterly having a radius of 2,505.73 feet, a radial line through said points bears North $61^{\circ} 23' 31''$ East; Thence Northwesterly along said curve through a central angle of $15^{\circ} 17' 53''$, a distance of 699.04 feet; Thence North $43^{\circ} 58' 46''$ West, a distance of 87.31 feet; Thence North $44^{\circ} 43' 04''$ West, a distance of 76.89 feet; Thence North $44^{\circ} 20' 30''$ West, a distance of 72.06 feet; Thence North $45^{\circ} 34' 53''$ West, a distance of 279.44 feet; Thence North $45^{\circ} 00' 48''$ West, a distance of 1,492.36 feet to a point on the Northerly line of said Section 36 and the TERMINUS of said centerline, said point lying North $89^{\circ} 30'$ West along the said Northerly line of said Section 36, a distance of 4,837.84 feet more or less from the Northeast Corner of said Section 36.

The sidelines of said 10 foot easement to be extended or shortened so as to terminate at said Southerly and Northerly lines of said Section 36.

END OF DESCRIPTION

Prepared by me or under my direction,

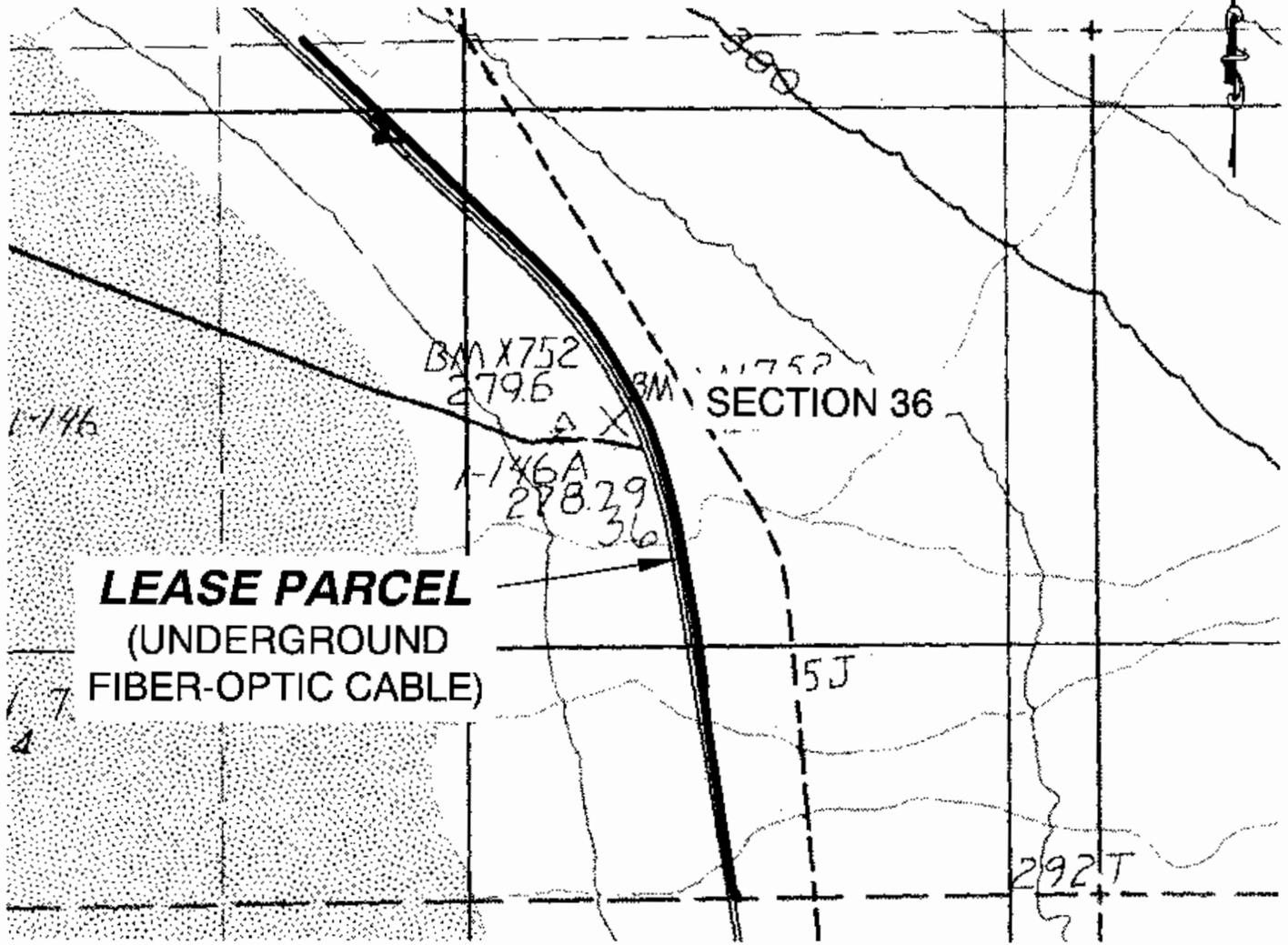


Michael A. Forkert, P.L.S. 5662

Dated this 21 day of May, 2015

NO SCALE

SITE



SECTION 36, T.15N., R.8E., S.B.B.&M.

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 B

W 26857

PACIFIC BELL TELEPHONE DBA
AT&T CORPORATION
APN 0544-221-20
GENERAL LEASE -
RIGHT-OF-WAY USE
SAN BERNARDINO COUNTY



TS 05/21/15

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
AT&T FIBER-OPTIC CABLE INSTALLATION PROJECT
HIGHWAY 127 BAKER TO FORT IRWIN NATIONAL TRAINING CENTER
(W26857, State Clearinghouse No. 2015041015)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the AT&T Fiber-Optic Cable Installation Project - Highway 127 Baker to Fort Irwin National Training Center (Project). The CEQA lead agency for the Project is San Bernardino County.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2015041015, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Impacts to native vegetation	MM-Vegetation-1	None
Impacts to sensitive plant species	MM-Vegetation-2	None
Impacts to burrowing owl	MM-Wildlife-1	None
Impacts to listed species	MM-Wildlife-2	None
Impacts to desert tortoise	MM-Wildlife-3	None
Impacts to listed animals	MM-Wildlife-4	None
Impacts to archaeological sites	MM-Cultural-1	See below
Impacts to paleontological resources	MM-Cultural-2	See below

MM-Cultural-1: Due to the presence of several archaeological sites within and in the immediate vicinity of the project area a qualified archaeological monitor and a trained Native American cultural monitor shall be present during all ground disturbing activities related to the project.

The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the State Lands Commission must be approved by the Commission.

MM-Cultural-2: To minimize the potential impacts to paleontological resources, a paleontological monitor should be present in areas with surficial geologic units of high sensitivity to monitor ground-disturbing activities.

The final disposition of paleontological resources recovered on State lands under the jurisdiction of the State Lands Commission must be approved by the Commission.

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
San Bernardino County**

D R A F T
MITIGATION MONITORING AND REPORTING PROGRAM
AT&T Fiber-Optic Cable Installation Project
Highway 127 Baker to Fort Irwin National Training Center

	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Method	Monitoring Compliance Record (Name/Date)
Biological Resources – Vegetation						
MM-Vegetation-1:	Where impacts to native vegetation may not be avoided, the seed bank and topsoil will be left intact, allowing for seeds of sensitive plants to remain in place, if present, and therefore germinate in the future. The seed bank and topsoil will be left intact utilizing the following method: <ul style="list-style-type: none"> • Within minimal use areas where equipment or vehicle tracks may make a single or few passes within vegetation, no grading will occur. Any tracks or ruts created by equipment passes will be raked or swept to carefully smooth out the topsoil. 	Contractor	During construction activities.	Biological monitor	Biological monitor to maintain daily monitoring logs.	
MM-Vegetation-2:	If sensitive plant species are observed within the Project Route and impacts cannot be avoided, the following measures would be implemented at the discretion of the biologist: <ul style="list-style-type: none"> • Healthy, sensitive plant species, suited for salvage and transplanting, and young perennial woody shrubs, would be salvaged and transplanted into suitable habitat outside the AT&T ROW. Salvaged plants would be kept in an onsite nursery under shade cloth and watered as needed based on soil moisture levels until translocation can occur. • Seeds from sensitive annual plant species or other individuals that cannot be salvaged would be collected and dispersed into the AT&T ROW after construction and when no further ground disturbance is expected. • If transplanting and seed collection are not possible, the contractor would bore under sensitive plant species populations within the AT&T ROW to avoid impacts, to the greatest extent possible. • If transplanting and seed collection are not possible, the contractor will salvage the top 4 inches of soil (topsoil), as described in the Project approved Vegetation Restoration Plan, from vegetated areas within the disturbance area. The topsoil will be replaced once construction is complete in that area. 	Biological Monitor/Contractor	During construction activities.	Biological monitor	Biological monitor to maintain daily monitoring logs.	
Biological Resources – Wildlife						
MM-Wildlife-1:	In the event that a burrowing owl is found present within or near the Project ROW during the burrowing owl nonbreeding season (September 1 to January 31) and if avoidance is not possible, a Burrowing Owl Mitigation and Monitoring Plan shall be submitted to CDFW for review and approval prior to relocation of owls. The Burrowing Owl Mitigation and Monitoring Plan shall describe proposed relocation and monitoring plans. The plan shall include the number and location of occupied burrow sites and details on adjacent or nearby suitable habitat available to owls for relocation. <ul style="list-style-type: none"> • If no suitable habitat is available nearby for relocation, details regarding the creation of artificial burrows (numbers, location, and type of burrows) shall also be included in the plan. The Plan shall also describe proposed offsite areas to preserve to compensate for impacts to burrowing owls/occupied burrows on the Project. • As compensation for the direct loss of burrowing owl nesting and foraging habitat, the Applicant shall mitigate by acquiring and permanently protecting 6.5 acres calculated on a 10-meter foraging radius of known burrowing owl nesting and foraging habitat for every pair or unpaired burrowing owl impacted by the project (those owls that required relocation because their burrows were directly impacted). The Applicant shall set-up a nonwasting endowment account for the long-term management of the preservation site for burrowing owls. The site shall be managed for the benefit of burrowing owls. The preservation site, site management, and endowment shall be approved by CDFW. 	Biological Monitor	Prior to and during construction activities	Biological monitor	Biological monitor to maintain daily monitoring logs.	
MM-Wildlife-2:	If an injury or death of a listed species should occur due to Project activities, the biologist shall notify BLM immediately and no later than 24 hours following the incident, including: <ul style="list-style-type: none"> • The date and time of the finding or incident (if known) • Location of the carcass or injured animal • A photograph, cause of death, if known, and any other pertinent information 	Biological Monitor	During construction activities	Biological monitor	Biological monitor to maintain daily monitoring logs.	

D R A F T
MITIGATION MONITORING AND REPORTING PROGRAM
AT&T Fiber-Optic Cable Installation Project
Highway 127 Baker to Fort Irwin National Training Center

	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Method	Monitoring Compliance Record (Name/Date)
MM-Wildlife-3:	<p>Upon locating a desert tortoise dead or injured as a result of project activities, the biologist shall notify BLM, CDFW, and USFWS in writing within five days of the finding. If a tortoise is killed by project activities, it shall be salvaged according to Salvaging Injured, Recently Dead, Ill, And Dying Wild, Free-Roaming Desert Tortoise (<i>Gopherus agassizii</i>) prepared by Kristin Berry, June 2001. The permittee shall pay to have these tortoises necropsied. The information provided will include:</p> <ul style="list-style-type: none"> • The date and time of the finding or incident (if known) • Location of the carcass or injured animal • General circumstances under which it was found • A photograph, cause of death, if known, and any other pertinent information 	Biological Monitor	During construction activities	Biological monitor	Biological monitor to maintain daily monitoring logs.	
MM-Wildlife-4:	Listed animals injured by project activities shall be transported by the authorized biologist to the nearest qualified veterinarian for treatment. Costs incurred for treatment will be paid for by AT&T. If the animal recovers, CDFW and USFWS will be contacted for final disposition of the animal.	Biological Monitor	During construction activities	Biological monitor	Biological monitor to maintain daily monitoring logs.	
Cultural Resources						
MM-Cultural-1:	<ul style="list-style-type: none"> • Due to the presence of several archaeological sites within and in the immediate vicinity of the project area a qualified archaeological monitor and a trained Native American cultural monitor shall be present during all ground disturbing activities related to the project. 	Archaeological Monitor	Prior to and during construction activities	Archaeological monitor	Archaeological monitor to maintain daily monitoring logs.	
MM-Cultural-2:	<ul style="list-style-type: none"> • To minimize the potential impacts to paleontological resources, a paleontological monitor should be present in areas with surficial geologic units of high sensitivity to monitor ground-disturbing activities. 	Paleontological Monitor	Prior to and during construction activities	Paleontological monitor	Paleontological monitor to maintain daily monitoring logs.	