

MINUTE ITEM

This Calendar Item No. C30 was approved as Minute Item No. 30 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM

C30

A 8
S 4

02/09/06
PRC 8104.9
D. Jones

**RESCISSION OF COMMISSION'S SEPTEMBER 3, 1999
AUTHORIZATION FOR MINUTE ITEM 23, PERMIT FOR TELEPHONE
LINE RIGHT OF WAY**

PERMITEE:

TCG San Francisco
1350 Treat Blvd., Suite 500
Walnut Creek, California 94596

AREA, LAND TYPE, AND LOCATION:

0.30 acres, more or less, of tide and submerged lands in the Sacramento River adjacent to the Tower Bridge, near the cities of Sacramento and West Sacramento, Sacramento and Yolo counties.

AUTHORIZED USE:

Directional boring, placement and maintenance of an eight-inch black steel pipe casing containing 13, 1.25-inch diameter innerducts.

LEASE TERM:

Continuous use plus one year, beginning September 1, 1999.

CONSIDERATION:

No consideration since a public benefit is derived from franchise obligations pursuant to section 7901 of the Public Utilities Code.

OTHER PERTINENT INFORMATION:

1. On September 3, 1999, the Commission issued a Permit for a Telephone Line Right of Way to TCG San Francisco to install a fiber optic cable under the Sacramento River near the Tower Bridge, cities of Sacramento and West Sacramento. The purpose of the project was to provide local multiple communication services to customers in West Sacramento. The improvements were to be installed through horizontal directional drilling under the Sacramento River. The permittee made several attempts to drill under the River, but encountered old railroad/bridge wooden pilings which

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may have been constructed in the early 1900s and the project had to be abandoned. The permittee followed the abandonment procedures which had been approved by Commission staff, i.e. the entry pit was restored, all mud and cuttings were removed from the site, and the entry pit was filled with slurry and pumped as far into the pilot hole as possible. The upland site has subsequently been landscaped.

Since the permit was never fully executed, staff is requesting that the authorization made by the Commission at its September 3, 1999 meeting for Minute Item 23 be rescinded.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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.

EXHIBIT:

- A. Site Map and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

CALENDAR ITEM NO. C30 (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

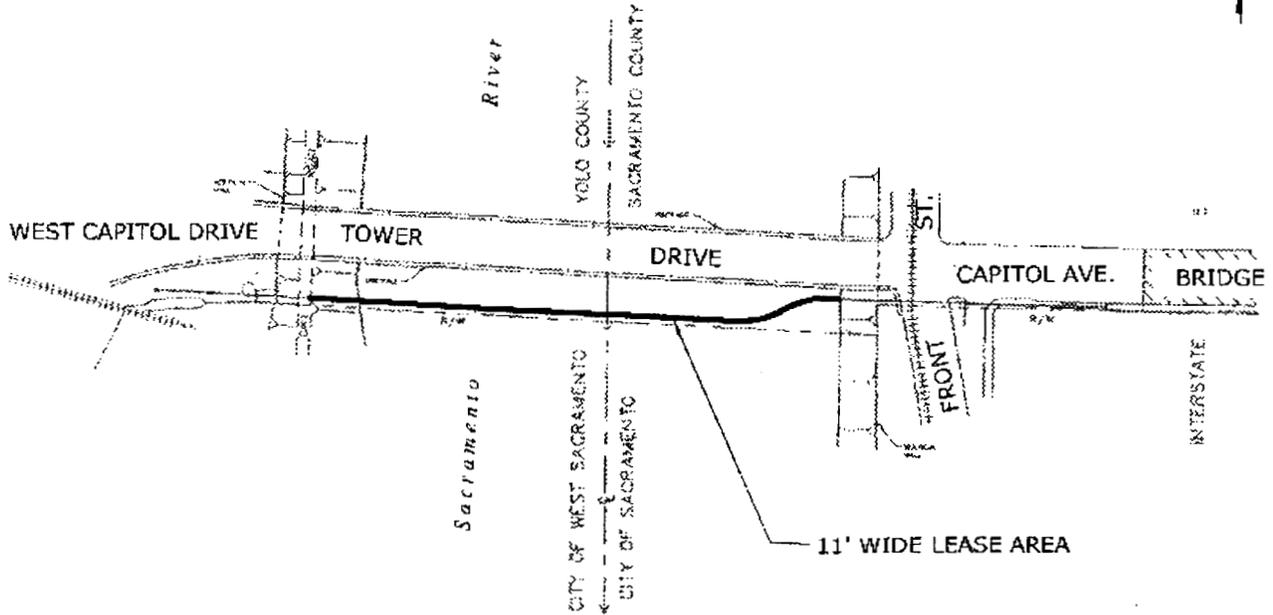
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE RESCISSION OF THE AUTHORIZATION MADE BY THE STATE LANDS COMMISSION AT ITS SEPTEMBER 3, 1999 MEETING FOR MINUTE ITEM 23; PERMIT FOR A TELEPHONE LINE RIGHT OF WAY, PRC 8104.9, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE FEBRUARY 1, 2006.

NO SCALE

SITE



SACRAMENTO RIVER AT TOWER BRIDGE,
SACRAMENTO & YOLO COUNTIES

NO SCALE

LOCATION

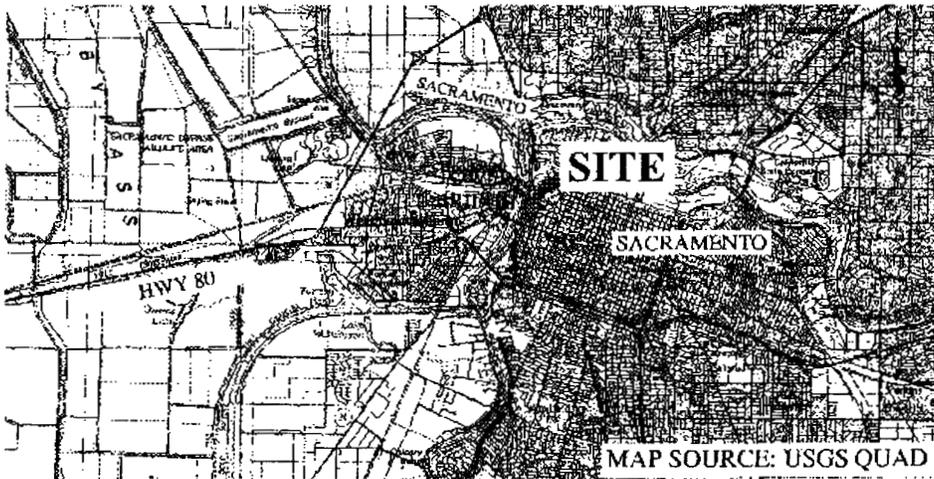


Exhibit A

PRC 8104.9
 TCG SAN FRANCISCO
 RIGHT OF WAY PERMIT
 SACRAMENTO RIVER
 SACRAMENTO & YOLO COS.



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.

LEGAL DESCRIPTION

A strip of land eleven feet in width situate in Section 35, Township 9 North, Range 4 East, M.D.M. Yolo and Sacramento Counties, California, the centerline of which is described as follows:

Commencing at a point described as B14-02 on that certain map filed for record 4-11-92 in Book 13 of Maps at Page 61, Yolo County Records; thence S 60° 51' 44" E, 1241.69 feet, thence S 71° 15' 56" E, 160.00 feet to the ordinary high water mark on the West bank of the Sacramento River and the True Point of Beginning of said strip of land; thence continuing S 71° 15' 56" E, 509.89 feet; thence on a curve to the left through a delta of 12° 59' 51" with a radius of 500 feet for a length of 113.42 feet; thence N 85° 01' 28" W, 18.79 feet; thence on a curve to the right through a delta of 13° 45' 33" with a radius of 500.00 feet for a length of 120.07 feet; thence S 72° 01' 37" E, 40 feet more or less to the ordinary high water mark on the East bank of the Sacramento River.

The sidelines of the above described strip of land to be shortened or lengthened as required to start and end at the ordinary high water mark.



This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Section 3
W 25569