

MINUTE ITEM

This Calendar Item No. C7  
was approved as Minute Item  
No. 7 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/22/77 CALENDAR ITEM  
meeting.

C7.

5/77  
W 21339  
AS  
PRC 5294

GENERAL LEASE - RIGHT OF WAY

APPLICANT: The Pacific Telephone & Telegraph Company  
1426 Howe Ave., Suite 50  
Sacramento, California 95825

AREA, TYPE LAND AND LOCATION:  
A 1.377 acre parcel of unreclaimed swamp and  
overflow land in Rindge Cut between Rindge  
Tract and Shima Tract, San Joaquin County.

LAND USE: Right of way for one existing and one proposed  
submarine telephone cable.

TERMS OF PROPOSED LEASE:  
Initial period: Continuous use plus 1 year from  
March 1, 1977.

CONSIDERATION: Special: Exempt by law, Section 7901, Public  
Utilities Code.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is permittee of upland.

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3  
Arts. 1, 2, 10 & 11.
- C. Public Utilities Code Section 7901.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is  
estimated to be \$250.
2. This project is situated on land identified  
as possessing environmental values in that  
the State Lands Commission stated all water-  
ways under the Commission's jurisdiction  
have environmental significance. Staff finds  
this project to be compatible with division  
policy.
3. A portion of this project has been existing  
since 1954 and there is no evidence of record  
to show injury to adjacent property, shore-  
line erosion, or other types of environmental  
degradation.

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CALENDAR ITEM NO. C7. (CONTD)

4. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
5. A portion of this project, the proposed new cable, is exempt from CEQA because it falls under the purview of Section 15104 of the Secretary for Resources Guidelines which exempts minor alterations of land, water and/or vegetation which does not involve removal of scenic trees.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED BY THE COMMISSION AT ITS DECEMBER 1, 1975 MEETING.
3. AUTHORIZE ISSUANCE TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY OF A CONTINUOUS USE PLUS 1 YEAR GENERAL LEASE - RIGHT OF WAY FROM MARCH 1, 1977; WHICH CONSIDERATION IS EXEMPT BY LAW UNDER SECTION 7901, PUBLIC UTILITIES CODE; FOR INSTALLATION AND MAINTENANCE OF A SUBMARINE TELEPHONE CABLE AND THE CONTINUED MAINTENANCE OF AN EXISTING SUBMARINE TELEPHONE CABLE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21339

A strip of tide and submerged land 150 feet wide in the bed of Rindge Cut, situated in the southeast quarter of protracted Section 14, T2N, R5E, MDM, San Joaquin County, California said strip lying 75 feet on each side of the following described centerline:

BEGINNING at a point that bears N 1° 12' 30" W, 165 feet from Survey Monument No. 39 as shown on the map filed in Book 15 of Surveys, page 34, San Joaquin County Records; thence from said point of beginning N 88° 47' 30" E, 560 feet to the end of the herein described centerline.

EXCEPTING any portion lying landward of the mean high water line.

END OF DESCRIPTION

Prepared M. P. Shal Checked 7/11/77  
Reviewed J. K. Runnicks Date 2/16/77  
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