

**MINUTE ITEM**  
This Calendar Item No. 14  
was approved as Minute Item  
No. 14 by the State Lands  
Commission by a vote of 3  
to 0 at its 5-31-87  
meeting.

CALENDAR ITEM

A 2  
S 2

14

05/31/89  
PRC 7166  
Bancroft

AMENDMENT TO GENERAL PERMIT - RIGHT-OF-WAY USE

APPLICANT: A.T. & T. Communications  
P.O. Box 121  
Pleasanton, California 95466

AREA, TYPE LAND AND LOCATION:  
A 20.92-acre parcel of tide and submerged land  
in the Pacific Ocean north of Manchester,  
Mendocino County.

LAND USE: Right-of-way for submarine light guide cable.

TERMS OF ORIGINAL PERMIT:  
Continuous, beginning November 1, 1987.

TERMS OF PROPOSED PERMIT:  
Special:

Substitute "as-built"  
description Exhibit "A" for  
description contained in  
original permit.

Established a communication  
corridor within the area  
contained in Exhibit "B".

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

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Code Regs. 2003 and Public  
Utilities Code 7901.

APPLICANT STATUS:  
Applicant is owner and permittee of upland.

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;  
Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the original permit issued January 21, 1988, three conduits and one cable were installed within the authorized area. The conduits extend from A.T. & T. property on the upland to a point 2,800± feet offshore and were installed by directional boring under the sea bed. The cable was installed in a trench from the end of the conduit an additional 40 miles and lies on the sea floor from there to Hawaii.
2. The "as-built" description (Exhibit "A") reflects the exact location of the facilities, as installed, and expands the permit width from ten (10) feet to fifty (50) feet.
3. A.T. & T. has requested that the Commission establish a 600-foot communications corridor (Exhibit "B"), with the same center line as Exhibit "A", to preserve their priority within this area for the future installation of two additional fiber optic cables.

The 600-foot width is required to provide for maximum separation of the cables on the sea floor beyond the end of the protective conduits. This will minimize the possible snagging of all cables by fishing paraphernalia and/or ships' anchors. "As-built" descriptions of strips 50 feet wide delineating the exact location of the

CALENDAR ITEM NO. 14 (CONT'D)

cables will be supplied by Lessee and will be amended into the permit by future Commission action. The 600-foot-wide communications corridor will expire May 31, 1999.

4. This action consists of a change in description only and is covered by the original Negative Declaration approved by the State Lands Commission on January 21, 1988. All entities designated as responsible agencies, or as interested parties, were notified of the proposed modification and there were no negative responses.
5. The annual rental value of the site is estimated to be \$3,200.
6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 424, State Clearinghouse No. 87081105. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b))

CALENDAR ITEM NO. 14 (CONT'D)

- EXHIBITS:
- A. "As-Built" Description.
  - B. Description of Communications Corridor.
  - C. Original Permit.
  - D. Original Negative Declaration.
  - E. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE SUBSTITUTION OF EXHIBIT "A" FOR THE DESCRIPTION CONTAINED IN THE ORIGINAL PERMIT.
2. ESTABLISH AND MAINTAIN A TEMPORARY 600-FOOT-WIDE COMMUNICATIONS CORRIDOR WITHIN THE AREA DESCRIBED IN EXHIBIT "B" FOR A PERIOD COMMENCING JUNE 1, 1989 AND ENDING MAY 31, 1999.

**EXHIBIT "A"**

**PRC 7166.9**

**LAND DESCRIPTION**

A 50 foot strip of tide and submerged land located in the Pacific Ocean, north of Point Arena, Mendocino County, California, lying 25 feet on each side of the described centerline:

COMMENCING at a point at Latitude  $38^{\circ} 58.95' N$ , Longitude  $123^{\circ} 42.35' W$ ; thence northwesterly on an azimuth of  $302.3^{\circ}$  to the ordinary high water mark of the Pacific Ocean and the POINT OF BEGINNING; thence continuing northwesterly on the azimuth of  $302.3^{\circ}$ , 1,849.93 feet to a point at Latitude  $38^{\circ} 59.15' N$ , Longitude  $123^{\circ} 42.75' W$ ; thence northwesterly on an azimuth of  $307.7^{\circ}$ , 194.91 feet to a point at Latitude  $38^{\circ} 59.17' N$ , Longitude  $123^{\circ} 42.79' W$ ; thence northwesterly on an azimuth of  $306.5^{\circ}$ , 7,796.80 feet to a point at Latitude  $38^{\circ} 59.93' N$ , Longitude  $123^{\circ} 44.11' W$ ; thence northwesterly on an azimuth of  $315.6^{\circ}$ , to a point on the offshore ownership boundary of the State of California as determined according to the decree entered by the United States Supreme Court in United States vs. California, Original No. 5 on January 31, 1966, 382US488, and the end of the herein described line.

This description is based on the California Coordinate System of 1927, Zone 2.

**END OF DESCRIPTION**

**REVIEWED MAY 18, 1989 BY BIU 1.**

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**EXHIBIT "B"**

**PRC 7166.9**

**LAND DESCRIPTION**

A 600 foot strip of tide and submerged land located in the Pacific Ocean, north of Point Arena, Mendocino County, California, lying 300 feet on each side of the described centerline:

COMMENCING at a point at Latitude  $38^{\circ} 58.95' N$ , Longitude  $123^{\circ} 42.35' W$ ; thence northwesterly on an azimuth of  $302.3^{\circ}$ , the ordinary high water mark of the Pacific Ocean and the POINT OF BEGINNING; thence continuing northwesterly on the azimuth of  $302.3^{\circ}$ , 1,849.93 feet to a point at Latitude  $38^{\circ} 59.15' N$ , Longitude  $123^{\circ} 42.75' W$ ; thence northwesterly on an azimuth of  $307.7^{\circ}$ , 194.91 feet to a point at Latitude  $38^{\circ} 59.17' N$ , Longitude  $123^{\circ} 42.79' W$ ; thence northwesterly on an azimuth of  $306.5^{\circ}$ , 7,796.80 feet to a point at Latitude  $38^{\circ} 59.93' N$ , Longitude  $123^{\circ} 44.11' W$ ; thence northwesterly on an azimuth of  $315.6^{\circ}$ , to a point on the offshore ownership boundary of the State of California as determined according to the decree entered by the United States Supreme Court in United States vs. California, Original No. 5 on January 31, 1966, 382US488, and the end of the herein described line.

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**END OF DESCRIPTION**

**REVIEWED MAY 18, 1989 BY BIU 1.**

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INSTRUCTIONS

In executing this document the following is required:

- 1) Affixation of Corporate Seal in lower left.
- 2) A CERTIFIED COPY of the Resolution or other document authorizing the execution of this Agreement on behalf of the corporation.
- 3) Acknowledgment of signature before a Notary Public.

Forward completed document (white and yellow copy) to State Lands Commission 1807 13th Street, Sacramento, CA 95814. Retain pink copy for your records. The original white copy when approved and executed by the State, becomes the permit and will be returned to you.

For State Use Only	
Work Order	WP 1833
PRC	7166.9

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

GENERAL PERMIT - RIGHT OF WAY USE

THIS AGREEMENT, to become effective the 1 day of November, 1987, is entered into by and between the STATE OF CALIFORNIA, acting by and through its duly appointed, qualified and acting State Lands Commission, hereinafter referred to as "State", and American Telephone and Telegraph Company hereinafter referred to as "Telephone Company"

WITNESSETH:

WHEREAS Telephone Company, pursuant to the rules and regulations of the State, has made written application to State for approval of the location of its telephone and telegraph lines, consisting of overhead and underground cable, together with the necessary fixtures and appurtenances hereinafter referred to as "telephone and telegraph facilities", ~~XXXXXX~~ the Pacific Ocean North of Manchester

in Mendocino County, California; and

WHEREAS State, pursuant to the provisions of Division 6 of the Public Resources Code of the State of California, has authority to grant such approval and find that the same will be beneficial and to the best interests of State.

NOW THEREFORE, in consideration of the mutual undertaking, promises and agreements and subject to the conditions herein contained, the parties hereto mutually agree as follows, to wit:

I  
Telephone Company is authorized to construct, operate and maintain said telephone and telegraph facilities within a strip of land as described on Exhibit "A" attached hereto and by reference made a part hereof.

II  
Telephone Company, at its sole risk and expense, shall construct, operate and maintain said telephone and telegraph facilities in good order, repair and condition.

III  
Telephone Company shall construct, operate and maintain said telephone and telegraph facilities in conformity with all applicable laws relating thereto.

IV  
This agreement and the authorization herein given Telephone Company shall terminate in the event Telephone Company shall fail for a continuous period of one (1) year, after the initial installation, to maintain and operate said telephone and telegraph facilities.

V  
If for any reason this agreement be terminated, Telephone Company, at its own expense and risk when requested in writing to do so by State, shall remove all property and equipment placed by or for Telephone Company in and across said land and water referred to in Paragraph I hereof, and if Telephone Company shall fail so to do within sixty (60) days after receipt of said request, State may do so at the risk of Telephone Company, and all cost and expense of said removal shall be paid by Telephone Company to State on demand.

VI  
Furthermore, upon the termination of the authorization herein given, Telephone Company shall execute and deliver to State within sixty (60) days after service of written demand therefor, a good and sufficient quitclaim deed to said strip of land. Should Telephone Company fail or refuse to deliver said quitclaim deed as herein provided, and reciting the fact of termination of this agreement and authorization, after ten (10) days from the recordation of said notice, shall be conclusive evidence to Telephone Company and all persons claiming under Telephone Company of the termination of said authorization.

VII  
State expressly reserves the right to grant easements or crossings over, upon and under the aforesaid premises, and nothing herein contained shall be construed as limiting the powers of State to lease, convey, or otherwise transfer or encumber, during the life of this agreement and authorization, the said lands for any purpose whatsoever not inconsistent or incompatible with the authorization herein granted to Telephone Company by this agreement and authorization.

VIII  
State expressly reserves the power to require Telephone Company to relocate said telephone and telegraph facilities upon determination by State that the purpose of such relocation is to protect the principal use of the demised premises.

IX  
Telephone Company shall not transfer or assign this agreement except upon the prior written consent of State first had and obtained.

X  
All notices herein provided to be given shall be deemed to have been fully given when made in writing and deposited in the United States mail, registered and postage prepaid, addressed as follows:

To the State:  
State Lands Commission  
1807 - 13th Street  
Sacramento, CA 95814

and to the Telephone Company:  
c/o Right of Way Department  
American Telephone and Telegraph Company  
P.O. Box 121  
Pleasanton, California 95466

The address to which the notices shall be mailed as aforesaid may be changed by written notice as herein provided; but nothing herein contained shall preclude the giving of such notice by personal service.

XI  
Time is the essence of each and all the terms and provisions of this agreement and the terms and provisions of this agreement and authorization shall extend to and be binding upon the successors and assigns of the respective parties herein.

XII  
This agreement may be terminated or the provisions changed, altered or amended by the mutual consent of the parties.  
This agreement will become binding on the State only when duly executed on behalf of the State Lands Commission of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date hereafter affixed.

TELEPHONE COMPANY:  
Francis P. Pruzzetti  
1) Francis P. Pruzzetti  
Manager, Right-of-Way  
This

STATE OF CALIFORNIA  
STATE LANDS COMMISSION  
By James Hill CHIEF, DIVISION OF  
LAND MANAGEMENT  
AND CONSERVATION  
2-26-88  
Date

ISCALI

The issuance of this Agreement was authorized by the State Lands Commission JANUARY 21, 1988

EXHIBIT "A"

WP 1833

LAND DESCRIPTION

A 10 foot strip of tide and submerged land located in the Pacific Ocean, north of Point Arena, Mendocino County, California, lying 5 feet on each side of the described centerline:

COMMENCING at a point at Latitude 38° 58.92' N, Longitude 123° 42.35' W; thence northwesterly on an azimuth of 306.30° to the ordinary high water mark of the Pacific Ocean and the POINT OF BEGINNING; thence continuing northwesterly on the azimuth of 306.30° 12.410 feet; thence northwesterly on an azimuth of 315.30° to a point on the offshore ownership boundary of the State of California as determined according to the decree entered by the United States Supreme Court in United States v. California, Original No.5 on Jan. 31, 1966, 382US488, and the end of the herein described line.

This description is based upon the California Coordinate System of 1927, Zone 2.

END OF DESCRIPTION

PREPARED AUGUST 6, 1987 BY BIU #1

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## STATE LANDS COMMISSION

1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814AMENDED  
PROPOSED NEGATIVE DECLARATION

EIR ND

File Ref.: WP 1833

SCH#: 87081105

Project Title: AT&amp;T Pt. Arena - Hawaii Fiber Optic Cable

Project Proponent: AT&amp;T

Project Location: Pt. Arena, Mendocino County, to Hawaii

Project Description: AT&T proposes installation of a 2" diameter fiber optic cable from Pt. Arena to Hawaii. The cable will be directionally bored underneath a Pt. Arena Mountain Beaver habitat, then trenched to the edge of the Outer Continental Shelf (approximately 40 miles). From that point to Hawaii, the cable will lie on the ocean floor.

Contact Person: Dan Cohen

Telephone: (916) 324-8497

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Administrative Code).

Based upon the attached Initial Study, it has been found that:

the project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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**STATE LANDS COMMISSION**

LEO T. McCARTHY, *Lieutenant Governor*  
GRAY DAVIS, *Controller*  
JESSE R. HUFF, *Director of Finance*

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, California 95811  
CLAIRE T. DEDRICK  
Executive Officer



File Ref.: WP 1833  
SCH. NO. 87081105

December 22, 1987

**AMENDED NEGATIVE DECLARATION**

NOTE: A Negative Declaration for proposed placement of a fiber optic cable by AT&T from Point Arena, Mendocino County, to Hawaii was circulated in October, 1987. The staff of the State Lands Commission (SLC) received a comment from the Department of Parks and Recreation (DPR) concerning a population of Pt. Arena Mountain Beaver existing in the project area. Subsequent meetings and discussions between SLC staff, the project proponent, and interested agencies and individuals -- including an on-site meeting by all concerned parties on November 6, 1987 -- have caused AT&T to amend its project description. It is perceived by SLC staff that this amendment will minimize or eliminate the potential impacts on the beaver and/or its habitat which may have occurred had the original project description been employed.

**Project Description**

- o The planned grounding bed will be relocated southward, out of the designated habitat area of the beaver.
- o A directional bore method will be utilized, replacing the planned trench/backfill method. The directional bore will pass under the beaver habitat, at the greatest depth possible to avoid burrows and minimize noise and vibration.
- o No construction will occur during the February and March breeding season.
- o Only required, construction-related activities will be permitted in the subject area during the term of the project.

- o AT&T will manage its property in a manner consistent with conservation of the Mountain Beaver, including but not limited to:
  - a) minimization of use of unnecessary foot trails;
  - b) avoidance of burrows and vegetation in the habitat area;
  - c) repair and maintenance of the fencing around its property.
- o AT&T will permit a biologist(s) from SLC, DPR, and/or the Department of Fish and Game access to its property during construction to monitor activities.
- o Subsequent to project completion, AT&T will cooperate with authorized agencies/individuals wishing to access AT&T's property to monitor and study the Mountain Beaver in its habitat. Such access will be arranged in advance through the AT&T supervisor at the Pt. Arena facility.
- o Subsequent to project completion, AT&T will consult with the Department of Fish and Game prior to undertaking any activities which may cause potential impacts to the Mountain Beaver and/or its habitat.

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