

**MINUTE ITEM**

This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 5/12/97 meeting.

**CALENDAR ITEM  
C21**

A 17  
S 5

05/12/97  
W 25304  
D. Jones

**GENERAL LEASE - RIGHT OF WAY USE**

**APPLICANT:**

Brooks Fiber Communications of Stockton  
400 E. Main Street, Room 750  
P. O. Box 747  
Stockton, California 95201

**AREA, LAND TYPE, AND LOCATION:**

0.03 acre, more or less, of sovereign lands in the Calaveras River near the city of Stockton, San Joaquin County.

**AUTHORIZED USE:**

The construction and installation of a 4" HDPE high density polyethylene conduit to contain three 1-1/4 inch fiber optic cables.

**LEASE TERM:**

25 years, beginning December 1, 1996.

**CONSIDERATION:**

\$100 per annum, with the State reserving the right to fix a different rental periodically during the lease term.

**SPECIFIC LEASE PROVISIONS:**

Insurance:  
\$1,000,000 Combined Single Limit.  
Bond:  
\$10,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant has a right to use of the uplands adjoining the lease premises.

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2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 California Code of Regulations section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 California Code of Regulations section 15061(b)(3).

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.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers, State Reclamation Board, Reclamation District No. 1614, County of San Joaquin.

**EXHIBITS:**

- A. Site Map.
- B. Location Map.

**PERMIT STREAMLINING ACT DEADLINE:**

June 18, 1997.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CALIFORNIA CODE OF REGULATIONS SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTION 15061(b)(3)).

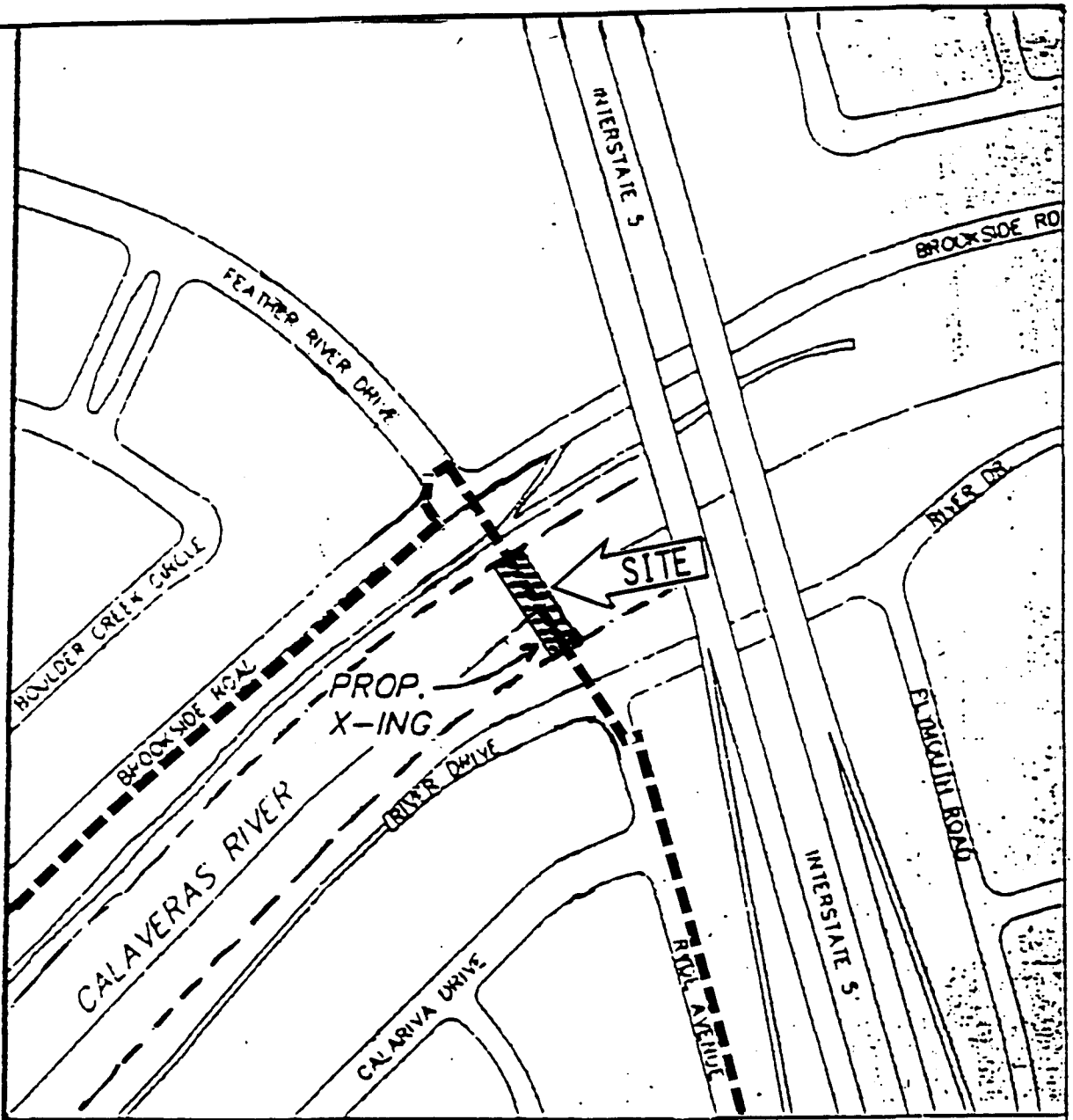
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**SIGNIFICANT LANDS INVENTORY FINDING:**

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

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO BROOKS FIBER COMMUNICATIONS OF STOCKTON OF A GENERAL LEASE - RIGHT OF WAY USE, EFFECTIVE APRIL 1, 1997; FOR A TERM OF 25 YEARS, FOR A 4" HDPE HIGH DENSITY POLYETHYLENE CONDUIT TO CONTAIN THREE 1-1/4 INCH FIBER OPTIC CABLES, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; SURETY BOND IN THE AMOUNT OF \$10,000.

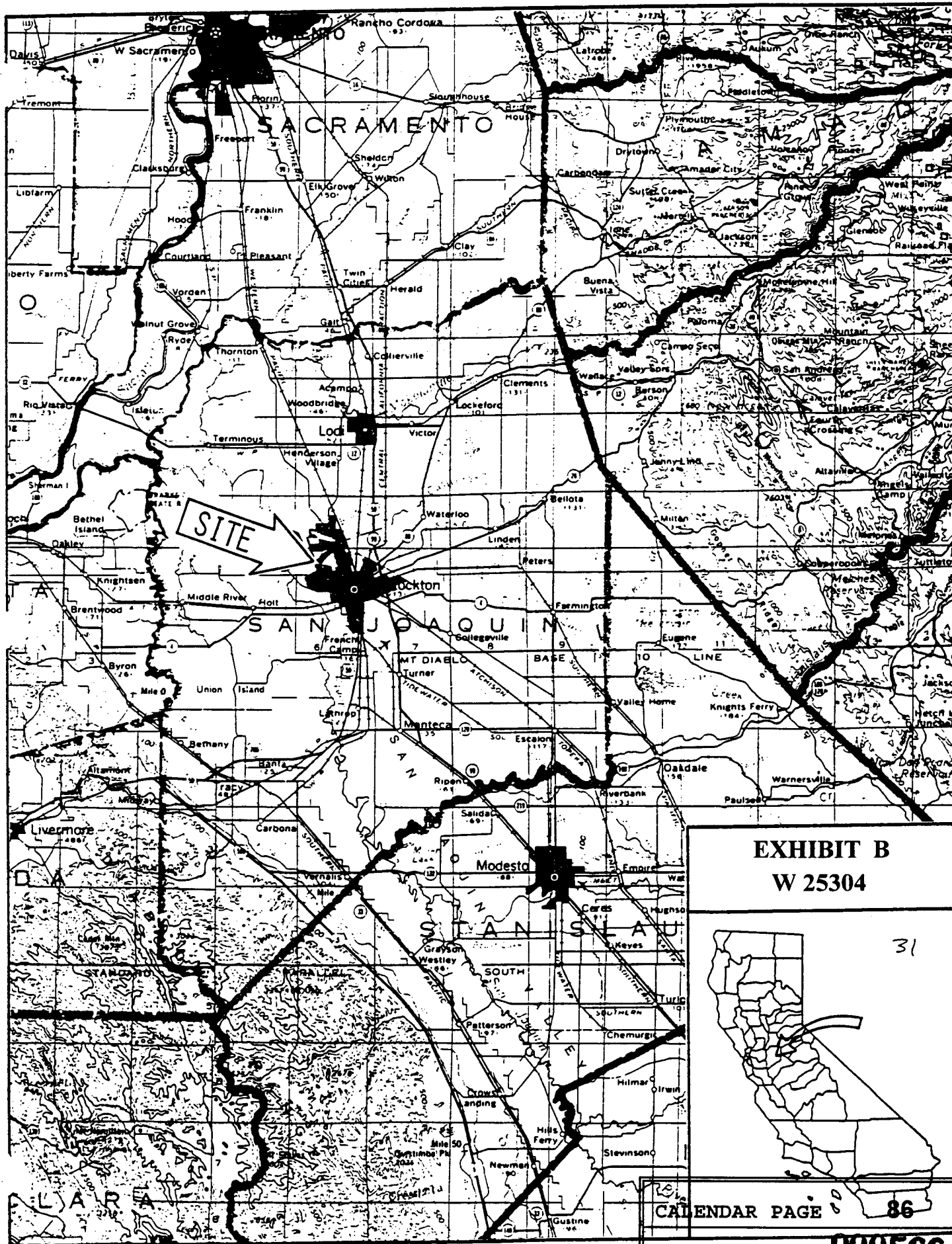


This Land description is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

**Exhibit A**  
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**EXHIBIT B**  
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