

MINUTE ITEM

This Calendar Item No. C47 was approved as Minute Item No. 47 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

CALENDAR ITEM

C47

A 10,17,25

12/16/98

S 5, 6,12

PRC 8044

W 25488

D. Jones

GENERAL LEASE - RIGHT OF WAY USE

LESSEE:

GST Telecom California, Inc.
4317 NE Thurston Way
Vancouver, Washington 98602

AREA, LAND TYPE, AND LOCATION:

.39 acres, more or less, of sovereign lands in the Stanislaus River, Stanislaus and San Joaquin counties near the city of Riverbank; the Mokelumne River, San Joaquin County near the city of Lodi; and the Cosumnes River, Sacramento County, near the town of Wilton.

AUTHORIZED USE:

Directional boring, placement, and maintenance at three locations of a ten-inch diameter x one quarter-inch inch thick steel casing containing six two-inch diameter high density polyethylene conduit ducts; and the placement, use and maintenance of a fiber optic cable within one of six two-inch diameter high density polyethylene conduit ducts.

LEASE TERM:

25 years; beginning November 1, 1998 and ending October 31, 2023, unless sooner terminated as provided in the Lease.

CONSIDERATION:

\$336; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance:

Combined single limit coverage of \$1,000,000.

Bond:

\$15,000.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 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 the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 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.
4. GST Telecom Communications has applied to construct a fiber optic cable casing through directional boring to a minimum of 30 feet beneath three crossings of State-owned navigable waterways: the Stanislaus River, Stanislaus and San Joaquin counties near the city of Riverbank; the Mokelumne River, San Joaquin County near the city of Lodi; and the Cosumnes River, Sacramento County, near the town of Wilton.

This fiber optic cable project involves the placement of a long haul fiber cable facility that runs from the State of Arizona through California to Washington. This portion of the project is the Sacramento to Modesto Route, approximately 82 miles in length.

APPROVALS OBTAINED:

U.S. Corps of Engineers; California Department of Fish and Game; The Reclamation Board; city of Riverside; counties of San Joaquin, Stanislaus and Sacramento.

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EXHIBITS:

- A. Site Map - Stanislaus River
- B. Site Map - Mokelumne River
- C. Site Map - Cosumnes River
- D. Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 15, 1999.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

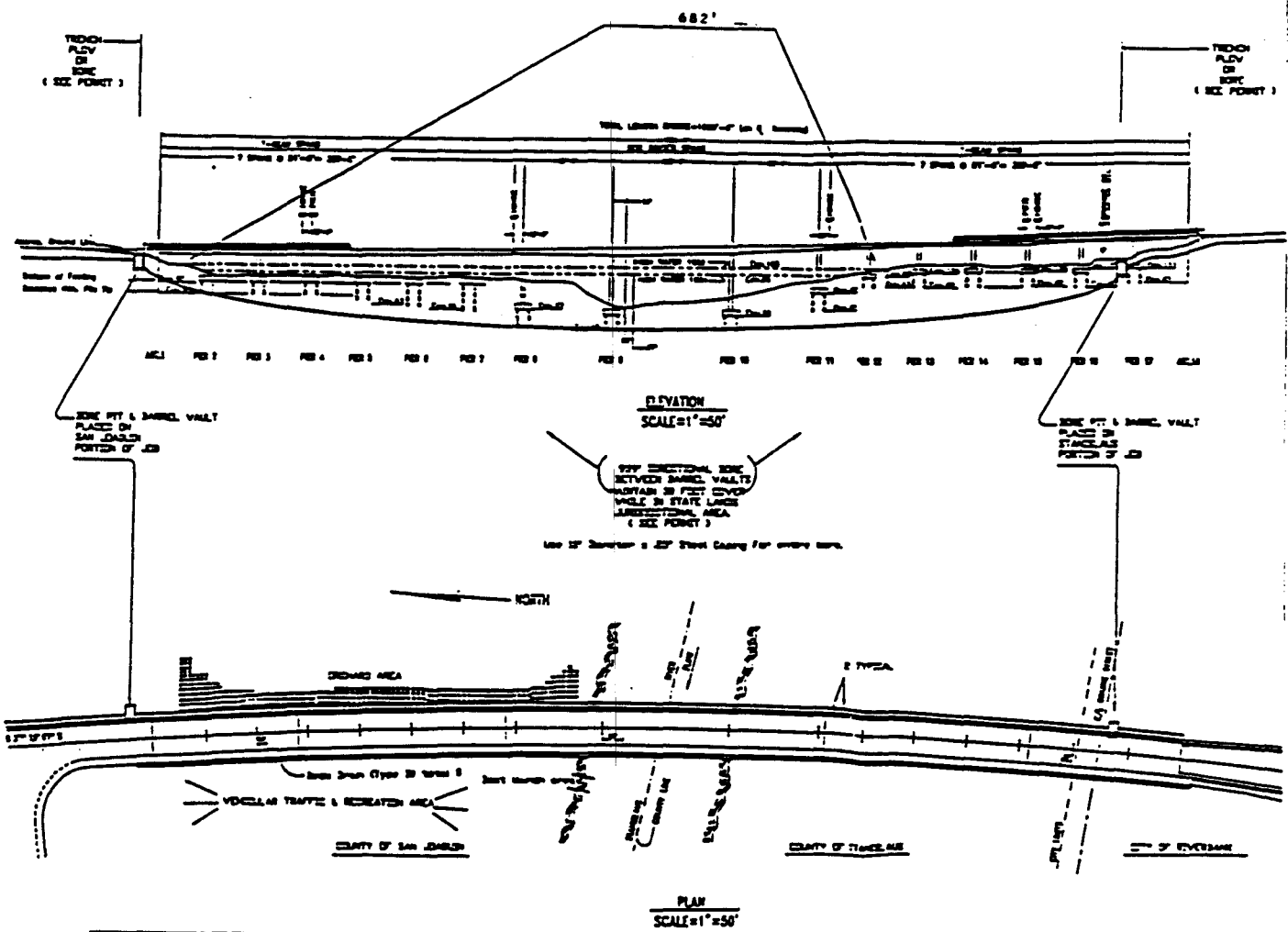
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

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 ISSUANCE TO GST TELECOM CALIFORNIA, INC. OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING NOVEMBER 1, 1998, FOR A TERM OF 25 YEARS, FOR A FIBER OPTIC CABLE SYSTEM ON THE LAND SHOWN ON EXHIBITS A, B AND C ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$336 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000; SURETY IN THE AMOUNT OF \$15,000.



NOTE:
 1/4" GRID IS 4'-0" UNLESS SHOWN OTHERWISE

- CA. Boundary Curve Data
- 0 = OFFSET
 - AN = ANGLE
 - T = TANGENT
 - L = LENGTH
 - CH = CHORD

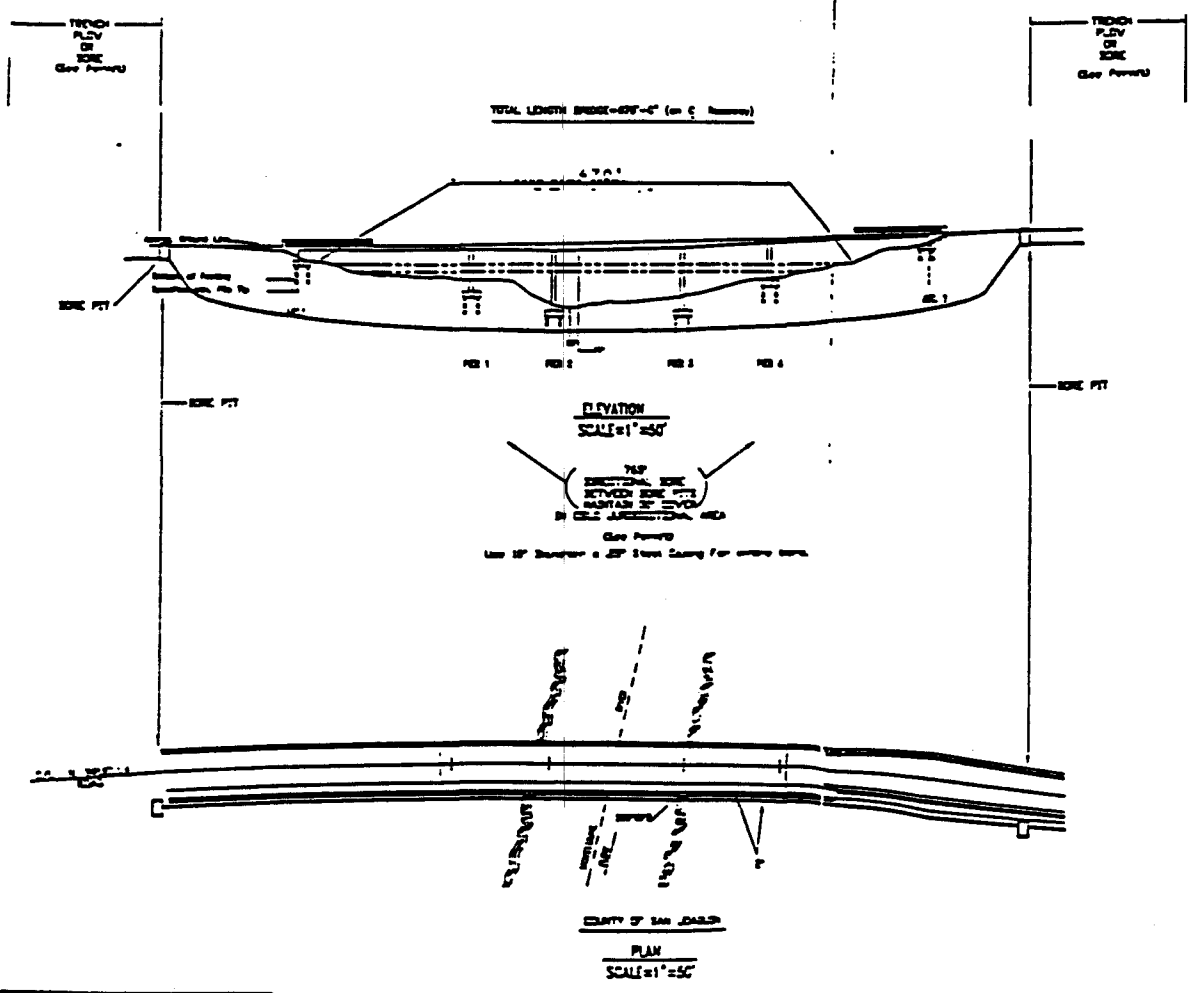
Prepared by: [Name]
 030 014-027, 1 of 030 014-027

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.

EXHIBIT A

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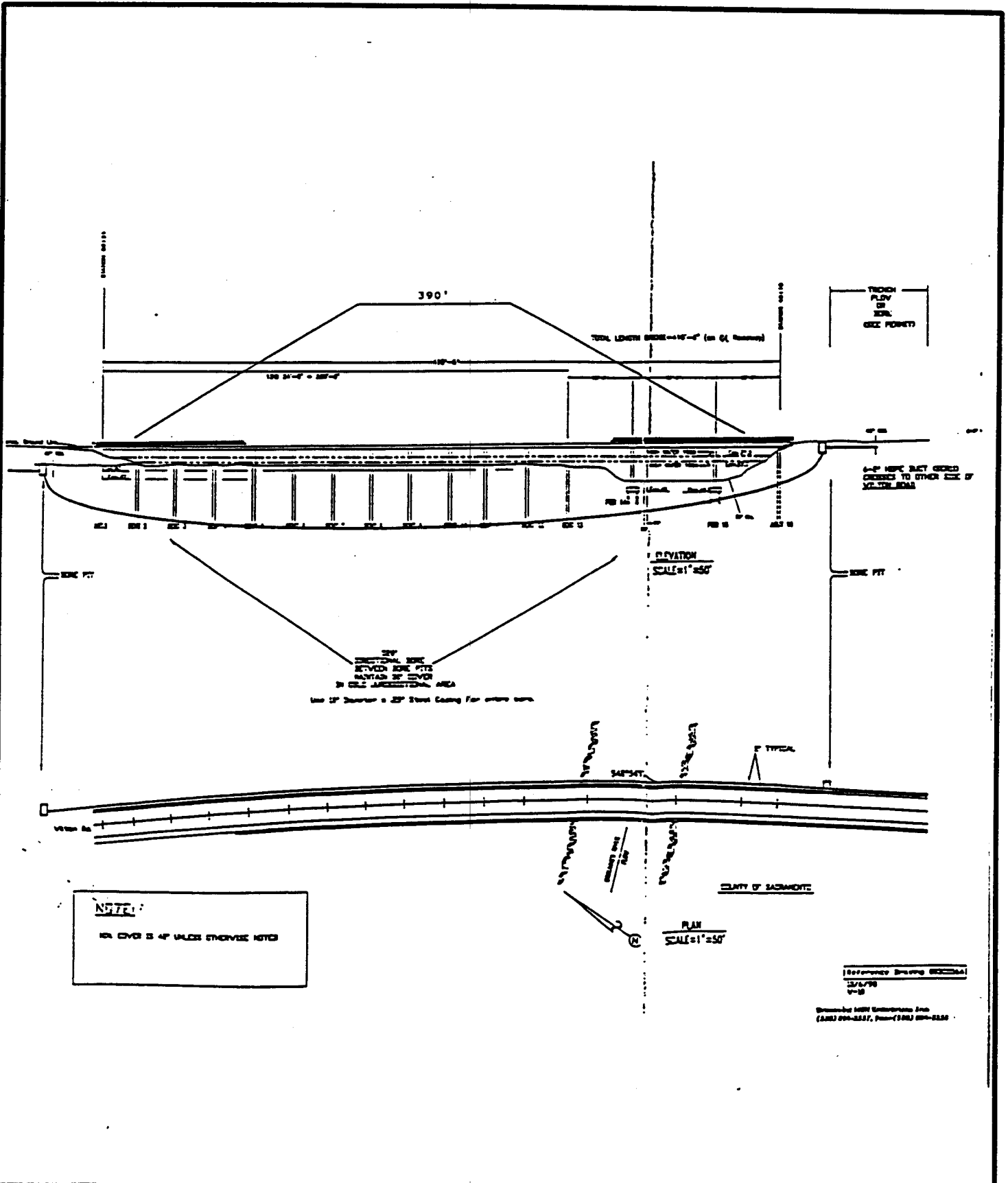
NOTE:
SEE COVER IS 4P UNLESS OTHERWISE NOTED

Reference Drawing 6822546
vs
10/6/78
Drawing 6822546
(180) 999-2257, Form (180) 999-2258

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EXHIBIT B

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NOTE:
 SEE CIVIL & AP VALUES OTHERWISE NOTED

CITY OF SACRAMENTO

PLAN
 SCALE: 1" = 50'

Geometric Drawing (GSD) 12/1/78 V-10

Drawn by: [Signature] Checked by: [Signature]
 (AMS) 200-2227, Plan (200) 200-2228

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EXHIBIT C
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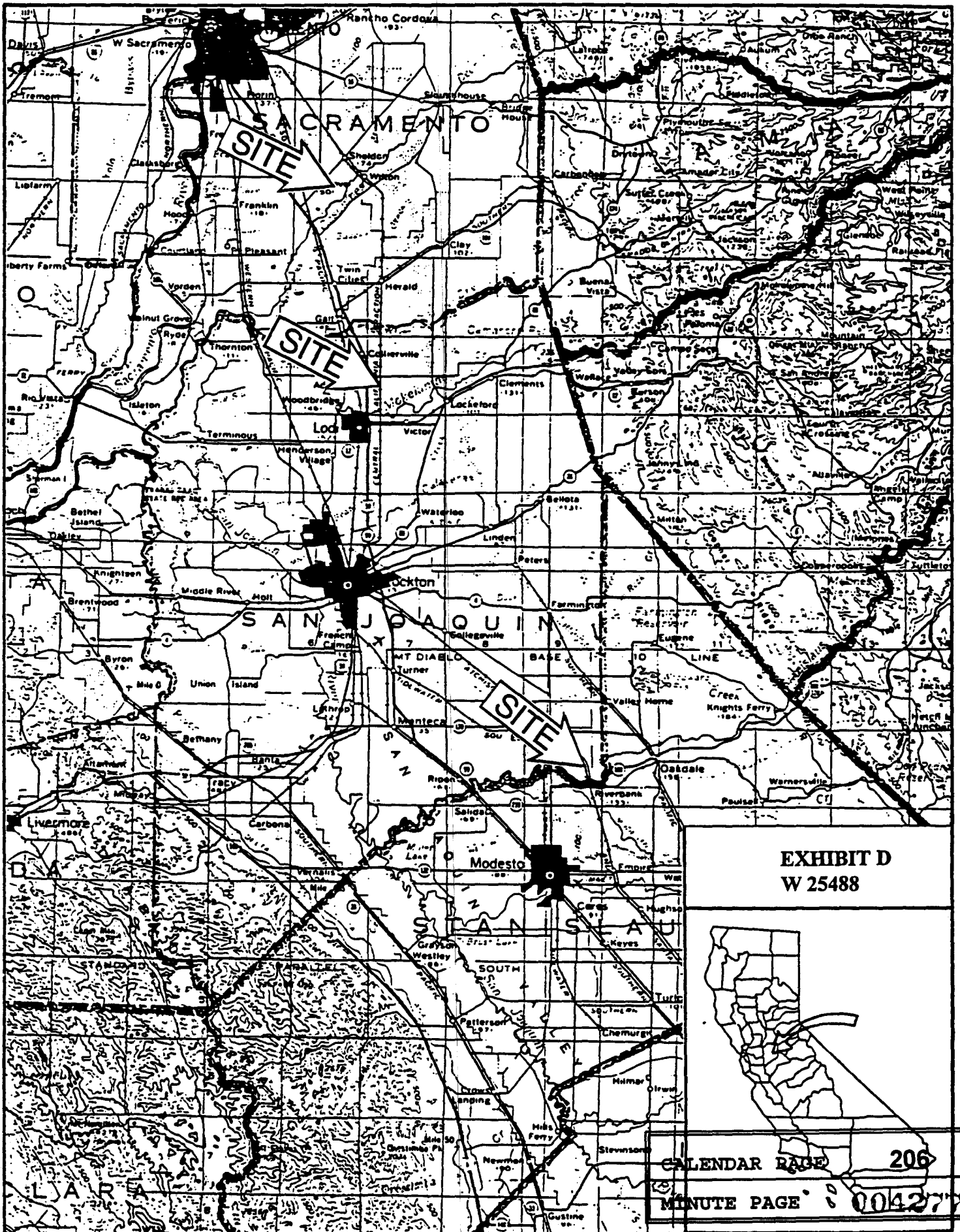


EXHIBIT D
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