

MINUTE ITEM
This Calendar Item No. C34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 02-05-01
meeting

CALENDAR ITEM
C34

A 2
S 4

02/05/01
PRC 8157.9
D. Jones

AMENDMENT OF PERMIT

PERMITTEE:

360networks (USA) inc.
11719 NE 95th Street
Vancouver, Washington 98682

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, cities of Sacramento and West Sacramento, Yolo and Sacramento Counties; Sacramento River near Knights Landing, Yolo County; Sacramento River near the city of Redding, Shasta County; Sacramento River in the city of Tehama, Tehama County; and the Fall River near the town of Fall River Mills, Shasta County.

AUTHORIZED USE:

1. At its April 20, 2000 meeting, the Commission authorized the installation, operation, maintenance, and use of the following:

Sacramento River, cities of Sacramento and West Sacramento: A 12-inch steel casing, with 16 high density polyethylene (HDPE) innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River near Knights Landing: An eight-inch steel casing, with six HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River in the city of Redding: A 10-inch steel casing, with 15 HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

Sacramento River in the city of Tehama: An eight-inch steel casing, with five HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

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Fall River near Fall River Mills, Shasta County: A 12-inch steel casing, with 17 HDPE innerducts, one of which will contain one fiber optic cable with approximately 184 fibers.

2. At its June 27, 2000 meeting, the Commission authorized the amendment of Permit No. 8157.9 to increase the number of authorized fiber optic cables as follows:

Sacramento River, cities of Sacramento and West Sacramento, from one cable to 16 cables.

Sacramento River near Knights Landing, from one cable to six cables.

Sacramento River near the city of Redding, from one cable to 15 cables.

Sacramento River in the city of Tehama, from one cable to five cables.

Fall River near the town of Fall River Milles, from one cable to 17 cables.

3. At its September 19, 2000 meeting, the Commission authorized the partial assignment of Permit No. 8157.9, specifically to allow Lessee to assign its interest in the crossings in the Sacramento River, near the city of Redding, Shasta County; and in the Fall River, Shasta County to Level 3 Communications, LLC, effective September 19, 2000.

PERMIT TERM:

Continuous use plus one year, commencing April 20, 2000.

CONSIDERATION:

No monetary consideration shall be charged for the placement, use and maintenance of fiber optic cables or other similar transmission devices placed by those qualifying under the scope of Section 7901 of the Public Utilities Code.

PROPOSED AMENDMENT:

The proposed amendment will authorize the eight-inch steel casing which was previously authorized to be installed through horizontal directional boring underneath the Sacramento River in the city of Tehama, Tehama County, to be attached to the bridge located at Aramayo Avenue over the Sacramento River in the city of Tehama. All other terms and conditions of the permit shall remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. At its April 20, 2000 meeting, the Commission authorized a Permit for Telephone Right of Way to Worldwide Fiber Networks, Inc., now known as 360networks (USA) inc, hereinafter called "Permittee". The Commission authorized the installation, operation, maintenance and use of a fiber optic cable system underneath five sovereign waterway crossings, one of which was the Sacramento River in the city of Tehama, Tehama County. At the Tehama County site, the Commission authorized an eight-inch steel casing containing five HDPE innerducts, with each innerduct containing one fiber optic cable (Amendment increasing number of fiber optic cables to five (5) was authorized by Commission on June 27, 2000). The steel casing along with the innerducts and cables were to be installed through horizontal directional boring. During the boring operation underneath the Sacramento River in the city of Tehama, the Permittee encountered large cobble; therefore the bore was plugged and abandoned. The Permittee is now proposing to attach the fiber optic cable system to the bridge at Aramayo Way.
3. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the Public Utilities Commission. The California State Lands Commission's staff has reviewed the documents.
4. 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.
5. 360networks has represented to Permitter that: (i) it is a "telephone corporation" within the meaning of Public Utilities Code section 234, (ii) that the authorized improvements to be located within the right of way ("ROW") applied for herein constitute "telephone line" within the meaning of section 233 of the Public Utilities Code, (iii) it is authorized to provide intrastate telephone services pursuant to Decision Nos. 98-97-057 and 99-10-007 issued by the California Public Utilities Commission, (iv) it is

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authorized to handle interstate and international telecommunication traffic in accordance with 47 USC § 214, and (v) the authorized improvements will be operated by it as a public utility for the purpose of providing telephone service to the public on a non-discriminatory basis.

APPROVALS OBTAINED:

The Reclamation Board, County of Tehama, City of Tehama.

EXHIBITS:

- A. Permit Description
- B. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 8, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE PUBLIC UTILITIES COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

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,

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8157.9, A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, EFFECTIVE FEBRUARY 1, 2001, TO DELETE THAT CERTAIN RIGHT OF WAY DESCRIBED IN SECTION 3-E OF THE PERMIT, AND TO AUTHORIZE THE ATTACHMENT OF THE PREVIOUSLY AUTHORIZED EIGHT (8)-INCH STEEL CASING, FIVE (5) INNERDUCTS AND FIVE (5) FIBER

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OPTIC CABLES TO THE BRIDGE LOCATED AT ARAMAYO AVENUE, SACRAMENTO RIVER, CITY OF TEHAMA, TEHAMA COUNTY, WITHIN THE RIGHT OF WAY SHOWN ON EXHIBITS A AND B ATTACHED AND BY REFERENCE MADE A PART HEREOF; ALL OTHER TERMS AND CONDITIONS OF THE PERMIT WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

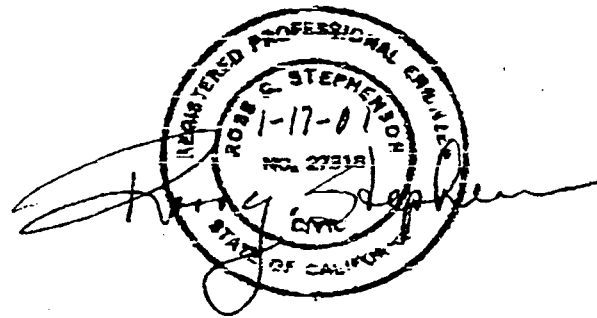
Legal Description

A strip of land eleven feet (11') in width situate in Rancho Saucos and Rancho Rio de Los Molinos, City of Tehama, California, the centerline of which is described as follows:

Commencing at a point on the ordinary high water mark on the West bank of the Sacramento River which bears N72° 50' 46"E, 395.51 feet from the Centerline Intersection of 2nd Street and "C" Street in the City of Tehama, California; said Centerline Intersection being marked by a nail set in asphalt; thence from said Point of Commencement S13° 49' 53"E, 18.6 feet; thence N76° 10' 07"E, to the True Point of Beginning of said strip at the ordinary low water mark on the West bank of the Sacramento River; thence, N76° 10' 07"E, approximately 500 feet to the ordinary low water mark on the East bank of the Sacramento River.

The Basis of Bearings for the above legal description being the centerline of 2nd Street between "C" Street and "D" Street in the City of Tehama as being N7° 15' 13"W per monuments found based on a map filed in Book 1 of Parcel Maps at Page 63, Tehama County Records.

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



Ross G. Stephenson Associates, Inc.
Engineering and Surveying

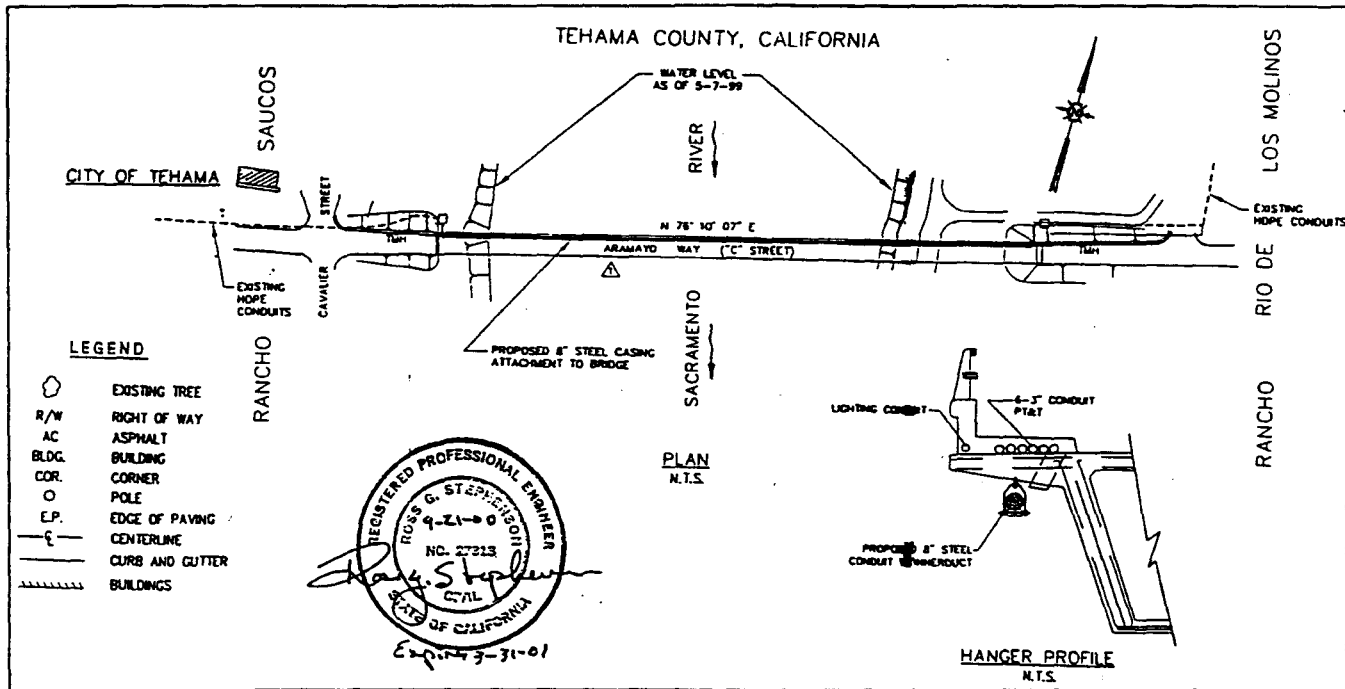
CALENDAR PAGE 000197
MINUTE PAGE 0000224

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.

EXHIBIT A
PRC 8157.9

NO SCALE

SITE MAP



Aramayo Way Bridge Fibreroptic Crossing

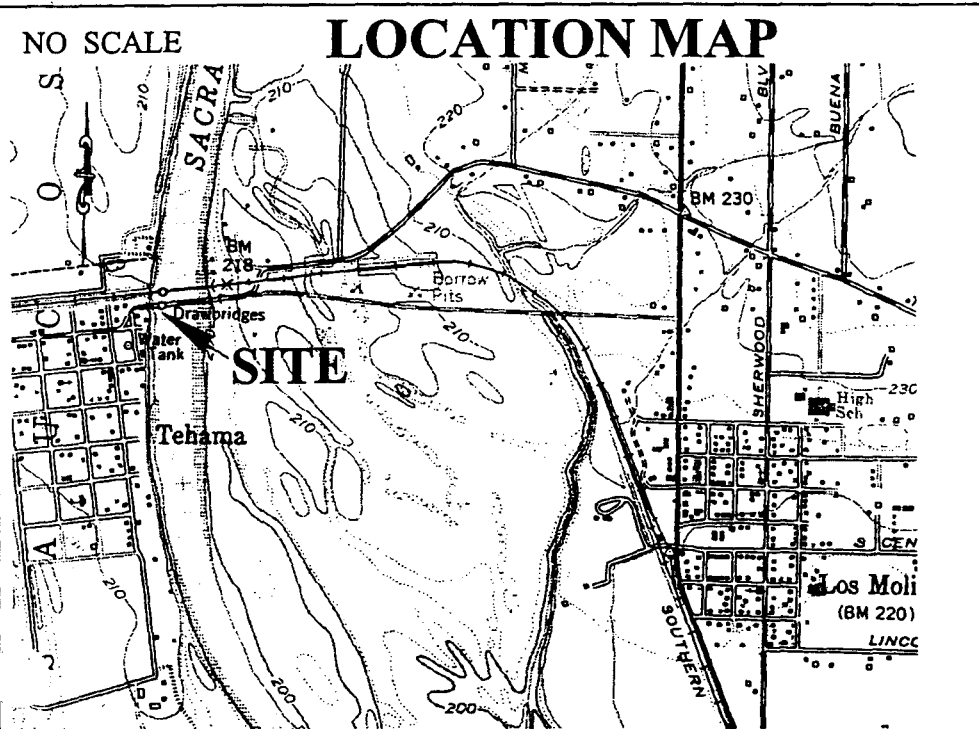


EXHIBIT B

360Networks
 PRC 8157.9
 City of Tehama
 Sacramento River
 TEHAMA COUNTY



This Exhibit 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.

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