

**CALENDAR ITEM
C56**

A 13

02/22/13
W 26525
V. Caldwell

S 5

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Port of Stockton

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, near Rough and Ready Island, adjacent to Assessor's Parcel Numbers (APN) 145-020-09 and 162-030-01, city of Stockton, San Joaquin County.

AUTHORIZED USE:

Installation, use, maintenance, and operation of four 4-inch diameter, 710-foot long fiber optic cable conduits installed using horizontal directional drilling (HDD), at a depth of 50 feet beneath the bed of the San Joaquin River.

LEASE TERM:

20 years, beginning February 22, 2013

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

This lease contains special provisions related to pre-construction and post-construction project engineering review and verification.

OTHER PERTINENT INFORMATION:

1. Applicant owns Assessor's Parcel Number (APN) 145-020-09 adjoining the lease premises on the left bank of San Joaquin River and has a right to use APN 162-030-01 adjoining the lease premises on the right bank of the San Joaquin River.

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2. The Port of Stockton (Port) is proposing to install a fiber optic telecommunication line as part of a larger upgrade of the existing telecommunications infrastructure to meet the Transportation Worker Identification Credential (TWIC) program standards established by Congress in the 2002 Maritime Transportation Security Act (MTSA) administered by the Transportation Security Administration (TSA) and the U.S. Coast Guard. The project has two main components: 1) installation of communications-related infrastructure (new fiber optic and telephone cables) associated with a centralized telecommunications hub and data center, and 2) installation of communications-related infrastructure to support future implementation of security measures at Port access gates. The San Joaquin River at this location bisects the Port properties between the East and West complexes. The proposed telecommunications infrastructure will upgrade the connection between the East and West complexes.
3. The portion of the project within the San Joaquin River consists of the installation of four 4-inch diameter, 710-foot long fiber optic cable conduits using HDD, at a depth of 50 feet beneath the bed of the San Joaquin River. During construction activities, the project includes implementation of Best Management Practices to minimize potential environmental impacts and has developed a Spill Prevention Control and Countermeasures Program to minimize the potential for, and effects from, spill of hazardous, toxic, or petroleum substances. The contractor will prepare a frac-out contingency plan which will require on-site monitoring of the river during all boring activities. Installation is anticipated to take seven days to complete beginning the end of Spring or Summer 2013.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Reclamation District 403 and Reclamation District 404.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, Central Valley Flood Protection Board.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Port of Stockton beginning February 22, 2013, for a term of 20 years, for the installation, use, maintenance, and operation of four 4-inch diameter, 710-foot long fiber optic cable conduits in the bed of the San Joaquin River as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interest.

LAND DESCRIPTION

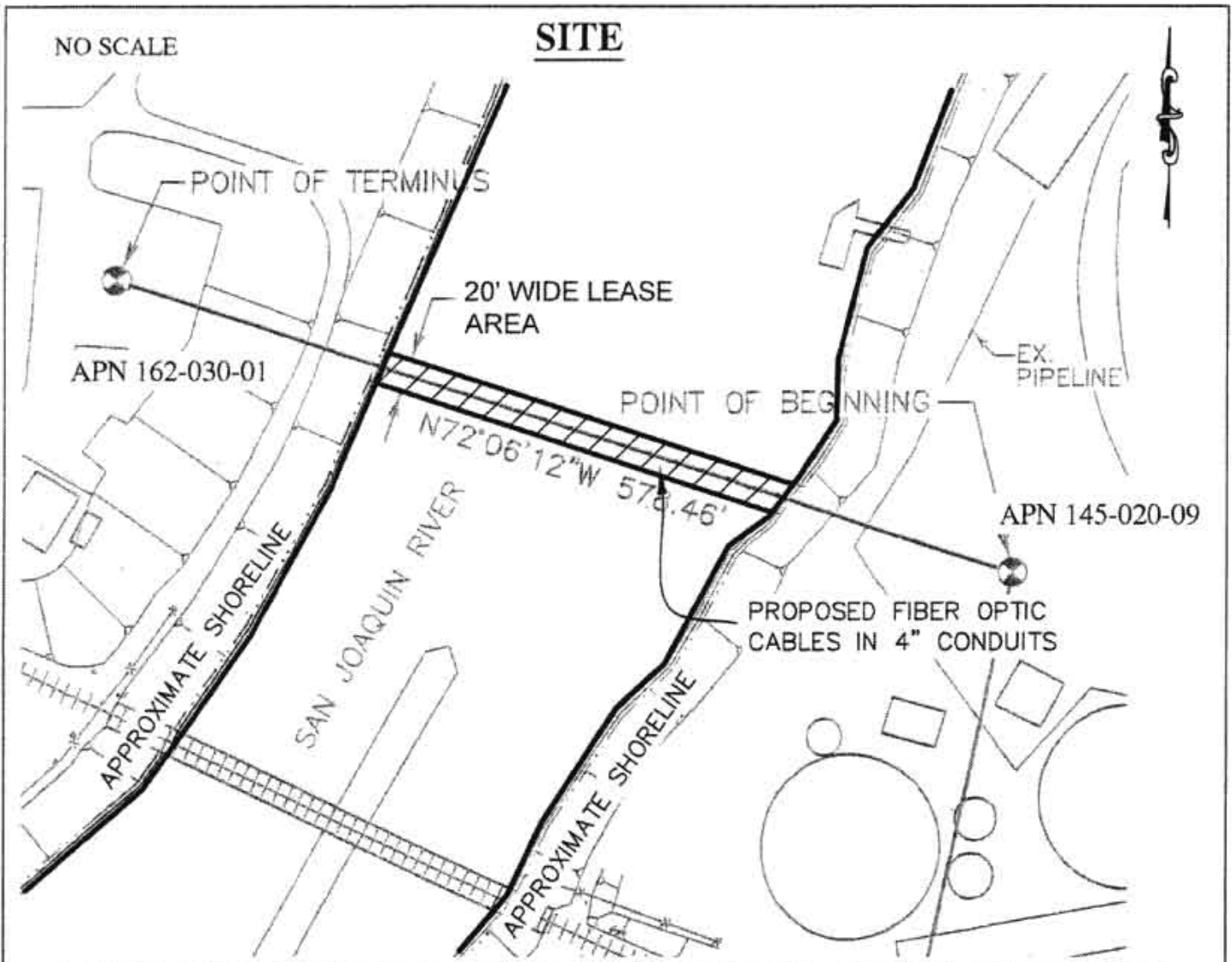
A 20 FOOT WIDE STRIP OF TIDE AND SUBMERGED LAND LYING IN THE BED OF THE SAN JOAQUIN RIVER, ADJACENT TO PROTRACTED SECTION 8, TOWNSHIP 1 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON OFFICIAL GOVERNMENT TOWNSHIP PLAT APPROVED DECEMBER 5, 1879, SITUATE IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT GPS OCCUPIED POINT 306 AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON AUGUST 30, 1994 IN BOOK 33 OF SURVEYS AT PAGE 20, SAN JOAQUIN COUNTY RECORDS, SAID POINT HAVING CCS83 ZONE 3 (1991.35) COORDINATES OF NORTHING 2167315.376 FEET AND EASTING 6320382.066 FEET; THENCE NORTH 12°07'51" EAST 1595.62 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 72°06'12" WEST 578.46 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

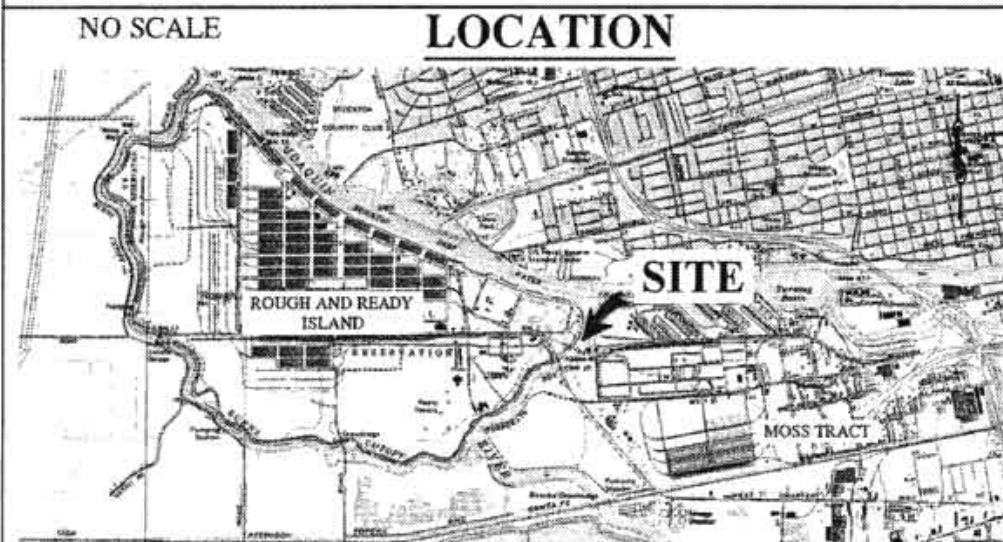
EXCEPTING THEREFROM ANY PORTION LYING LANDWARD OF THE ORDINARY HIGH WATER MARKS OF THE RIGHT AND LEFT BANKS OF THE SAN JOAQUIN RIVER.

END OF DESCRIPTION





SAN JOAQUIN RIVER CROSSING, NEAR ROUGH AND READY ISLAND



MAP SOURCE: USGS QUAD

Exhibit B
W 26525
PORT OF STOCKTON
APN 145-020-09 & 162-030-01
GENERAL LEASE -
PUBLIC AGENCY USE
SAN JOAQUIN COUNTY



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