

**CALENDAR ITEM  
C48**

A 2  
S 2

06/19/14  
PRC 5592.1  
B. Terry

**GENERAL LEASE – RIGHT-OF-WAY USE**

**APPLICANT:**

Comcast of California/Maryland/  
Pennsylvania/Virginia/West Virginia, LLC  
3011 Anderson Drive  
San Rafael, CA 94901

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

Sovereign lands in the Albion River, near Albion, and in the Big River, near Mendocino, Mendocino County.

**AUTHORIZED USE:**

Continued use and maintenance of one existing fiber optic communication cable over the Albion River; and one fiber optic communication cable beneath the bed of the Big River.

**LEASE TERM:**

20 years, beginning June 1, 2014.

**CONSIDERATION:**

\$450 per year, 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 in an amount no less than \$3,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On November 27, 1978, the Commission authorized a General Lease – Right-of-Way Use with Teleprompter Cable Communications Corporation, for the installation of one communication cable located over the Albion River, and installation of one communication cable beneath the bed of the Big River. On October 26, 1983, the Commission authorized an

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assignment of that lease to Group W. Cable. That lease expired on November 30, 1993. Group W. Cable subsequently sold to Century Mendocino Cable Television, Inc. (CMCT) and on December 16, 1998 the Commission authorized a General Lease – Right-of-Way Use with CMCT. However, that lease did not include the communication cable located beneath the bed of the Big River. That lease expired on November 30, 2008.

3. Ownership of both cables is now held by the Applicant, who is applying for a General Lease – Right-of-Way Use.
4. The Applicant provided evidence that the cable beneath the bed of the Big River still exists and has requested that the cable be part of its lease. The cable crossing the Albion River is connected to poles owned by AT&T and the Applicant has authorization from AT&T for the use of those poles.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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

**EXHIBITS:**

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

CALENDAR ITEM NO. **C48** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California code of Regulations, section 2905 (a)(2).

**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 – Right-of-Way Use to Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC beginning June 1, 2014, for a term of 20 years, for the continued use and maintenance of one existing communication cable over the Albion River, and one communication cable beneath the Big River, as described on Exhibit A, and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$450, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$3,000,000 per occurrence.

**EXHIBIT A**

**PRC 5592.9**

**LAND DESCRIPTION**

Two parcels of submerged lands lying in the beds of the Albion River and Big River, County of Mendocino, State of California, described as follows:

Parcel One (Albion River):

A 10 foot wide strip of submerged land lying in the bed of the Albion River, adjacent to Section 28, Township 16 North, Range 17 West, MDM., as shown on official government township plat approved April 16, 1873, County of Mendocino, State of California, the centerline of which is described as follows:

BEGINNING at a joint utility pole lying 20 feet northerly of the southerly abutment of the Highway 1 bridge crossing said Albion River, and 20 feet easterly of the easterly bridge rail of said bridge; thence northerly parallel with said easterly bridge rail 983.20 feet to a joint utility pole, said pole being the terminus of this strip.

EXCEPTING THEREFROM any portion lying landward of the low water of the left and right banks of said Albion River.

The sidelines of said strip shall be prolonged or shortened so as to commence and terminate at the low water of the left and right banks of said Albion River.

Parcel Two (Big River):

A strip of submerged land 10.00 feet in width lying in the bed of Big River, Mendocino County, California, said strip lying 5.00 feet on each side of the following described center line:

COMMENCING at a C.H.C. Survey Monument 95.00 feet right of Station "D" 538+04.16 EC as said Station is shown on the State of California Highway Map 1-MEN-56-D; thence S 22°04'00" E 1,307.00 feet to the end of a tangent curve concave to the west having a radius of 100.00 feet; thence northerly along arc of said curve through a central angle of 20° an arc distance of 34.91 feet to the beginning of said curve; thence N 01°15'00" W 88.00 feet to the POINT OF BEGINNING; thence S 01°15'00" E 88.00 feet to the beginning of above-described curve; thence southerly along said curve through a central angle of 20° an arc distance of 34.91 feet to the end of said curve; thence S 18°45'00" W 640.00 feet to the end of the herein-described center line.

EXCEPTING THEREFROM any portion lying landward of the low water of the left and right banks of said Big River.

The sidelines of said strip shall be prolonged or shortened so as to commence and terminate at the low water of the left and right banks of said Big River.

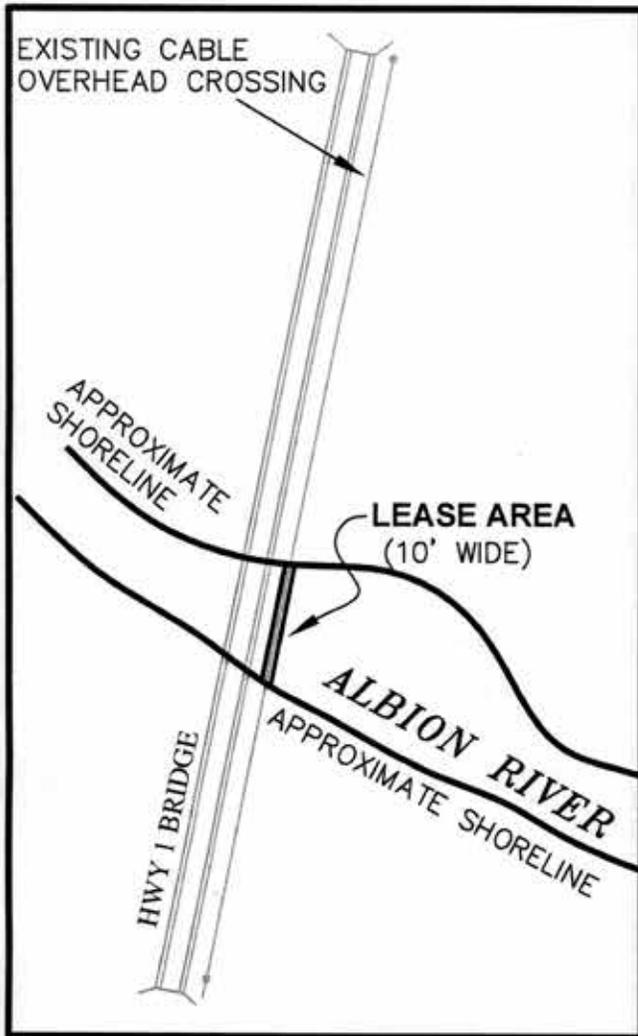
**END OF DESCRIPTION**

Parcel One prepared by the California State Lands Commission Boundary Unit 9/24/2013. Parcel Two based on that original description prepared by Roy Minnick on May 6, 1981 as found in PRC 6006.

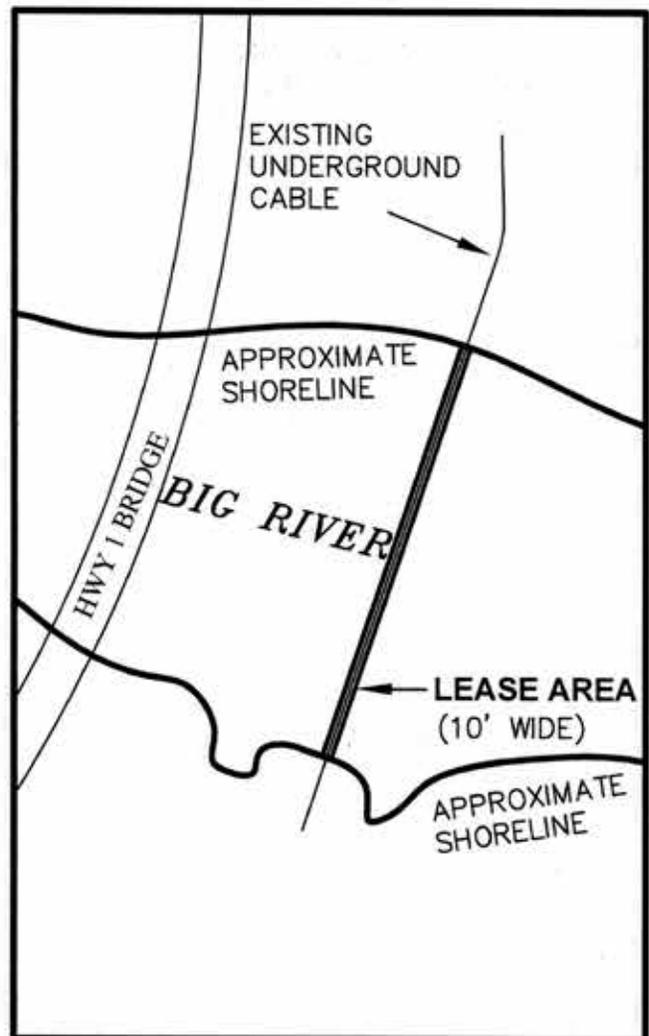


NO SCALE

### SITE



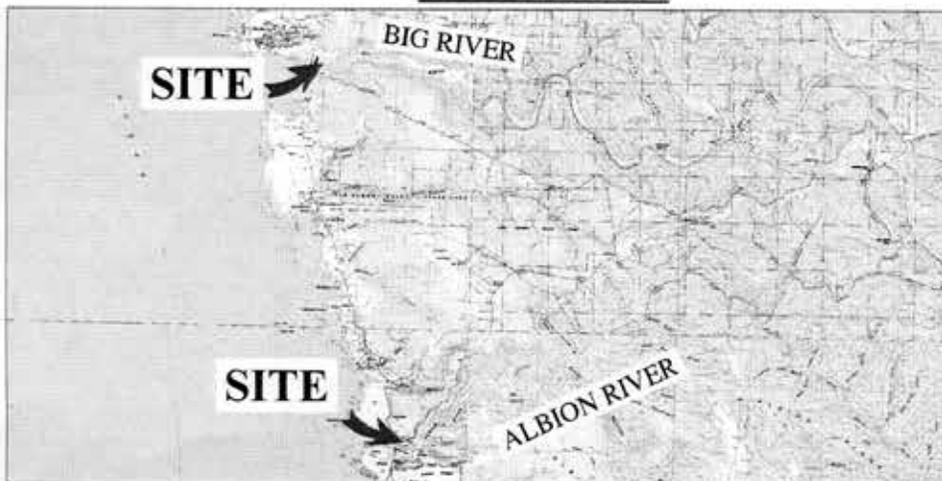
ALBION RIVER



BIG RIVER

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

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.

### Exhibit B

PRC 5592.9  
COMCAST OF CALIFORNIA  
GENERAL LEASE -  
RIGHT - OF - WAY USE  
MENDOCINO COUNTY



DJF 09/23/13