

MINUTE ITEM

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 4-20-00 meeting.

**CALENDAR ITEM
C20**

A 8, 17, 26, 30

April 20, 2000

S 4, 5, 6, 12, 16

PRC. 8156.9

W 25555

D. Jones

PERMIT FOR TELEPHONE RIGHT OF WAY

LESSEE:

Level 3 Communications, Inc.
1025 El Dorado Blvd.
Broomfield, Colorado 80221

AREA, LAND TYPE, AND LOCATION:

Sovereign lands located in the Cosumnes River near the town of Galt, Sacramento County; the Carquinez Straits near the town of Crockett, Contra Costa County; the Mokelumne River in the city of Lodi, San Joaquin County; the Stanislaus River near the city of Ripon, Stanislaus and San Joaquin counties; the Tuolumne River in the city of Modesto, Stanislaus County; the Merced River near the city of Livingston, Merced County; the San Joaquin River near the city of Fresno, Madera and Fresno counties; the Kings River in the city of Laton, Kings County; and Cordelia Slough in the city of Fairfield, Solano County.

AUTHORIZED USE:

Cosumnes, Mokelumne, Stanislaus, Tuolumne, Merced, San Joaquin, and Kings Rivers and Cordelia Slough:

Installation, operation, maintenance, and use of an 11-inch diameter high density polyethylene (HDPE) casing containing 12 (HDPE) innerducts, four of which will each contain one fiber optic cable with approximately 108 fiber strands.

Carquinez Straits:

Installation, operation, maintenance, and use of a 12-inch steel casing containing 20 HDPE innerducts, one of which will contain one fiber optic cable with approximately 108 fiber strands.

LEASE TERM:

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

CALENDAR PAGE	0000181
MINUTE PAGE	0007872

CALENDAR ITEM NO. C20 (CONT'D)

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.

OTHER PERTINENT INFORMATION:

1. Applicant will have the right to use the uplands adjoining the lease premises before commencing with construction.
2. Level 3 Communications, a communications and information services company, is building a national long-haul network for long distance and data traffic transmission. Portions of the proposed network will be installed by directional boring underneath the Cosumnes, Mokelumne, Stanislaus, Tuolumne, Merced, San Joaquin and Kings River; Cordelia Slough and the Carquinez Straits.
3. Pursuant to California Public Utilities Code Section 7901 (PUC §7901), telephone corporations may construct and operate lines and equipment along and upon any public road, highway or the navigable waters of the State, without payment of compensation, provided the lines and facilities do not interfere with the public use. Applicant has provided staff with a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) authorizing Applicant to operate as a facilities-based competitive local carrier and to provide intrastate telecommunications services in California. Applicant also intends to provide interstate and international telephone service as authorized by the Federal Communications Commission.
4. A Mitigated Negative Declaration was prepared and adopted for this project by California Public Utilities Commission. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the California Public Utilities Commission.
5. 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.

CALENDAR ITEM NO. C (CONT'D)

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, The Reclamation Board, California Regional Water Quality Control Board, California Department of Fish and Game, Sacramento County, San Joaquin County, Stanislaus County, Merced County, Madera County, Fresno County, Kings County, city of Modesto, city of Lodi, city of Fairfield.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission (Carquinez Straits).

EXHIBITS:

A-1 through A-9	Site Maps
B-1 through B-9.	Lease Descriptions
C-1 through C-9.	Location Maps
D.	Mitigation Monitoring Plan

PERMIT STREAMLINING ACT DEADLINE:

September 5, 2000

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 CALIFORNIA PUBLIC UTILITIES COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D ATTACHED HERETO.

CALENDAR ITEM NO. C (CONT'D)

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 LEVEL 3 COMMUNICATIONS, INC., OF A PERMIT FOR TELEPHONE LINE RIGHT OF WAY, FOR A TERM OF CONTINUOUS USE PLUS ONE YEAR BEGINNING APRIL 20, 2000, FOR THE FOLLOWING:

COSUMNÈS, MOKELUMNE, STANISLAUS, TUOLUMNE, MERCED, SAN JOAQUIN, AND KINGS RIVERS, AND CORDELIA SLOUGH: THE INSTALLATION, OPERATION, MAINTENANCE, AND USE OF AN 11-INCH DIAMETER HIGH DENSITY POLYETHYLENE CASING (HDPE) CONTAINING 12 (HDPE) INNERDUCTS, FOUR OF WHICH WILL EACH CONTAIN ONE FIBER OPTIC CABLE WITH APPROXIMATELY 108 FIBER STRANDS;

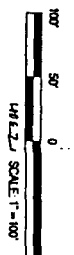
CARQUINEZ STRAITS: INSTALLATION, OPERATION, MAINTENANCE, AND USE OF A 12-INCH STEEL CASING CONTAINING 20 HDPE INNERDUCTS, ONE OF WHICH WILL CONTAIN ONE FIBER OPTIC CABLE WITH APPROXIMATELY 108 FIBER STRANDS

ON THE LAND SHOWN AND DESCRIBED ON EXHIBITS A-1 THROUGH A-9 AND B-1 THROUGH B-9 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: EXEMPT PURSUANT TO SECTION 7901 OF THE PUBLIC UTILITIES CODE.

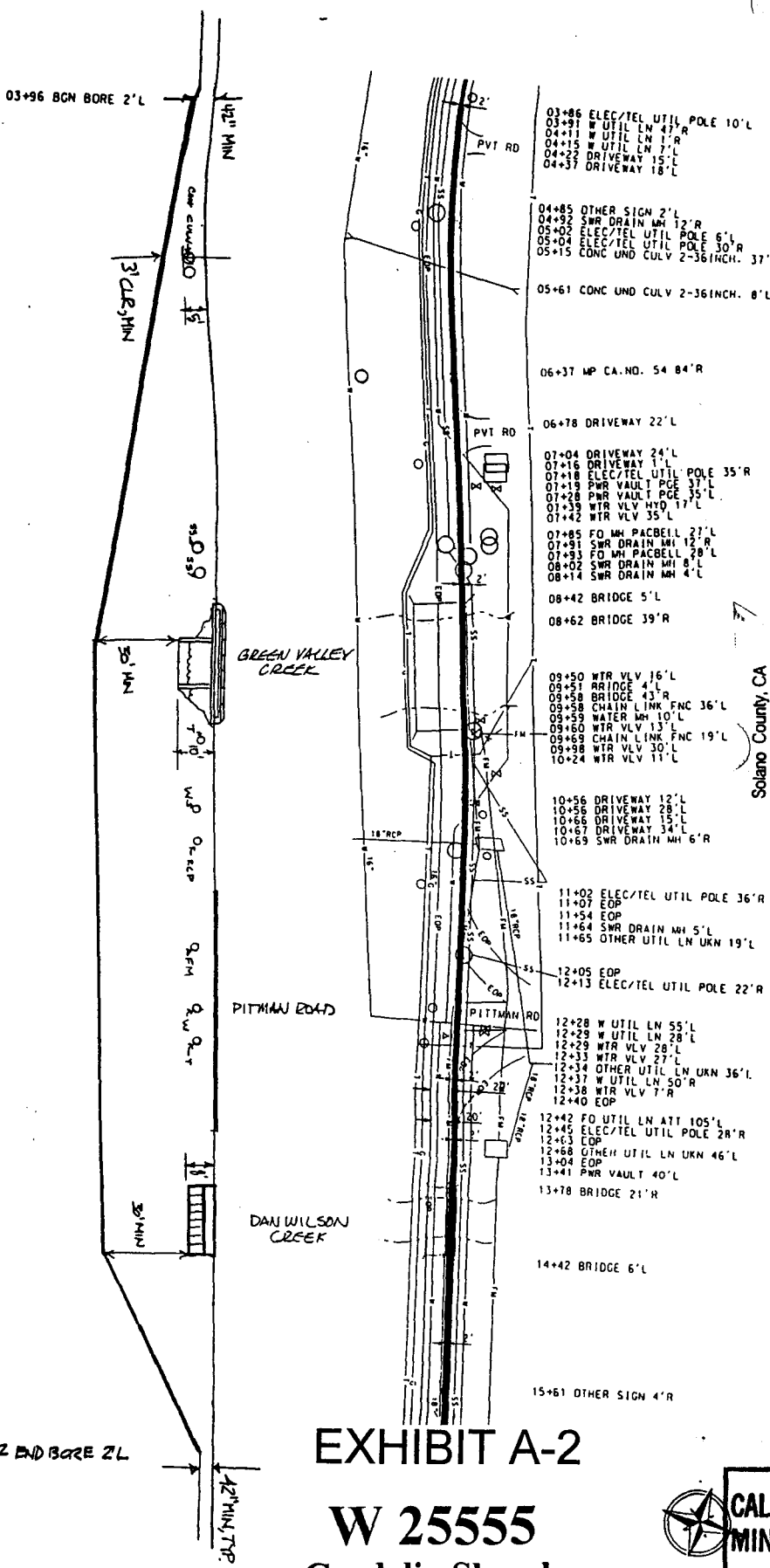
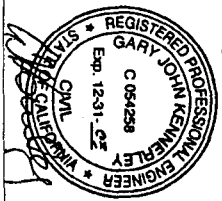
DUCT SYSTEM DETAIL
N.T.S.



10" S80 11 CASTING
W/ 12 1-1/4" HOPE DUCTS



16+22 END BORE 2'L



- 03+96 BCM BORE 2'L
- 03+86 ELEC/TEL UTIL POLE 10'L
- 03+91 W UTIL LN 47'R
- 04+11 W UTIL LN 47'R
- 04+25 W UTIL LN 7'L
- 04+22 DRIVEWAY 15'L
- 04+37 DRIVEWAY 18'L
- 04+85 OTHER SIGN 2'L
- 04+92 SWR DRAIN MH 12'R
- 05+02 ELEC/TEL UTIL POLE 6'L
- 05+04 ELEC/TEL UTIL POLE 30'R
- 05+15 CONC UND CULV 2-36INCH. 37'R
- 05+61 CONC UND CULV 2-36INCH. 8'L
- 06+37 MP CA. NO. 54 84'R
- 06+78 DRIVEWAY 22'L
- 07+04 DRIVEWAY 24'L
- 07+86 DRIVEWAY 11'L
- 07+19 ELEC/TEL UTIL POLE 35'R
- 07+19 PWR VAULT PGE 37'L
- 07+28 PWR VAULT PGE 35'L
- 07+23 WTR VLV HVD 17'L
- 07+42 WTR VLV 35'L
- 07+85 FO MH PACBELL 27'L
- 07+91 SWR DRAIN MH 12'R
- 07+93 FO MH PACBELL 28'L
- 08+02 SWR DRAIN MH 8'L
- 08+14 SWR DRAIN MH 4'L
- 08+42 BRIDGE 5'L
- 08+62 BRIDGE 39'R
- 09+50 WTR VLV 16'L
- 09+51 BRIDGE 47'R
- 09+58 BRIDGE 43'R
- 09+58 CHAIN LINK FNC 36'L
- 09+59 WATER MH 10'L
- 09+60 WTR VLV 13'L
- 09+69 CHAIN LINK FNC 19'L
- 09+98 WTR VLV 30'L
- 10+24 WTR VLV 11'L
- 10+56 DRIVEWAY 12'L
- 10+58 DRIVEWAY 28'L
- 10+66 DRIVEWAY 15'L
- 10+67 DRIVEWAY 34'L
- 10+69 SWR DRAIN MH 6'R
- 11+02 ELEC/TEL UTIL POLE 36'R
- 11+07 EOP
- 11+54 EOP
- 11+64 SWR DRAIN MH 5'L
- 11+65 OTHER UTIL LN UKN 19'L
- 12+05 EOP
- 12+13 ELEC/TEL UTIL POLE 22'R
- 12+28 W UTIL LN 55'L
- 12+29 W UTIL LN 28'L
- 12+29 WTR VLV 28'L
- 12+33 WTR VLV 27'L
- 12+34 OTHER UTIL LN UKN 36'L
- 12+37 W UTIL LN 50'R
- 12+38 WTR VLV 7'R
- 12+40 EOP
- 12+42 FO UTIL LN ATT 105'L
- 12+45 ELEC/TEL UTIL POLE 28'R
- 12+63 EOP
- 12+68 OTHER UTIL LN UKN 46'L
- 13+04 EOP
- 13+41 PWR VAULT 40'L
- 13+78 BRIDGE 21'R
- 14+42 BRIDGE 6'L
- 15+61 OTHER SIGN 4'R

Solano County, CA

Program: Intercity Network
City Pair: Oakland to Sacramento
Package Title: Cordelia Workaround
Drawing Title: 05+96 TO 16+22 BOE E

Level(3)
COMMUNICATIONS

Kiewit Network Services Co.
CONTRACTOR

PB PARSONS
ENGINEERING

Scale: S01 P. 00 1

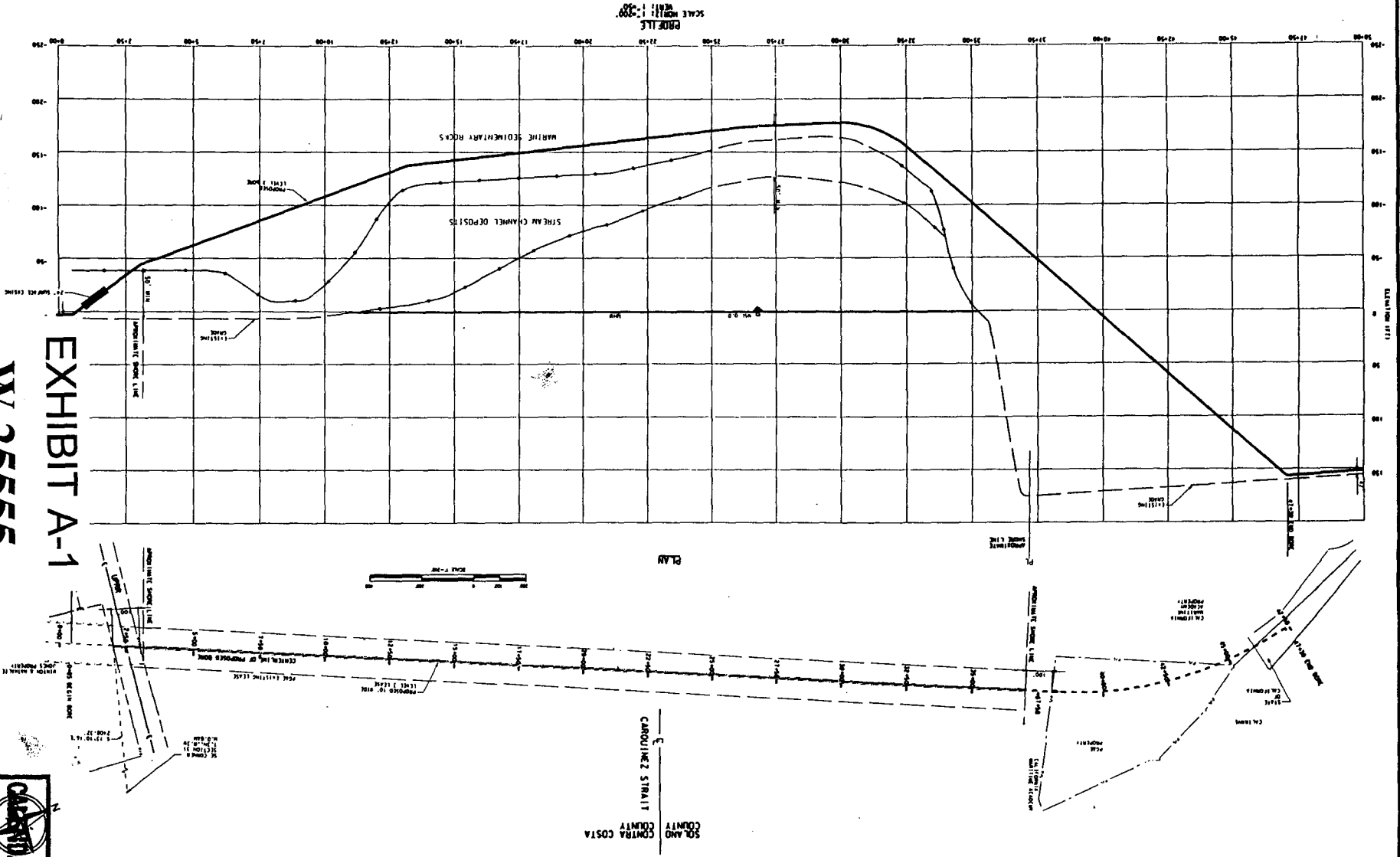
DATE: 0000185
0007876

Rev	Description	Design By	Quality Control	Approved
0	Issued For Review	PLE	PAT	TND
1	Added Corrections, Issued For Review	PLE	PAT	TND

The scales on this drawing are shown on this drawing. Level(3) Communications is not responsible for the accuracy of the data provided by the contractor. The contractor is responsible for the accuracy of the data provided by the contractor. The contractor is responsible for the accuracy of the data provided by the contractor.

EXHIBIT A-1
W 25555
Carquinez Straits

MINUTE PLAN
000001S



The location of utilities shown on this drawing are based on records. Level 3 Communications, Inc. hereby disclaims any responsibility and parties for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

Rev	Description	Design	Quality Control	Approved
		By	By	By
0	Issued for Review	PLE	PAT	GJK

48 HOURS NOTICE REQUIRED

Level (3) COMMUNICATIONS

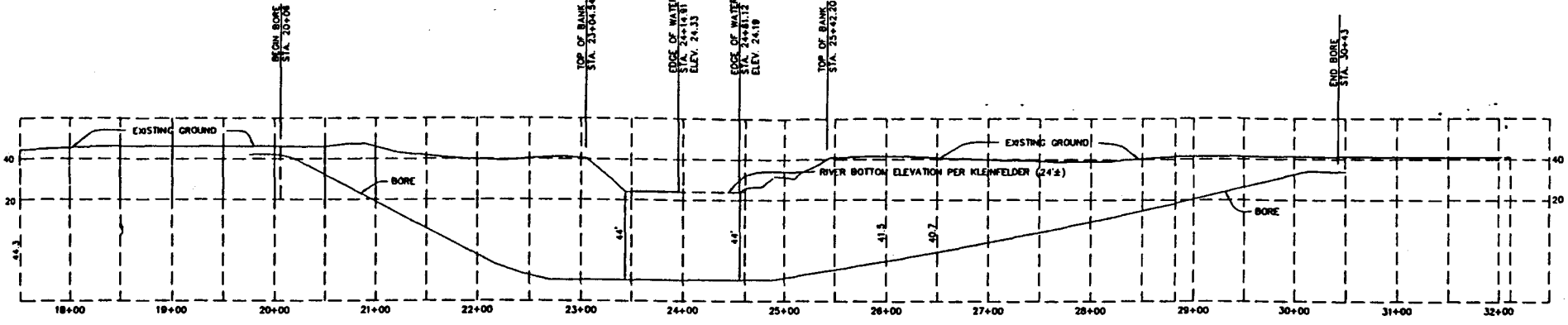
Kiewit Network Services Co.

PARSONS BRINCKERHOFF

Program: Intercity Network City Pair: Oakland to Sacramento Package Title: State Land Commission Drawing Title: Carquinez Strait					
City Pair Code	Package No	Type	Drawing No	Rev	Sheet No
OAKSAC	S01	P	01	0	1 of 1

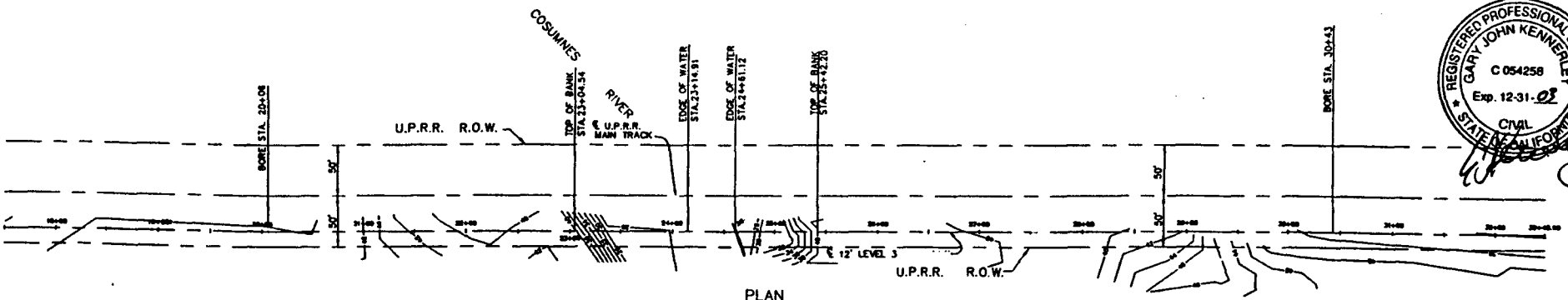
EXHIBIT A-3

The locations of utilities shown on this drawing are only approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

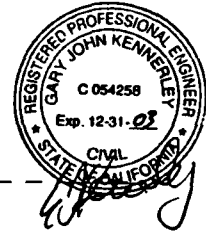


PROFILE 1/2" LEVEL 3

HOR. SCALE: 1" = 100'
VERT. SCALE: 1" = 50'



PLAN SCALE: 1"=100'



CASE NO. PAGE 0000187
 MINUTE PAGE 0007878

TIME: _____
 SERVICE: _____
 N: 0048 (CADD/SURVEY)
 NAME: COSUMNES
 PROJ. NO.: _____

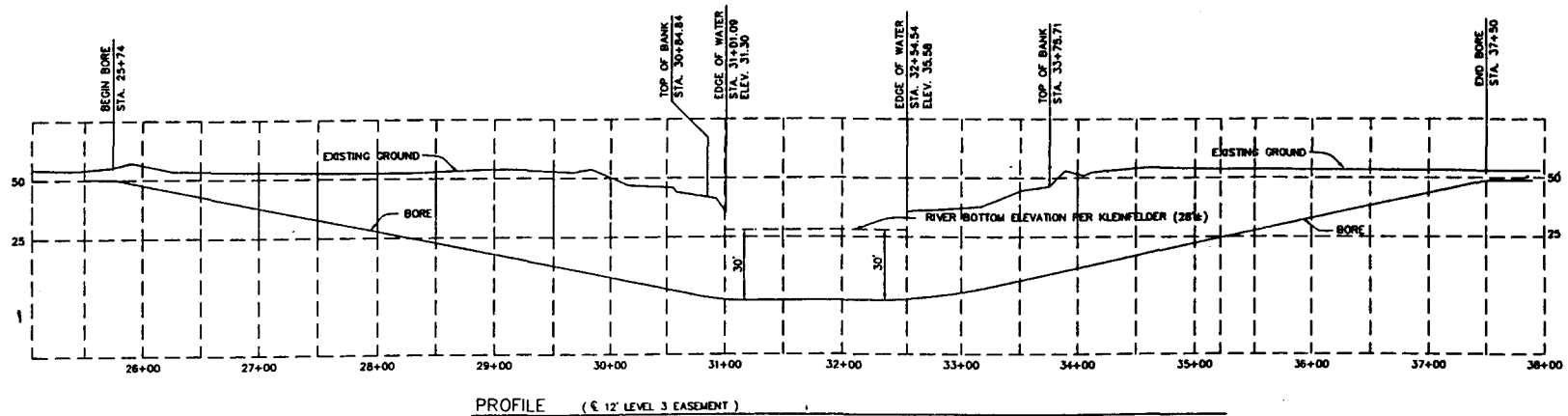
Kiewit Network Services Co.
PB Parsons
 Brinckerhoff
 Level 3 Communications

NOLTE
 BEYOND ENGINEERING
 710 RIMPAU AVE. SUITE 208 CORONA, CA. 91719
 909.372.2760 TEL. 909.279.6210 FAX WWW.NOLTE.COM

COSUMNES RIVER CROSSING		SHEET NUMBER 1
PREPARED FOR: Level 3 Communications	DATE SUBMITTED: March 8, 2000	OF 1 SHEETS JOB NUMBER TE0048

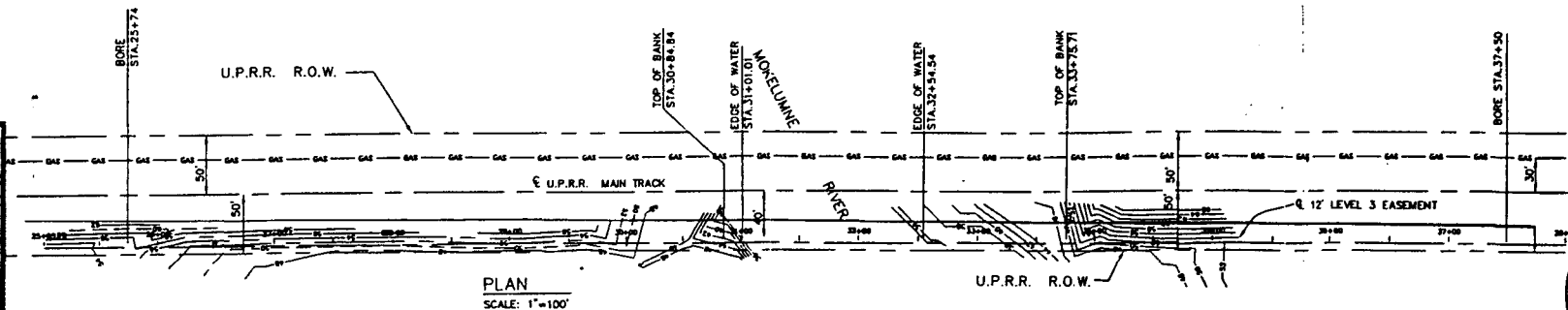
The locations of utilities shown on this drawing are only approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of this information. Parsons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

EXHIBIT A-4



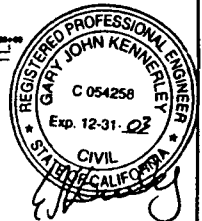
PROFILE (@ 12' LEVEL 3 EASEMENT)

HOR. SCALE: 1" = 100'
VERT. SCALE: 1" = 50'



PLAN
SCALE: 1"=100'

CALENDAR PAGE
MINUTE PAGE
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Kiewit Network Services Co.

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BEYOND ENGINEERING

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909.372.2760 TEL 909.279.6210 FAX WWW.NOLTE.COM

PREPARED BY: Level 3 Communications

MOKELUMNE RIVER CROSSING

DATE SUBMITTED: March 2002

SHEET NUMBER

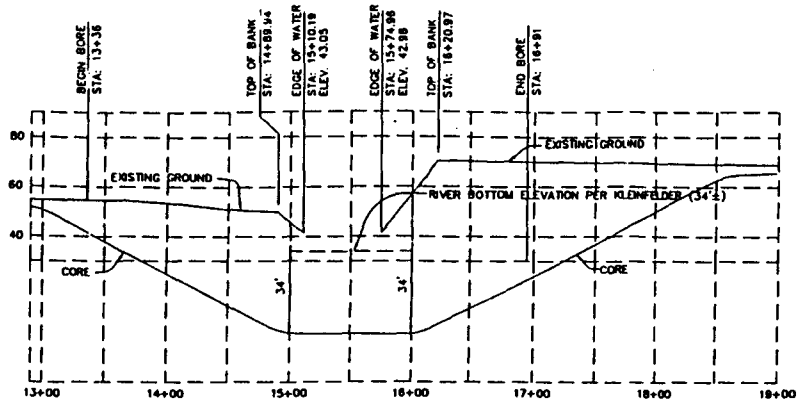
1

OF 1 SHEETS

JOB NUMBER
1E0049

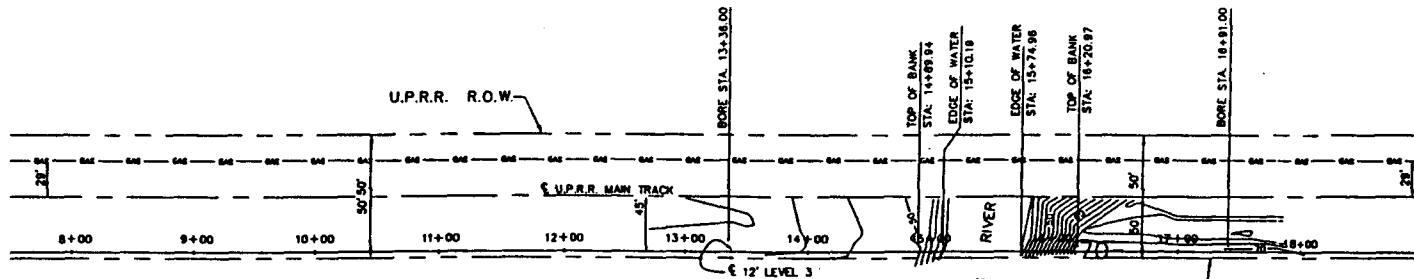
EXHIBIT A-5

The locations of utilities shown on this drawing are only approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

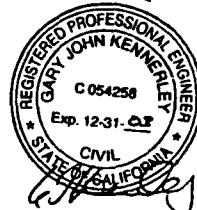


PROFILE (€ 12' LEVEL 3)

HOR. SCALE: 1" = 100'
VERT. SCALE: 1" = 50'



PLAN
SCALE: 1"=100'

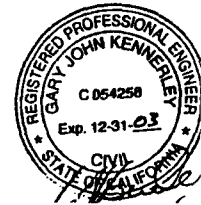
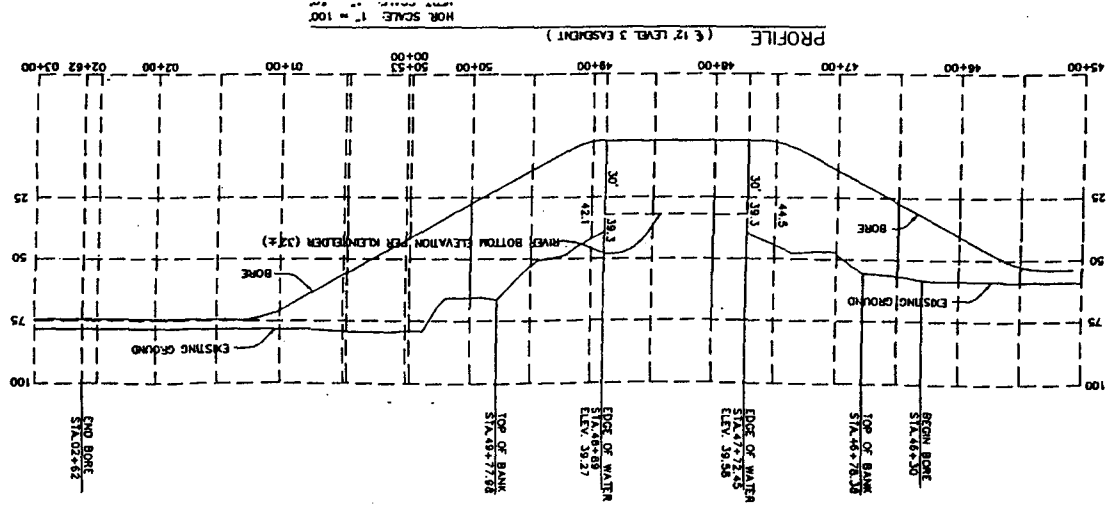
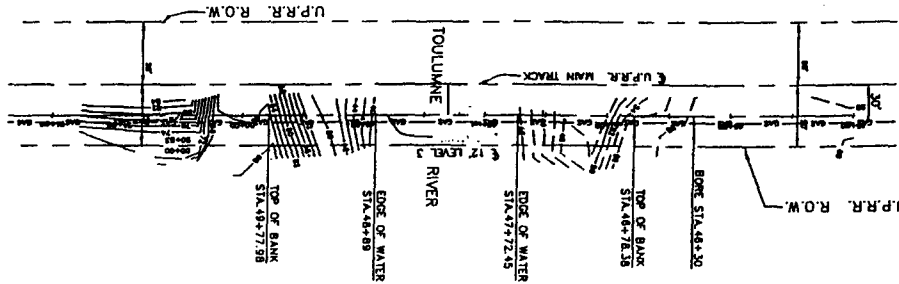


CALENDAR PAGE 0000189
 MINUTE PAGE 0007880

TIME: _____ SERVICE: _____ PROJECT: STANISLAUS PROJ. MGR: _____	Kiewit Network Services Co. PB Parsons Brinckerhoff Level 3 Communications	NOLTE BEYOND ENGINEERING 710 RIMPALU AVE. SUITE 208 CORONA, CA. 91719 909.372.2760 TEL. 909.279.6210 FAX WWW.NOLTE.COM	STANISLAUS RIVER CROSSING PREPARED FOR: Level 3 Communications	SHEET NUMBER 1 OF 1 SHEETS JOB NUMBER TE0050
			DATE SUBMITTED: March 8, 2000	

The local utility lines shown on this drawing are approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

EXHIBIT A-6



PLAN
SCALE: 1"=100'

CALENDAR PAGE
MINUTE PAGE
0000190
0007888

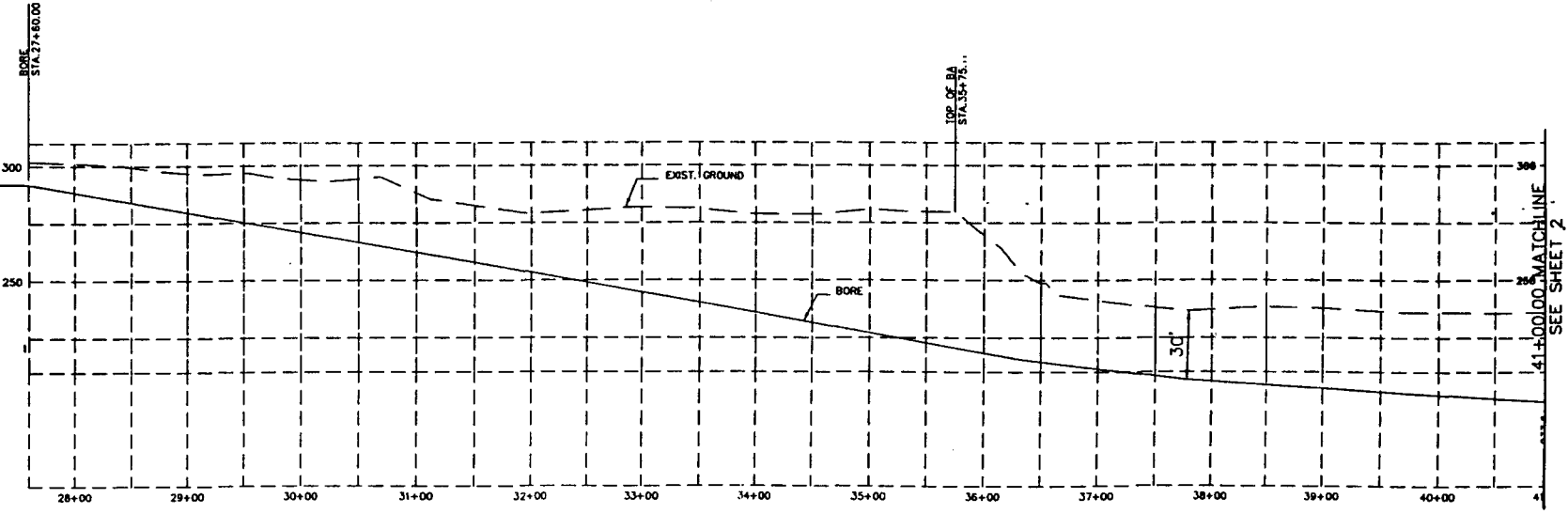
Kiewit Network Services Co.
PB Parsons Brinckerhoff
Level 3 Communications

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BEYOND ENGINEERING
710 RIMPAU AVE. SUITE 208 CORONA, CA. 91719
909.372.2760 TEL. 909.379.6210 FAX. WWW.NOLTE.COM

TOULUMNE RIVER CROSSING
PREPARED FOR: Level 3 Communications
DATE SUBMITTED: March 8, 2000

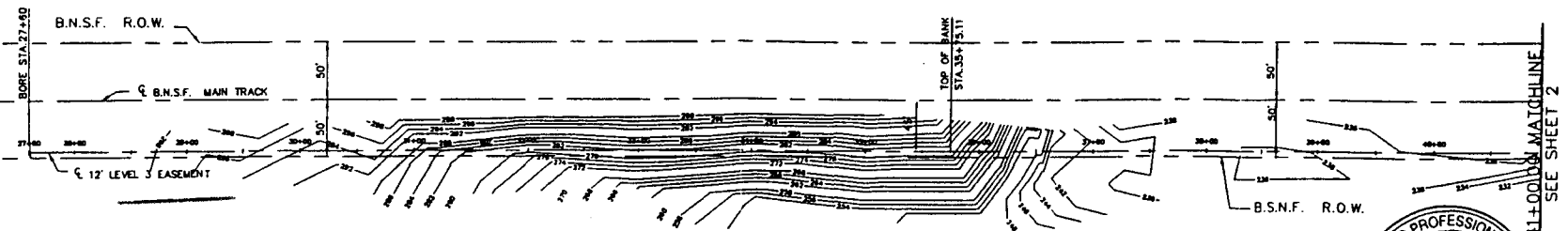
SHEET NUMBER
1
OF 1 SHEET
JOB NUMBER
IE0051

The locations of utilities shown on this drawing are only approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of the information. Parties working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.



PROFILE (12' LEVEL 3 EASEMENT)

HOR. SCALE: 1" = 100'
VERT. SCALE: 1" = 50'



PLAN
SCALE: 1"=100'

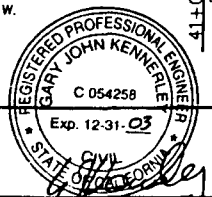
CALENDAR PAGE
MINUTE PAGE
0000197
0007882

DATE: _____ TIME: _____
SERVER: _____ SERVICE: _____
PATH: H:\NEG05\CADD\SURVEY\
DRAWING NAME: SJJOAQUIN1
PLOTING VIEW: _____
DESIGNER: _____ PROJ. MGR: _____

Kiewit Network Services Co.
PB Parsons
Brinckerhoff
Level 3 Communications

NOLTE
BEYOND ENGINEERING
710 RIMPAN AVE. SUITE 208 CORONA, CA. 91719
909.372.2760 TEL. 909.379.6210 FAX WWW.NOLTE.COM

SAN JOAQUIN RIVER CROSSING
PREPARED FOR: Level 3 Communications
DATE SUBMITTED: March 8, 2000

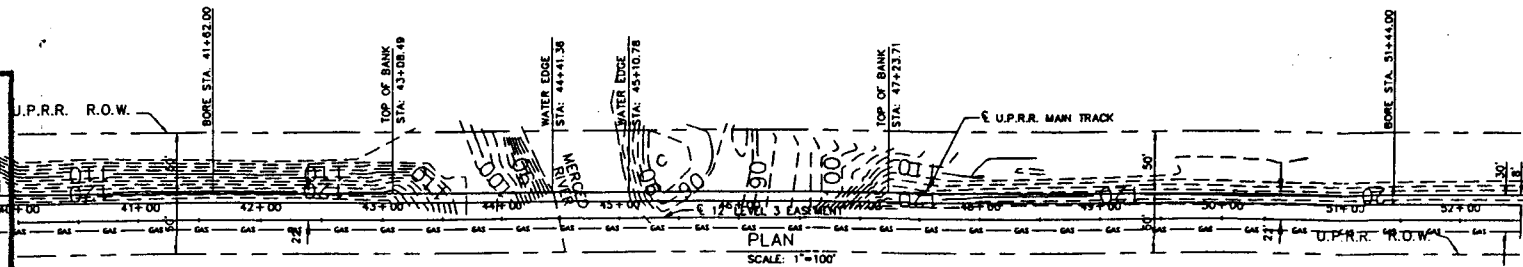
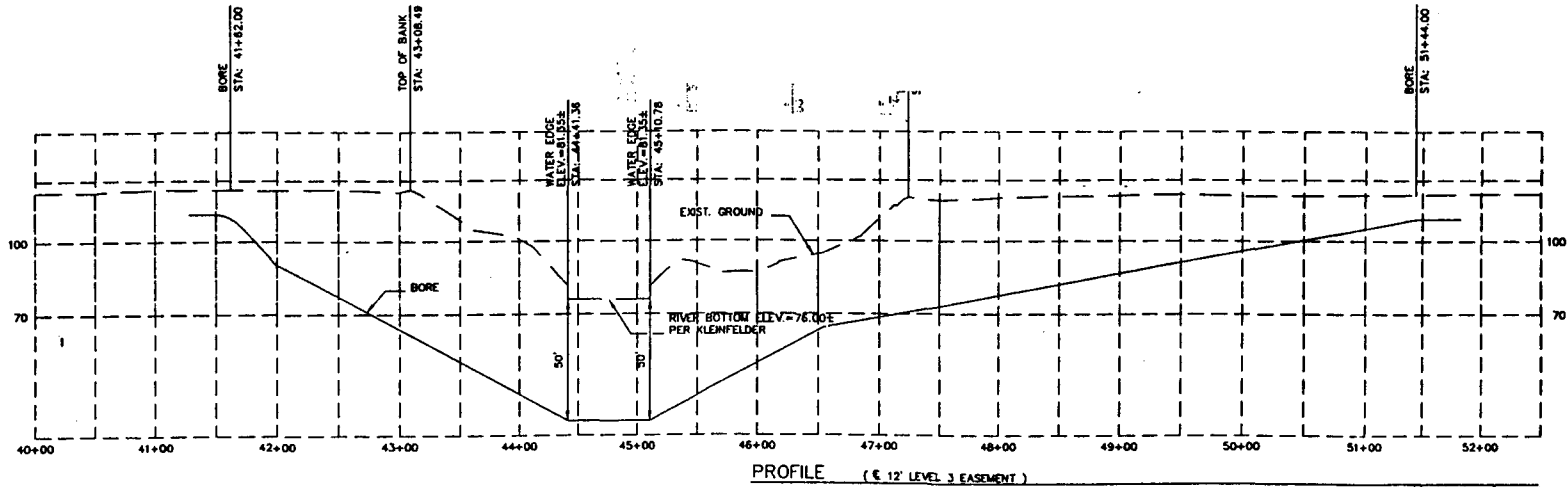


SHEET NUMBER
1
of 2 SHEETS
JOB NUMBER
1E0053

ENTRIDI A-1/2

The locations of utilities shown on this drawing are only approximate. Level 3 Communications, LLC hereby disclaims any responsibility to third parties for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.

EXHIBIT A-8

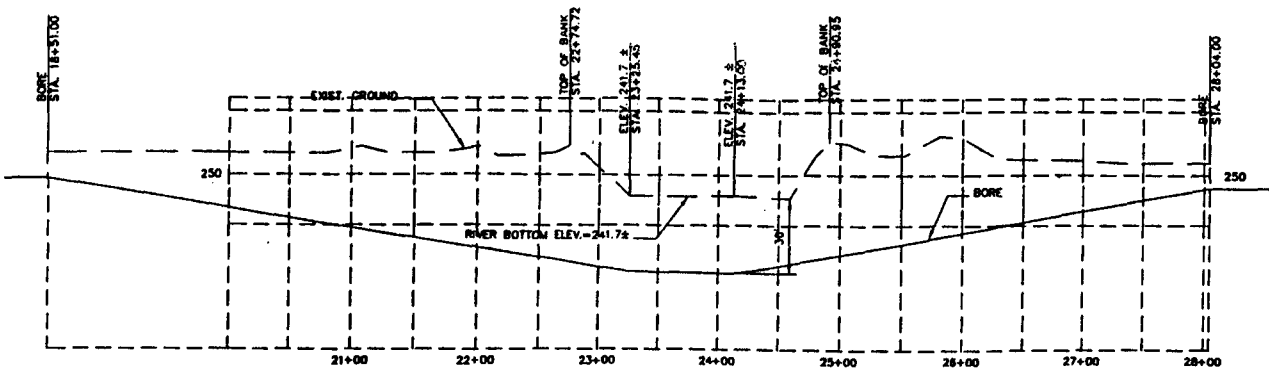


CALENDAR PAGE 0000093
 MINUTE PAGE 00078514

DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DESIGNED BY: _____	Kiewit Network Services Co. PB Parsons Brinckerhoff Level 3 Communications	 NOLTE BEYOND ENGINEERING 710 RIMPAL AVE. SUITE 208 CORONA, CA. 91719 909.372.2760 TEL. 909.279.6210 FAX WWW.NOLTE.COM	MERCED RIVER CROSSING PREPARED FOR: Level 3 Communications	SHEET NUMBER 1 OF 1 SHEETS JOB NUMBER IE0052
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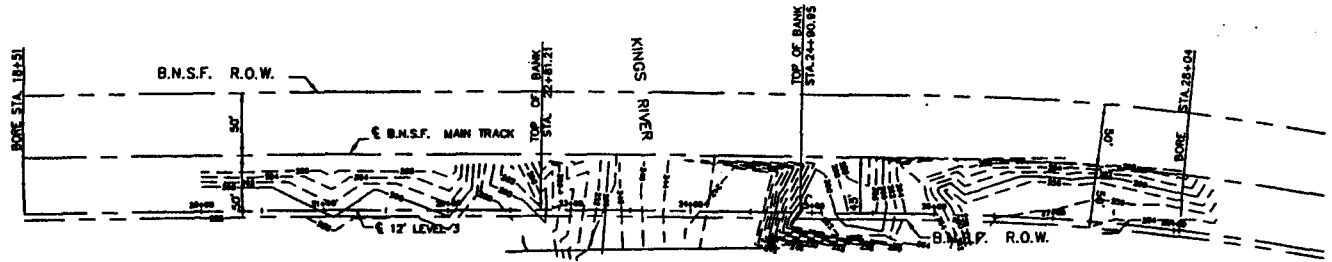
DATE SUBMITTED: March 8, 2000

The location shown on this drawing and estimate, Level 3 hereby disclaims any responsibility for the accuracy of this information. Persons working in the area covered by this drawing must contact the statewide Call-Before-You-Dig System to ascertain the location of underground utilities prior to performing any excavation.



PROFILE (€ 12' LEVEL 3)

HOR. SCALE: 1" = 100'
VERT. SCALE: 1" = 50'



PLAN
SCALE: 1" = 100'

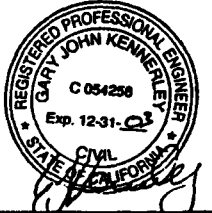


EXHIBIT A-9

CALENDAR PAGE 0000194
 MINUTE PAGE 0007885

TIME: _____
 SERVICE: _____
 DRAWING NO.: V054\CADD\SURVEY\
 PROJECT NAME: KINGS
 PROJECT NO.: _____
 PROJ. MGR: _____

Kiewit Network Services Co.
 PB Parsons Brinckerhoff
 Level 3 Communications

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 710 RDMPAU AVE. SUITE 308 CORONA, CA. 91719
 909.372.2760 TEL. 909.279.6210 FAX WWW.NOLTE.COM

KINGS RIVER CROSSING
 PREPARED FOR: Level 3 Communications
 DATE SUBMITTED: March 8, 2000

SHEET NUMBER
 1
 OF 1 SHEETS
 JOB NUMBER
 1E0054

EXHIBIT B-1

LAND DESCRIPTION

All that portion of tide and submerged lands located in the Carquinez Strait, Counties of Contra Costa and Solano, State of California, being a portion of Section 31, Township 3 North, Range 3 West, M.D.M., described as follows:

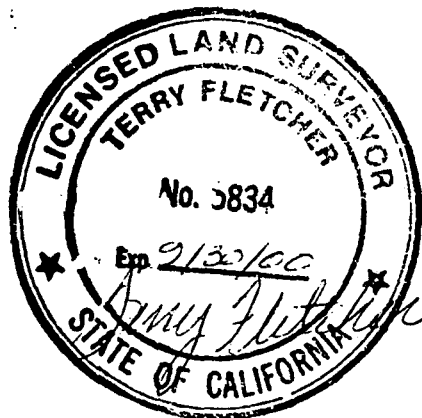
A strip of land 10.00 feet in width, lying 5.00 feet on each side of the following described centerline:

Beginning at a point on the south line of the main line right of way of the Southern Pacific Company, said line being identical with the north line of that tract of land which was conveyed by Mary E. Zuppan to Winton Jones and Nathalie N Jones, his wife, by deed dated January 10, 1963 and recorded January 15, 1963 in Book 4282, Official Records of Contra Costa County, at Page 130, from which point of beginning the Southeast corner of said Section 31 bears South 73°10'16" East 2408.32 feet; thence from said point of beginning North 24°48'29" East 3505.02 feet to the boundary of the California Maritime Academy.

The Basis of Bearings for the foregoing description is identical with the California Coordinate System of 1983 (CCS83) Zone 3. Distances described are ground distances.

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY HIGH WATER MARK

End of Description



CALENDAR PAGE **0000195**

MINUTE PAGE **0007886**

EXHIBIT B-2

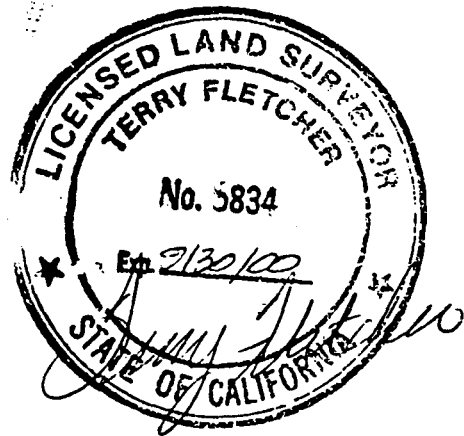
LAND DESCRIPTION

A STRIP OF LAND FOR INSTALLATION, MAINTENANCE AND OPERATION OF A COMMUNICATIONS SYSTEM ACROSS THE CORDELIA SLOUGH, SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SOLANO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE WESTERLY LINE OF THAT PORTION OF LAND OWNED BY THE CALIFORNIA STATE LANDS COMMISSION, SAID POINT LYING ON THE WESTERN TOP OF BANK OF THE CORDELIA SLOUGH, AND BEING 32 FEET DISTANT AND PARALLEL WITH AND SOUTHERLY OF, THE NORTHERN PUBLIC RIGHT OF WAY LINE FOR CORDELIA ROAD, SAID POINT BEING LOCATED AT RAILROAD ENGINEERS STATION 49+35.4 138 FEET RIGHT, LYING BETWEEN MILE POST 53 & 54 OF THE SOUTHERN PACIFIC RAILROAD; THENCE FROM SAID POINT OF BEGINNING, ALONG THE CENTERLINE OF SAID EASEMENT, BEING A UNIFORM WIDTH OF 12 FEET, AND LYING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: EASTERLY ALONG A LINE PARALLEL WITH THE NORTHERN PUBLIC RIGHT OF WAY LINE FOR CORDELIA ROAD TO A POINT LOCATED ON THE EASTERLY LINE OF THAT PORTION OF LAND OWNED BY THE CALIFORNIA STATE LANDS COMMISSION, SAID POINT BEING ON THE EASTERN TOP OF BANK OF THE CORDELIA SLOUGH, AND BEING APPROXIMATELY 32 FEET DISTANT EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERN PUBLIC RIGHT OF WAY LINE FOR CORDELIA ROAD.

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY HIGH WATER MARK

END OF DESCRIPTION



CALENDAR PAGE 0000196

MINUTE PAGE 0007887

EXHIBIT B-3

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE STANISLAUS RIVER NEAR RIPON, SAN JOAQUIN COUNTY AND STANISLAUS COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

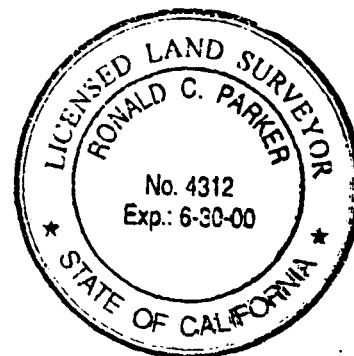
BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND FORTY FOUR (44) FEET EASTERLY OF THE CENTERLINE OF THE UNION PACIFIC RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 104.4, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A:

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00
Ronald C. Parker Date
Director of Survey



STANISLAUS RIVER

CALENDAR PAGE **000197**

MINUTE PAGE **0007888**

EXHIBIT B-4

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE TUOLUMNE RIVER NEAR MODESTO, STANISLAUS COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND TWENTY FOUR (24) FEET EASTERLY OF THE CENTERLINE OF THE UNION PACIFIC RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 113.9, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A":

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00
Ronald C. Parker Date
Director of Survey



TUOLUMNE RIVER

CALENDAR PAGE **000198**

MINUTE PAGE **0007884**

EXHIBIT B-5

LAND DESCRIPTION


A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE CONSUMNES RIVER NEAR ELK GROVE, SACRAMENTO COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND THIRTY FOUR (34) FEET WESTERLY OF THE CENTERLINE OF THE UNION PACIFIC RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 55.5, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A:

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:


Ronald C. Parker Date
Director of Survey



CONSUMNES RIVER

CALENDAR PAGE 0000199

MINUTE PAGE 0007890

EXHIBIT B-6

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE MOKELUMNE RIVER NEAR LODI, SAN JOAQUIN COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND THIRTY NINE (39) FEET WESTERLY OF THE CENTERLINE OF THE UNION PACIFIC RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 104.4, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A:

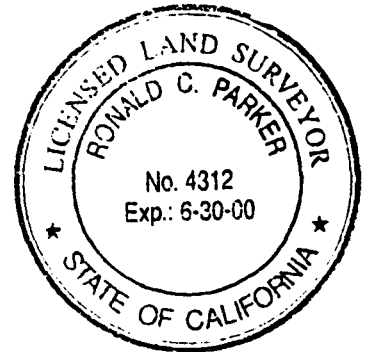
EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00

Ronald C. Parker Date
Director of Survey



MOKELUMNE RIVER

CALENDAR PAGE 0000200

MINUTE PAGE 0007891

EXHIBIT B-7

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE SAN JOAQUIN RIVER NEAR HERNDON, FRESNO COUNTY AND MADERA COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND FORTY FOUR (44) FEET EASTERLY OF THE CENTERLINE OF THE B.N.S.F. RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 1008.1, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A:

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00
Ronald C. Parker Date
Director of Survey



SAN JOAQUIN RIVER

CALENDAR PAGE **0000201**

MINUTE PAGE **0007892**

EXHIBIT B-8

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE MERCED RIVER NEAR LIVINGSTON, MERCED COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

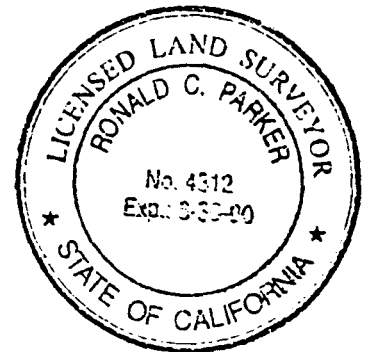
BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND TWENTY ONE (21) FEET EASTERLY OF THE CENTERLINE OF THE UNION PACIFIC RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 134.8, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A":

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00
Ronald C. Parker Date
Director of Survey



MERCED RIVER

CALENDAR PAGE 0006202

MINUTE PAGE 0007893

EXHIBIT B-9

LAND DESCRIPTION

A STRIP OF LAND TWELVE (12) FEET WIDE ACROSS THE KINGS RIVER NEAR LATON, FRESNO COUNTY AND KINGS COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

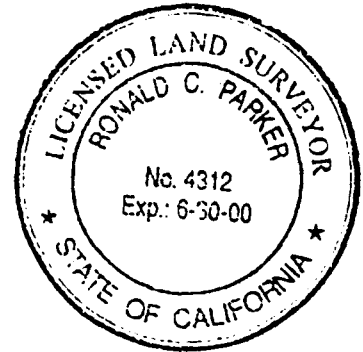
BEGINNING AT THE ORDINARY LOW WATER MARK ON THE NORTHERLY SIDE OF SAID RIVER THENCE PARALLEL WITH AND FORTY FOUR (44) FEET EASTERLY OF THE CENTERLINE OF THE B.N.S.F. RAILROAD TRACKS MAIN LINE, NEAR RAILROAD MILE POST 975.5, TO THE ORDINARY LOW WATER MARK ON THE SOUTHERLY SIDE OF SAID RIVER, SEE ATTACHED EXHIBIT "A:

EXCEPTING THEREFROM ANY PORTION OF SAID STRIP LYING LANDWARD OF THE ORDINARY LOW WATER MARK.

END OF DESCRIPTION

Prepared By:

Ronald C. Parker 4-5-00
Ronald C. Parker Date
Director of Survey



KINGS RIVER

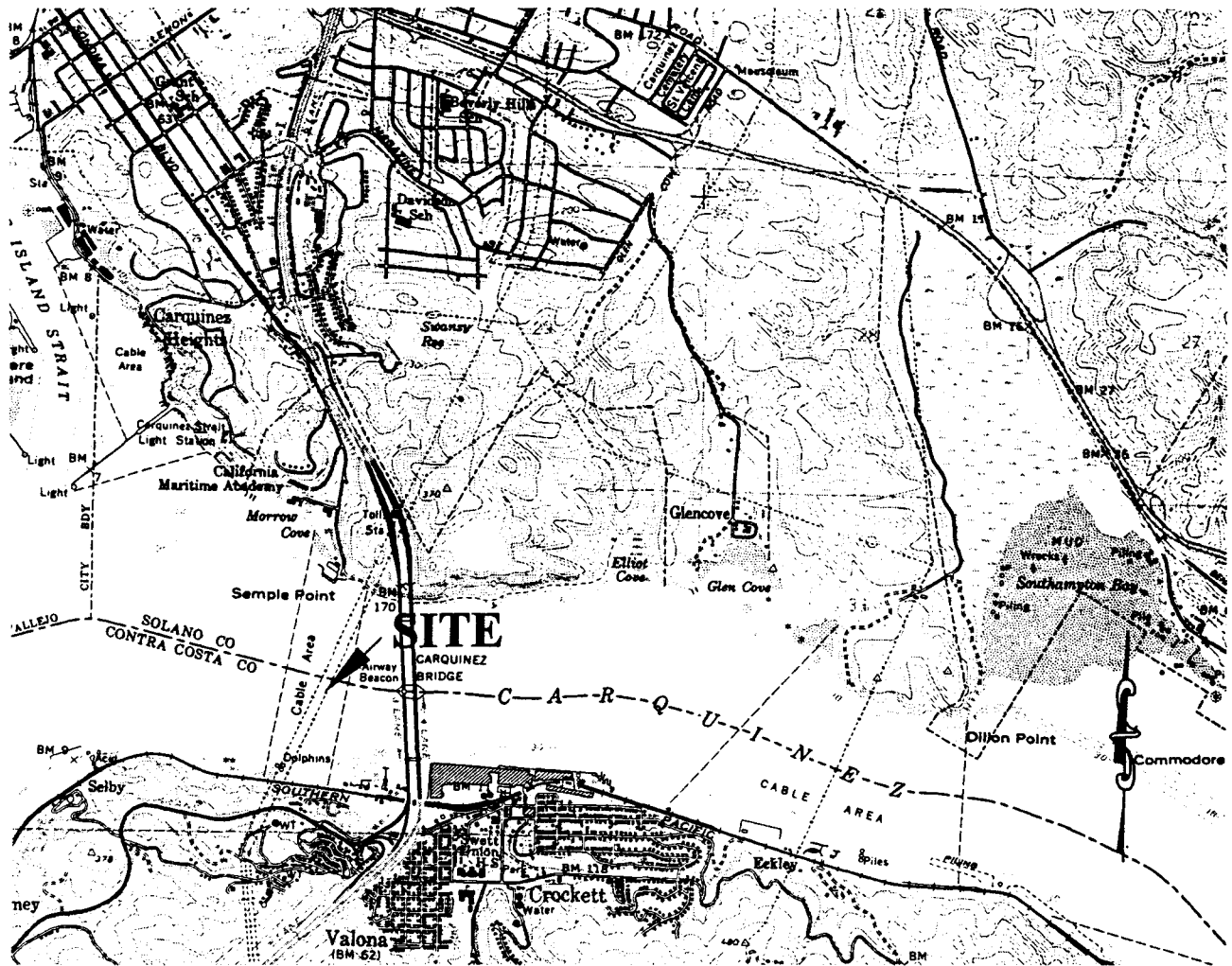
CALENDAR PAGE 0000203

MINUTE PAGE 0007894

NO SCALE

LOCATION MAP

Carquinez Straits



NO SCALE

CALIFORNIA MAP



EXHIBIT C-1

W 25555

Level 3 Communications

Carquinez Straits

~~SOLANO PAGE 0000204~~

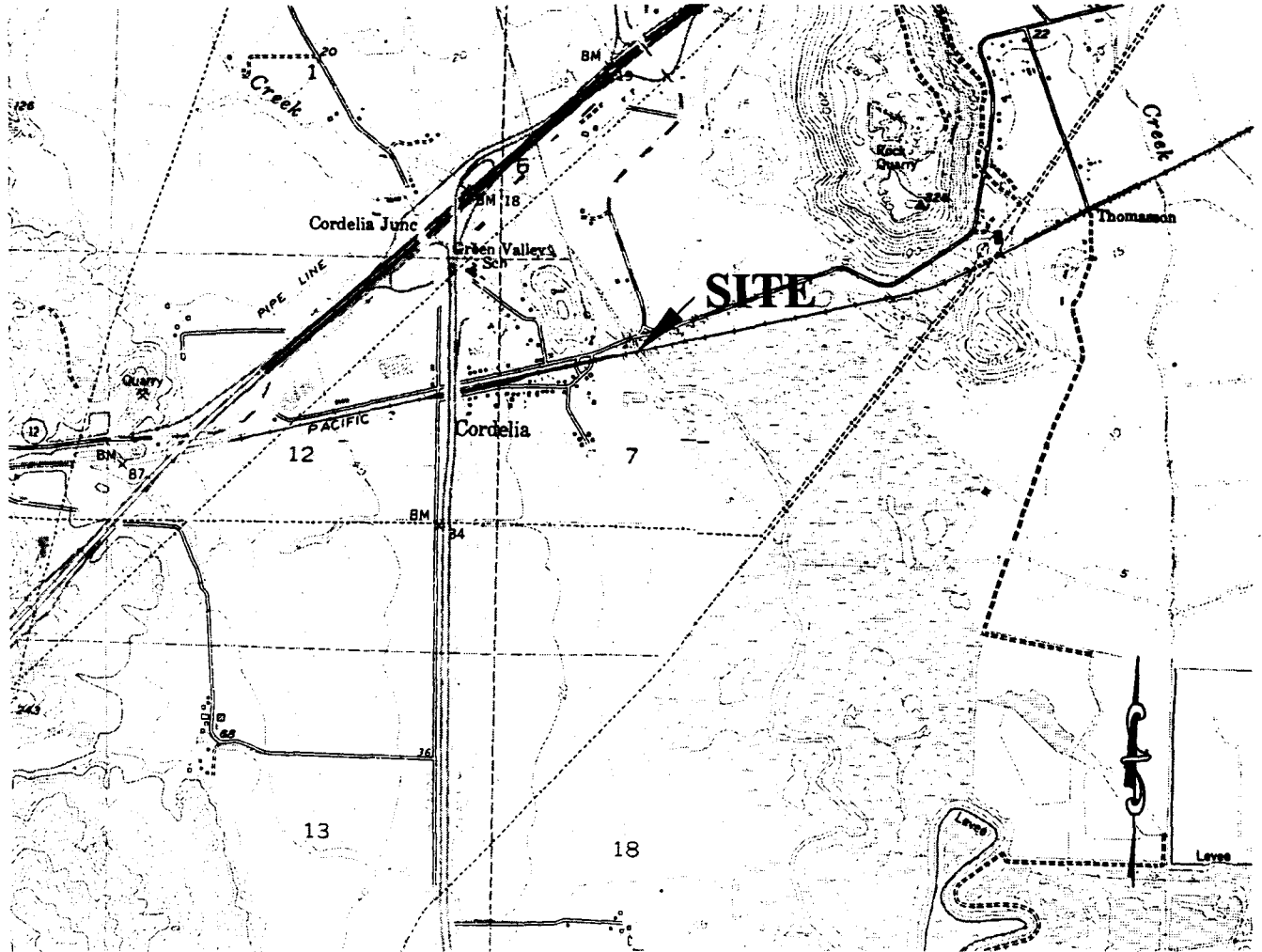
~~MINUTE PAGE 0007895~~
CONTRA COSTA CO.

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Cardelia Slough



NO SCALE

CALIFORNIA MAP



EXHIBIT C-2

W 25555

Level 3 Communications

Cordelia Slough

SOLENDAR PAGE 0000205
SOLANO COUNTY

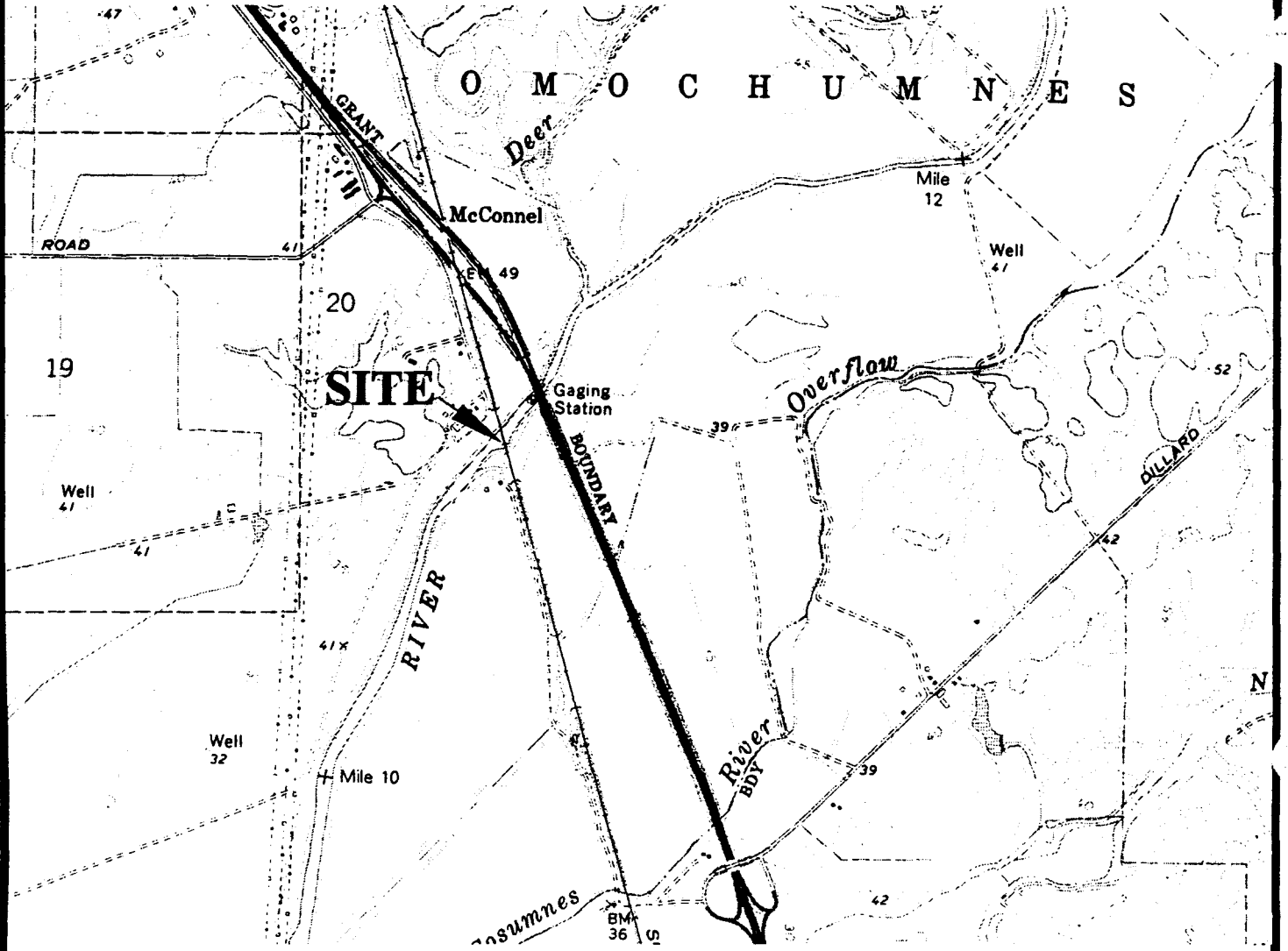
MINUTE PAGE 0007896

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Cosumnes River



NEAR THE CITY OF ELK GROVE

NO SCALE

CALIFORNIA MAP



EXHIBIT C-3

W 25555

LEVEL 3 COMMUNICATIONS

Cosumnes River	
CALENDAR PAGE	0000206
SACRAMENTO	
MINUTE PAGE	0007897
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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Mokelumne River



LODI

NO SCALE

CALIFORNIA MAP



EXHIBIT C-4

W 25555

LEVEL (3)

COMMUNICATIONS

Mokelumne River

CALENDAR PAGE 0000267
SAN JOAQUIN

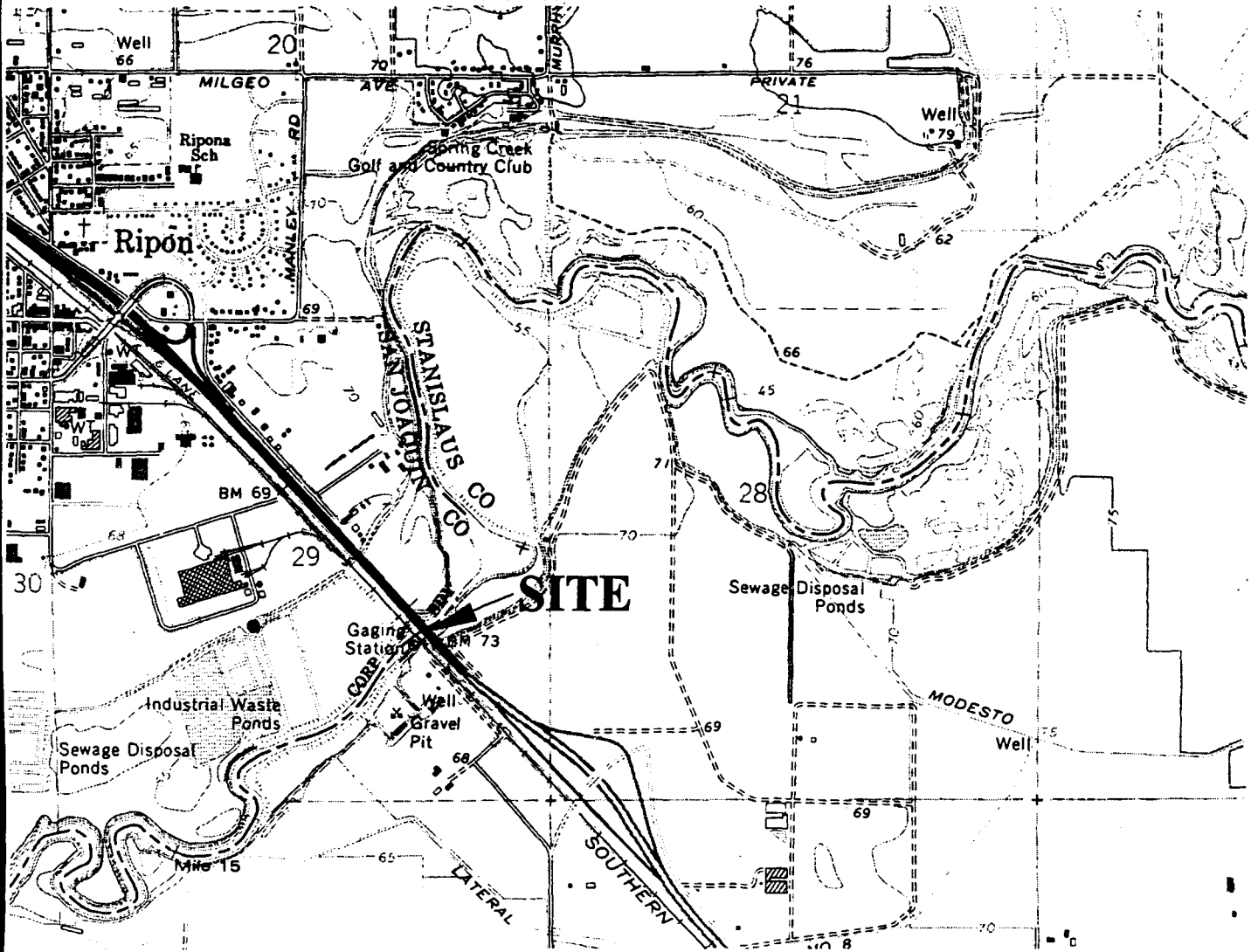
MINUTE PAGE 0007898

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Stanislaus River



NEAR THE CITY OF RIPON

NO SCALE

CALIFORNIA MAP



EXHIBIT C-5

W 25555

LEVEL 3 COMMUNICATIONS

Stanislaus River

CALENDAR PAGE	0000208
SAN JOAQUIN CO.	
STANISLAUS CO.	0002899

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Tuolumne River



NEAR THE CITY OF MODESTO

NO SCALE

CALIFORNIA MAP



EXHIBIT C-6

W 25555

LEVEL 3

COMMUNICATIONS

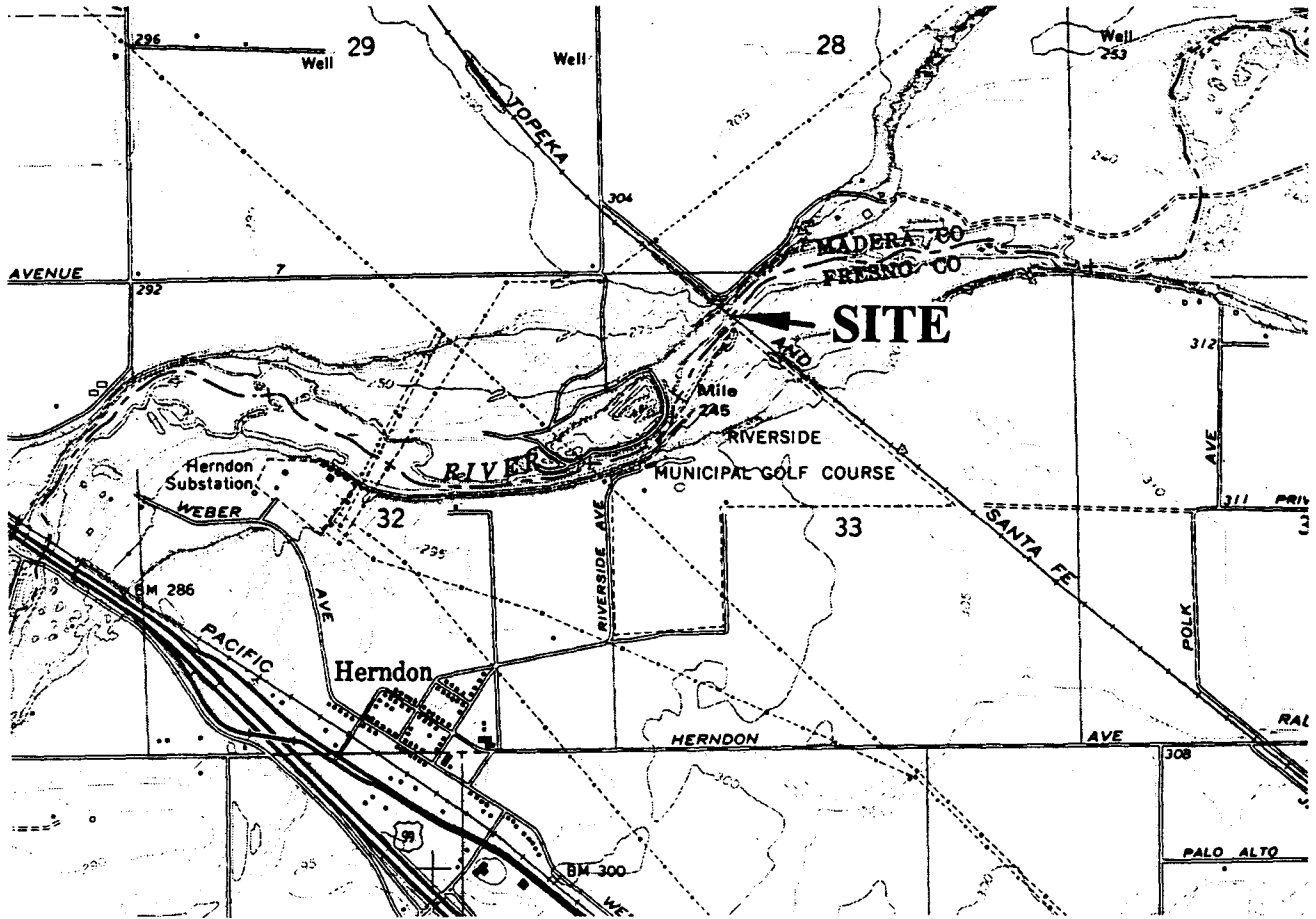
Tuolumne River	
CALENDAR PAGE	006009
STANISLAUS	
MINUTE PAGE	0067500

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

San Joaquin River



HERNDON

NO SCALE

CALIFORNIA MAP



EXHIBIT C-7

W 25555

LEVEL (3)

COMMUNICATIONS

San Joaquin River

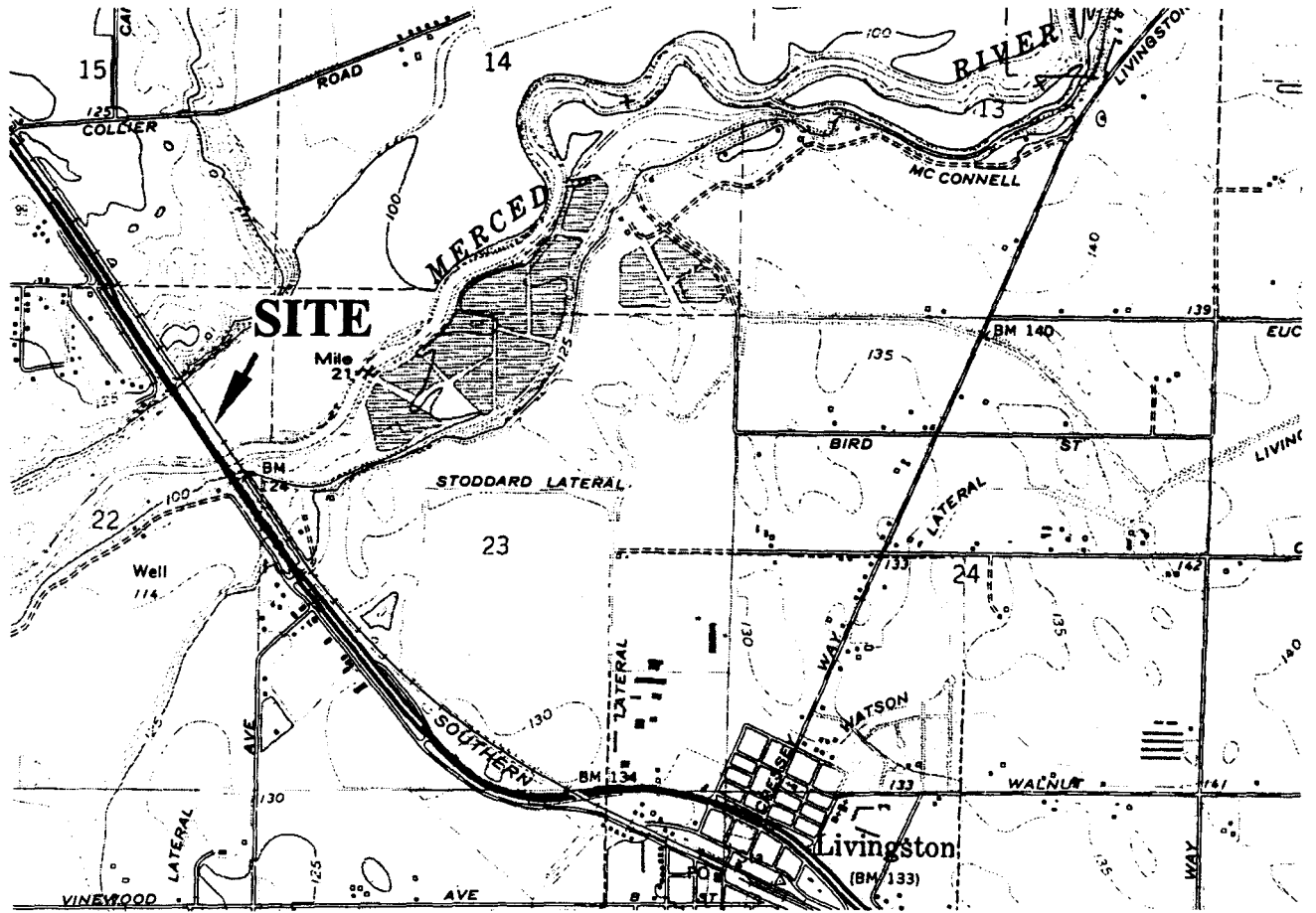
CALENDAR PAGE	0060210
MADERA COUNTY	
FRESNO COUNTY	0007901

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Merced River



LIVINGSTON

NO SCALE

CALIFORNIA MAP



EXHIBIT C-8

W 25555

LEVEL (3)
COMMUNICATIONS

Merced River

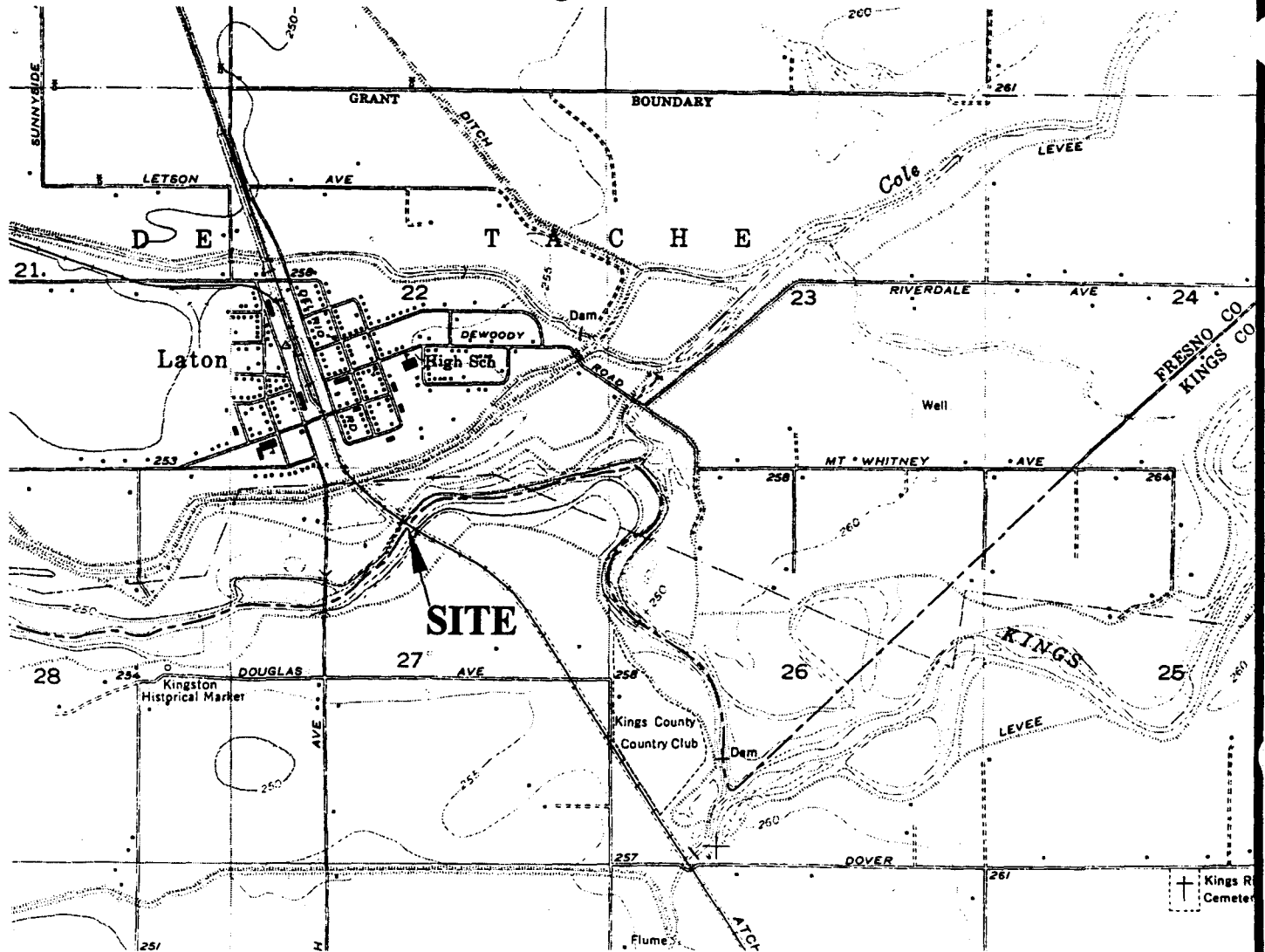
CALENDAR PAGE	0060211
MERCED COUNTY	
MINUTE PAGE	0007902

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 of limitation of any state interest in the subject or any other property.

NO SCALE

LOCATION MAP

Kings River



NEAR THE TOWN OF LATON

NO SCALE

CALIFORNIA MAP



EXHIBIT C-9
 W 25555
 LEVEL 3
 COMMUNICATIONS

~~Kings River~~
 CALENDAR PAGE 0000212
 KINGS COUNTY
 MINUTE PAGE 0007903
 FRESNO 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 of limitation of any state interest in the subject or any other property.

ref. 98100277

EXHIBIT D

Notice of Determination

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Public Utilities Commission
Energy Division, 505 Van Ness Ave.
San Francisco, CA 94102

County Clerk
County of _____

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Competitive Local Carriers Projects for Local Exchange Telecommunication Services throughout California

Project Title

98012091	John Bocca	(415) 703-2641
State Clearinghouse Number (if submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension

Statewide

Project Location :

Project Description: Construction of telecommunications systems for local telephone service. Location of these systems will likely be in all types of zoning designations. Some applicants will require only minor modifications to existing facilities such as installation of switches within an existing communication facility or building. Others will require the placement of fiber optic cable to provide service. Installation of cable would occur within existing conduits which would be placed underground in previously disturbed utility rights-of-way (sidewalks and streets). Some fiber optic cable may be mounted on overhead utility poles. Some providers may need to construct service boxes or cabinets for power. The boxes can be placed in underground vaults or within existing buildings; if that is not feasible, the boxes would be landscaped or fenced. If construction of facilities requires intrusion into undisturbed areas, the applicants will be subject to a full environmental analysis before approval is given for such work.

This is to advise that the California Public Utilities Commission has approved the above described project on Lead Agency Responsible Agency
April 27, 1998

and had made the following determinations regarding the above described project:

(Date)

1. The project [will will not] have a significant effect on the environment.
2. An Environment Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was was not] adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

California Public Utilities Commission, Energy Division, 505 Van Ness Ave. San Francisco, CA 94102

[Signature] _____ *April 27 1998* _____
 Signature (Public Agency) Date

CALENDAR PAGE	0000213
MINUTE PAGE	0007904

Date received for filing and posting at OPR:

APPENDIX D

Appendix C

Mitigation Monitoring Plan

Competitive Local Carriers (CLCs)

Projects for Local Exchange Telecommunication Service throughout California

Introduction:

The purpose of this section is to describe the mitigation monitoring process for the CLCs' proposed projects and to describe the roles and responsibilities of government agencies in implementing and enforcing the selected mitigation measures.

California Public Utilities Commission (Commission):

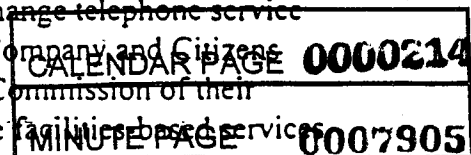
The Public Utilities Code confers authority upon the Commission to regulate the terms of service and safety, practices and equipment of utilities subject to its jurisdiction. It is the standard practice of the Commission to require that mitigation measures stipulated as conditions of approval be implemented properly, monitored, and reported on. Section 21081.6 of the Public Utilities Code requires a public agency to adopt a reporting and monitoring program when it approves a project that is subject to the adoption of a mitigated negative declaration.

The purpose of a reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. The Commission views the reporting and monitoring program as a working guide to facilitate not only the implementation of mitigation measures by the project proponents, but also the monitoring, compliance and reporting activities of the Commission and any monitors it may designate.

The Commission will address its responsibility under Public Resources Code Section 21081.6 when it takes action on the CLCs' petitions to provide local exchange telephone service. If the Commission adopts the Negative Declaration and approves the petitions, it will also adopt this Mitigation Monitoring Plan as an attachment to the Negative Declaration.

Project Description:

The Commission has authorized various companies to provide local exchange telephone service in competition with Pacific Bell, GTE California, Roseville Telephone Company and Citizens Telephone Company of California. The current petitioners notified the Commission of their intent to compete in the territories throughout California, all of which are facilities-based services, meaning that they propose to use their own facilities to provide service.



APPENDIX D

Since many of the facilities-based petitioners are initially targeting local telephone service for areas where their telecommunications infrastructure is already established, very little construction is envisioned. However, there will be occasion where the petitioners will need to install fiber optic cable within existing utility underground conduits or attach cables to overhead lines. There is the possibility that existing utility conduits or poles will be unable to accommodate all the planned facilities, thereby forcing some petitioners to build or extend additional conduits into other rights-of-way, or into undisturbed areas. For more details on the project description please see Project Description in the Negative Declaration.

Roles and Responsibilities:

As the lead agency under the California Environmental Quality Act (CEQA), the Commission is required to monitor this project to ensure that the required mitigation measures are implemented. The Commission will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The purpose of this monitoring program is to document that the mitigation measures required by the Commission are implemented and that mitigated environmental impacts are reduced to insignificance or avoided outright.

Because of the geographic extent of the proposed projects, the Commission may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary. For specific enforcement responsibilities of each mitigation measure, please refer to the Mitigation Monitoring Table attached to this plan.

The Commission has the ultimate authority to halt any construction, operation, or maintenance activity associated with the CLC's local telephone service projects if the activity is determined to be a deviation from the approved project or adopted mitigation measures. For details refer to the mitigation monitoring plan discussed below.

Mitigation Monitoring Table:

The table attached to this plan presents a compilation of the Mitigation Measures in the Negative Declaration. The purpose of the table is to provide the monitoring agencies with a single comprehensive list of mitigation measures, effectiveness criteria, the enforcing agencies, and timing.

Dispute Resolution Process:

The Mitigation Monitoring Plan is expected to reduce or eliminate many potential disputes. However, in the event that a dispute occurs, the following procedure will be observed:

CALENDAR PAGE 0000215

MINUTE PAGE 0007966

APPENDIX D

Step 1: Disputes and complaints (including those of the public) shall be directed first to the Commission's designated Project Manager for resolution. The Project Manager will attempt to resolve the dispute.

Step 2: Should this informal process fail, the Commission Project Manager may initiate enforcement or compliance action to address deviation from the proposed project or adopted Mitigation Monitoring Program.

Step 3: If a dispute or complaint regarding the implementation or evaluation of the Mitigation Monitoring Program or the Mitigation Measures cannot be resolved informally or through enforcement or compliance action by the Commission, any affected participant in the dispute or complaint may file a written "notice of dispute" with the Commission's Executive Director. This notice shall be filed in order to resolve the dispute in a timely manner, with copies concurrently served on other affected participants. Within 10 days of receipt, the Executive Director or designee(s) shall meet or confer with the filer and other affected participants for purposes of resolving the dispute. The Executive Director shall issue an Executive Resolution describing his decision, and serve it on the filer and the other participants.

Parties may also seek review by the Commission through existing procedures specified in the Commission's Rules of Practice and Procedure, although a good faith effort should first be made to use the foregoing procedure.

Mitigation Monitoring Program:

1. As discussed in Mitigation Measure B, the petitioners shall file a quarterly report which summarizes those projects which they intend to construct for the coming quarter. The report will contain a description of the project and its location, and a summary of the petitioner's compliance with the Mitigation Measures described in the Negative Declaration. The purpose of the report is to inform the local agencies of future projects so that coordination of projects among petitioners in the same locality can be done. The quarterly report shall be filed with the appropriate planning agency of the locality where the project(s) will occur. The report shall also be filed as an informational advice letter with the Commission's Telecommunications Division so that petitioner compliance with the Mitigation Measures are monitored..

In order to ensure that the Mitigation Measures are fulfilled, the Commission will make periodic reviews of the projects listed in quarterly reports. The projects will be generally chosen at random, although the Commission will review any project at its discretion. The reviews will follow-up with the local jurisdictions so that all applicable Mitigation Measures are addressed.

CALENDAR PAGE 0000216

MINUTE PAGE 0007907

APPENDIX D

If any project is expected to go beyond the existing utility rights-of-way, that project will require a separate petition to modify the CPCN. The petitioner shall file the petition with the Commission and shall also inform the affected local agencies in writing. The local agencies are also responsible for informing the Commission of any project listed in the quarterly reports which may potentially go out of the existing utility right-of-way. As discussed in Mitigation Measure A, a complete environmental review of the project will be triggered under CEQA, with the Commission as the lead agency.

2. In the event that the petitioner and the local agency do not agree if a project results in work outside of the utility rights-of-way, the Commission will review the project and make the final determination. See **Dispute Resolution Process** discussed above.

3. For projects that are in the utility rights-of-way, the petitioners shall abide by all applicable local standards as discussed in the Mitigation Measures. If a petitioner fails to comply with local regulatory standards by either neglecting to obtain the necessary permits, or by neglecting to follow the conditions of the permits, the local agency shall notify the Commission and **Dispute Resolution Process** begins..

4. The Commission is the final arbiter for all unresolvable disputes between the local agencies and the petitioners. If the Commission finds that the petitioner has not complied with the Mitigation Measures in the Negative Declaration, it may halt and terminate the project.

CALENDAR PAGE	0000217
MINUTE PAGE	0007808

Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/Reporting Agency	Effectiveness Criteria	Responsible Agency	Timing
AIR QUALITY					
Excessive dust and other air emissions due to construction	E. Appropriate dust control measures by petitioner Compliance with all applicable air quality standards as established by air quality management districts	Quarterly reports	Dust and other emissions are contained Air quality standards for area are met	Air quality management districts	Before and during construction.
TRANSPORTATION & CIRCULATION & PUBLIC SERVICES					
Traffic congestion, insufficient parking, and hazards for pedestrians. Impacts upon public service facilities located in utility right-of-way.	F. Coordination by petitioners through local agencies to minimize right-of-way encroachments. All local safety and construction standards shall be met through the local permit process. Advance notice to surrounding area of construction date and time. Consultation w/ local agencies on appropriate restoration of impacted public service facilities in right-of-way.	Quarterly reports.	Traffic congestion is minimized Public service facilities restored appropriately.	Caltrans Local agencies.	Before and during construction.
HAZARDS					
Construction in right-of-way may interfere with emergency or evacuation plans.	G. Measure F above shall be augmented by informing and consulting with emergency and evacuation agencies if the proposed project impacts a route used for emergencies or evacuations.	Quarterly reports.	Construction projects do not interfere with emergency or evacuation routes	Local agencies.	Before and during construction

CALENDAR PAGE 0000218
 MINUTE PAGE 0007909

Mitigation Monitoring Table

Impact Category	Mitigation Measure	Monitoring/Reporting	Effectiveness Criteria	Responsible Agency	Timing
HAZARDS					
Potential increase in overhead poles and communication lines.	G Petitioner shall obtain all necessary building permits for the poles. CPUC will inspect the overhead lines.	Quarterly reports	Poles are built in compliance with local safety standards. Lines are inspected and maintained as safe.	CPUC Local agencies	Before and during construction
NOISE					
Noise standards for the area are exceeded due to construction.	H All applicable noise standards shall be complied with by the petitioners. Petitioners shall notice the surrounding area of construction dates and times.	Quarterly reports	Noise from construction is kept to levels that do not exceed local standards.	Local agencies	Before and during construction.
AESTHETICS					
Service boxes or cabinets may be a visual blight. Landscaping in utility right-of-way may be impacted by trenching.	I All applicable aesthetic standards will be met by petitioners for above-ground facilities, especially service cabinets. Consult with local agencies on proper restoration of landscaping.	Quarterly reports	Cabinets are placed within existing buildings, underground, or in areas that are landscaped so that aesthetic impacts are minimized. Landscaping restored to original form.	Local agencies	Before and during construction.
CULTURAL RESOURCES					
Cultural resources are encountered during construction; resources are damaged or moved.	J All earthmoving that would impact the resources shall cease or be altered until the petitioner retains the service of an archaeologist who will propose mitigation. Thorough research done prior to construction to avoid known resources.	Quarterly reports	Cultural resources that are encountered are not destroyed or adversely impacted.	Local, state and/or federal agencies	Before and during construction

MINUTE PAGE 0007510
 CALENDAR PAGE 0000219

(END OF APPENDIX D)

APPENDIX D

R.95-04-043 et al. ALJ/TRP/rmm