MINUTE ITEM

This Calendar Item No. C02 was approved as Minute Item No. 2 by the State Lands Commission by a vote of 2 to 0 at its 9/25/86 meeting.

CALENDAR ITEM

C02 1

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09/25/86
W 23452 PRC 7005
Poe

INDUSTRIAL LEASE - RIGHT-OF-WAY USE

APPLICANT: Pacific and Texas Pipeline and Transportation Company
555 East Ocean Boulevard, Suite 525
Long Beach, California 90802

AREA, TYPE LAND AND LOCATION:
A 0.344+-acre parcel of sovereign land, located in the bed of the Colorado River, Riverside County.

LAND USE: Right-of-way for a crude oil pipeline.

TERMS OF PROPOSED LEASE:
Initial period: 25 years beginning August 1, 1986.

Surety bond: $5,000.

Public liability insurance: Combined single limit coverage of $2,000,000.

CONSIDERATION: $252 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

CALENDAR 07
MINUTE PAGE 2206

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 5, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 03/27/87.

OTHER PERTINENT INFORMATION:

1. This overall project consists of construction of a berthing facility in the outer Port of Los Angeles, an inland storage terminal at Carson, California, and a crude oil pipeline from Carson to Midland, Texas. The pipeline will transport some 900,000 barrels of Alaska North Slope crude oil annually; the storage facilities at Carson are capable of storing 6,000,000 barrels of oil.

2. The pipeline route crosses the historic bed of the Colorado River near Blythe, California, involving a 0.344±-acre parcel of sovereign land for right-of-way purposes.

3. An EIR/EIS was prepared and adopted for this project by the Los Angeles Harbor District. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corp of Engineers, Arizona State Lands Commission, and Bureau of Land Management.

EXHIBITS:

A. Land Description.
B. Location Map.
C. CEQA Findings.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR/EIS WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE LOS ANGELES HARBOR DISTRICT AND THE BUREAU OF LAND MANAGEMENT, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS CONTAINED IN EXHIBIT "C" AS REQUIRED BY THE CEQA AND ITS GUIDELINES.

3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

5. AUTHORIZE ISSUANCE TO PACIFIC AND TEXAS PIPELINE AND TRANSPORTATION COMPANY OF A 25-YEAR INDUSTRIAL LEASE - RIGHT-OF-WAY USE BEGINNING August 1, 1986; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $252, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $2,000,000; FOR CONSTRUCTION AND MAINTENANCE OF A 42-INCH CRUDE OIL PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 23452

All that State of California sovereign land in the bed of the Colorado River, Riverside County, California, lying within a strip of land 50 feet wide, the centerline of which is described as follows:

BEGINNING at a point from which the northwest corner of Section 1, T7S, R23E, SBM, bears N 19° 38' 56" W 3492.21 feet, thence N 73° 38' 00" W 3470 feet; thence S 16° 22' 00" W 540 feet; thence S 0° 00' 00" W 450 feet; thence S 32° 30' 00" W 2100 feet; thence S 90° 00' 00" W 2500 feet, more or ess, to the meander line of the west bank of the Colorado River as shown on the U.S. Government Plat of 1875 and the end of the herein described line.

EXCEPTING THEREFROM any portion thereof lying easterly of the last nautural centerline of said Colorado River.

ALSO EXCEPTING THEREFROM any portion thereof lying landward of the last natural location of the ordinary low water mark along the westerly bank of said Colorado River.

END OF DESCRIPTION

PREPARED MAY 29, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

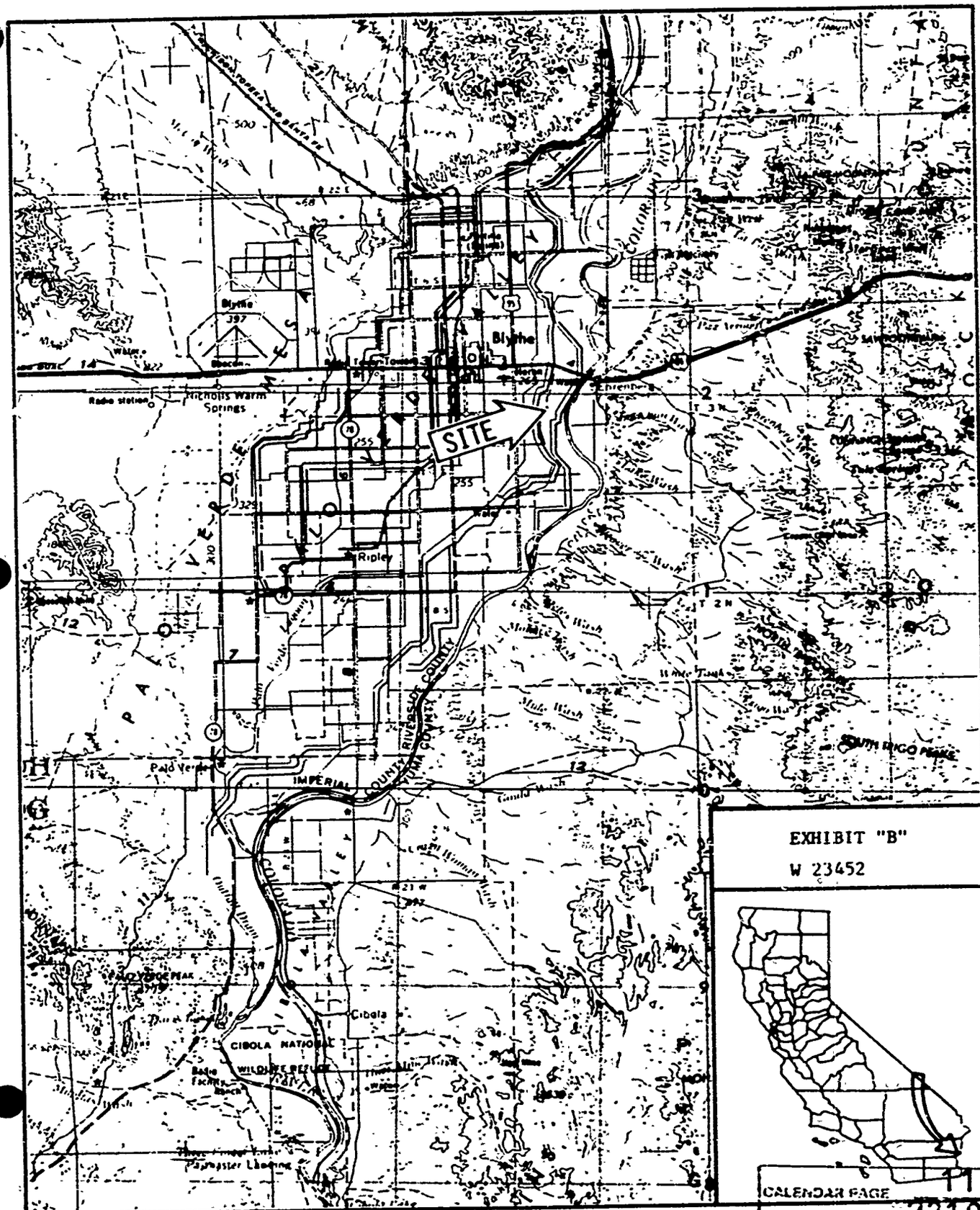

EXHIBIT "B"

W 23452

CALENDAR PAGE 11

MINUTE PAGE 2210

APPENDIX "C"

PACIFIC TEXAS PIPELINE PROJECT
CEQA FINDINGS

The significant environmental impacts of the Pacific Texas Pipeline Company's (Pac-Tex) proposal for a crude oil pipeline from the Port of Los Angeles through California, Arizona, New Mexico and Texas to existing networks that service refineries in the U.S. gulf coast and the midwest, involving State Lands Commission jurisdiction, are discussed below.

Although the project involves a 1,030-mile long buried pipeline, the portion of the project under State Lands Commission jurisdiction covers only one-third acre in the historic bed of the Colorado River (lower Sonoran desert habitat). The impacts were identified in the "Final EIR/EIS for the proposed Pacific Texas Pipeline Project" certified by the Los Angeles Harbor Department acting as CEQA Lead Agency. The findings, mitigations and supporting facts presented below rely substantially on this document, but were updated where appropriate.

As a Responsible Agency, the State Lands Commission is authorized to require changes in the project, or require mitigations designed to lessen its environmental effects, by conditioning that part of the project which it must approve (Sections 15041(b) and 15096(g) and (h), Title 14, California Administrative Code).

Pursuant to Section 15091, CAC, the Commission, acting as a Responsible agency pursuant to CEQA, finds that for each significant environmental effect:

> Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR/EIS.

The discussion of the project's significant impacts and their proposed mitigations recommended for adoption by the Commission is presented under "resource" headings, with one "Finding" and "Facts Supporting Finding" category for each such heading.

CALENDAR PAGE 12
MINUTE PAGE 2211

A. Air Quality

1. IMPACT: Pollution caused by exhaust from heavy-duty construction equipment and fugitive dust from disturbed areas during construction.

MITIGATION: Use low-sulfer (0.05%), low-nitrogen diesel fuel in California for construction equipment and optimize the air-to-fuel ratios for each piece of equipment to minimize the formation of NOx compounds. Have the construction contractor operate each piece of equipment at its optimum air-to-fuel ratio. Curtail construction activities during second-stage smog alerts. Use fugitive dust control measures during construction; have an on-site inspector assess the need for dust suppression, which includes water.

FINDING: The following constitutes changes or alterations required in or incorporated into the project, which avoid or substantially lessen the environmental effect as identified in the EIR/EIS: Diesel fuel use in construction equipment in California; optimize equipment air-to-fuel ratios; curtail activities during second stage smog alerts; use fugitive dust control measures; inspect for required dust suppression.

FACTS SUPPORTING FINDING:

The use of lower sulfur fuel in California would result in approximately a 75% reduction in sulfur emissions. The use of low-nitrogen fuel and optimized air-to-fuel ratios would result in a 30% to 40% emission reduction (SCAQMD, 1985).

Curtailment during smog alerts would provide a small decrease in precursor emissions on high-oxident days.

Fugitive dust control measures would result in fugitive dust reduction of approximately 50% (EPA, 1977).

CALENDAR PAGE 13
MINUTE PAGE 2212

B. Geologic and Seismic Setting

1. IMPACT: Ground rupture potential at fault crossings, including the Whittier-Elsinore, San Jacinto and San Andreas faults.

   MITIGATION: Mitigate potential spills at known faults by using mechanical design, with seismic detection instruments. This will transmit an alarm to the dispatcher to shut down the pipeline pending investigation. Special engineering considerations (e.g. zig-zag construction across the zone) will minimize deformation zone pipeline damage.

2. IMPACT: Potential pipeline damage from ground subsidence.

   MITIGATION: Design pipeline to accommodate geologic hazards; include vibration monitoring system at crossings of known active faults.

   FINDING: The following constitutes changes or alterations required in or incorporated into the project, which avoid or substantially lessen the environmental effect as identified in the EIR/EIS: Use of mechanical design and seismic detection instruments; design pipeline to accommodate geologic hazards.

FACTS SUPPORTING FINDING:

Mechanical design and detection would provide faster system shut down in the event of a spill caused by earthquake-induced pipeline rupture, and reduce the volume of spilled oil.

Special engineering considerations would reduce the potential for pipeline damage and spill volume at fault crossings.

Special design and construction of the pipeline will ensure that the pipeline will survive most geohazards.

C. Groundwater

1. IMPACT: A potential oil spill could contaminate sensitive groundwater basins.

MITIGATIONS: None

FINDING AND FACTS SUPPORTING FINDING:

There are no feasible means of protecting groundwater basins in the project area, in the event of a low probability oil spill. Attention must be directed, therefore, to preventive measures designed to preclude such occurances.

D. Terrestrial Biology

1. IMPACT: Loss of palm oases, riparian habitat, oak woodlands, live oaks, soapberry tree groves, ironwood washes, and associated wildlife species.

MITIGATION: Locate staging areas for stream crossings outside the riparian zone; minimize construction right-of-way (ROW) in riparian zones; on public lands, require a field survey by a qualified botanist where data indicates that sensitive plant species or communities may occur in the construction ROW; survey those watercourse crossings that occur on public lands; alter pipeline route or transplant plants; minimize construction grading and clearing by flagging the outer limits of the grading area; the U.S. Army Corps of Engineers (COE) would include special conditions in its Section 10/404 permit that would be applied to construction across those desert streams and washes listed in FEIR/EIS Appendix C.1. The measures are included in FEIR/EIS Appendix C.2.

2. IMPACT: Construction vehicle use off ROW affecting sensitive wildlife and plants/communities.

MITIGATION: Prohibit vehicle operation off the ROW by construction workers, including construction work and employee access, except where specified by the landowner or land management agency.

CALENDAR PAGE 15
MINUTE PAGE 2214

3. IMPACT: Loss of individual desert tortoises and their habitat.

MITIGATION: Prohibit construction worker vehicle operation off the ROW; construct pipeline across crucial desert tortoise habitat in Chuckwalla Valley and in western Arizona between October and March when tortoises are hibernating; require a desert tortoise expert to be present during construction; remove any active desert tortoise from the construction ROW ahead of construction equipment, and move it to habitat within 100 yards of the capture site; carefully open burrows within the ROW using hand tools, and remove hibernating tortoises; remove tortoises unearthed by the trencher to an artificial burrow within 100 yards of the capture site; give injured tortoises to the Department of Fish and Game (DFG) in California; in Arizona, give injured tortoises to persons identified by the authorizing officer; provide adequate funds for costs involved in rehabilitating injured tortoises and returning them to within 100 yards of capture site; where the pipeline follows existing pipeline, use the existing ROW as part of the construction ROW and limit new disturbance to the area needed for trenching and stockpiling backfill.

FINDING: The following constitutes changes or alterations required in or incorporated into the project, which avoid or substantially lessen the environmental effect as identified in the EIR/EIS: Location of staging areas for stream crossings outside riparian zones; minimizing construction in riparian zones; requiring botanist's field survey on sensitive public lands; surveying watercourse crossings on public lands; alteration of pipeline routes or plant transplantation; flagging outer limits of grading area; COE 10/404 conditions applied to construction; prohibition of off-ROW construction vehicle operation; construction across crucial desert tortoise habitat restricted to October through March;

CALENDAR PAGE 16
MINUTE PAGE 2215

requirement that desert tortoise expert be present during construction; safe replacement of desert tortoise from ROW to habitat within 100 yards of capture site; placement of injured tortoises with California DFG or, if in Arizona, with personnel specified by authorizing officer; provision of sufficient funding to rehabilitate injured tortoises and return them to within 100 yards of capture site; limitation of new disturbance to the area needed for trenching and stockpiling backfill.

FACTS SUPPORTING FINDING:

Limiting vehicle use off the ROW would minimize the risk of impacting livestock, wildlife habitat, small mammals, reptiles, and important or sensitive vegetation in surrounding habitats. This measure is vital in desert tortoise habitat.

If construction were limited to periods of tortoise inactivity, tortoise deaths and injuries would be minimized; only tortoises hibernating directly in the ROW would be impacted. Removal of active tortoises from the construction area would ensure survival of these individuals. Relocation burrows could be successfully constructed with hand tools and plywood.

The total disturbed acres would be minimized by using the existing ROW (i.e., total area cleared, wildlife habitat lost, and area to be revegetated).

CALENDAR PAGE 17
MINUTE PAGE 2216

NO PAGES 18-28

(REVISED 09/24/86)

CALENDAR PAGE 16-20
MINUTE PAGE 2217