

MINUTE ITEM

20

W 20864

Nanci Smith

GENERAL LEASE - RIGHT-OF-WAY USE

Calendar Item 20 was presented to the Commission by Lance Kiley, Chief, Land Management Division.

Mr. Pete Schnieders, Senior Engineer for Unocal, was in attendance and available to answer any questions.

Commissioners voted 3-0 to approve the Item as presented.

A 10, 26

S 5, 7

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**MINUTE ITEM**

This Calendar Item No. 20  
was approved as Minute Item  
No. 20 by the State Lands  
Commission by a vote of 2  
to 0 at its 2/6/91  
meeting.

**CALENDAR ITEM**

A 10, 26

S 5, 7

-- 20

02/06/91  
W 20864  
N. Smith

PRC 7493

**GENERAL LEASE - RIGHT-OF-WAY USE**

**APPLICANT:**

Union Oil Company of California  
P. O. Box 7600  
Los Angeles, California 90051

**AREA, TYPE LAND AND LOCATION:**

A 0.184-acre parcel of sovereign tide and submerged land,  
Old River, Union Island, Contra Costa and San Joaquin  
counties.

**LAND USE:**

Construction and maintenance of a 12-inch natural gas  
pipeline.

**TERMS OF PROPOSED LEASE:**

Initial period:

Thirty (30) years beginning February 7, 1991.

Surety bond:

\$5,000.

Public liability insurance:

Combined single limit coverage of \$100,000.

**CONSIDERATION:**

\$100 per annum; with the State reserving the right to fix a  
different rental on each fifth anniversary of the lease.

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**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is lessee of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee has been received.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

05/18/91

**OTHER PERTINENT INFORMATION:**

1. An EIR (SCH NO. 8902715) was prepared and adopted for this project by the county of Contra Costa. The State Lands Commission's staff has reviewed such document.
2. The EIR identified a significant adverse impact to 0.3 acres of riparian habitat at the Old River crossing. This impact was not mitigated. Instead, Contra Costa County adopted a Statement of Overriding Considerations. Apparently, this course was chosen because of a requirement by Reclamation district 2 to riprap the trench as an erosion protection measure.
3. The Old River is identified as a use category B (Limited Use) in the State Lands Commission "Inventory of Uncoveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values". This designation allows limited use compatible with and non-consumptive of the significant environmental values present, including riparian habitat. California Administrative Code sections 2953 and 2954 govern the State Lands Commission's use of the Significant Lands Inventory. Section 2954 precludes the Commission from adopting a Statement of Overriding Considerations for this project.

4. The project's impacts to riparian habitat can be mitigated and the applicant has agreed to do so pursuant to the special conditions which will attach to the proposed general permit. These conditions are listed in Exhibit "D" attached hereto.
5. The State Lands Commission's staff attempted to find a site revegetation option that would mitigate the impacts in the construction zone. Unfortunately, the use of matting in-lieu of armor rock and planting between the armor rock were not acceptable to Reclamation District 2. The District is willing, however, to accept planting elsewhere in the project vicinity. Because the revegetation will not take place at the exact site of disturbance, mitigation will occur at a 2 to 1 ratio. Thus, 0.6 acre of riparian habitat will be established to compensate for the 0.3 acre destroyed.

**APPROVALS OBTAINED:**

Contra Costa County, United States Army Corps of Engineers, and Reclamation District 2.

**FURTHER APPROVALS REQUIRED:**

Department of Water Resources and Department of Fish and Game.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. County's Approval Document
- D. Special Conditions

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN EIR (SCH NO. 8902715) WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF CONTRA COSTA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS AMENDED AND APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

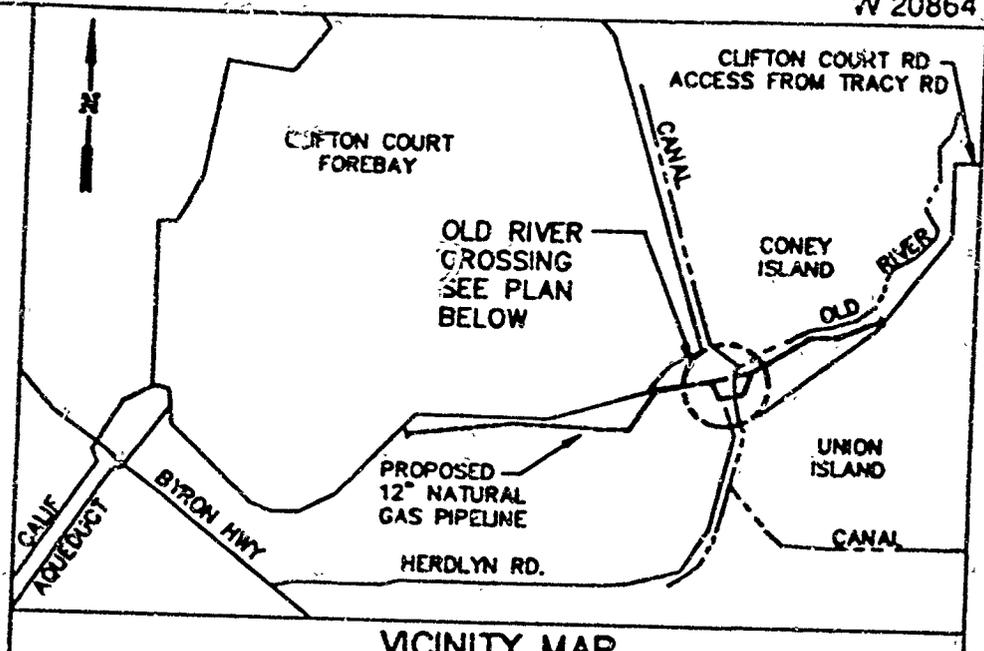
3. AUTHORIZE ISSUANCE TO UNOCAL - REAL ESTATE DIVISION OF A THIRTY-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING FEBRUARY 7, 1991 WITH SPECIAL CONDITIONS (EXHIBIT "D"); IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR LOCATION AND MAINTENANCE OF A 12-INCH NATURAL GAS PIPELINE AND ROCK RIPRAP ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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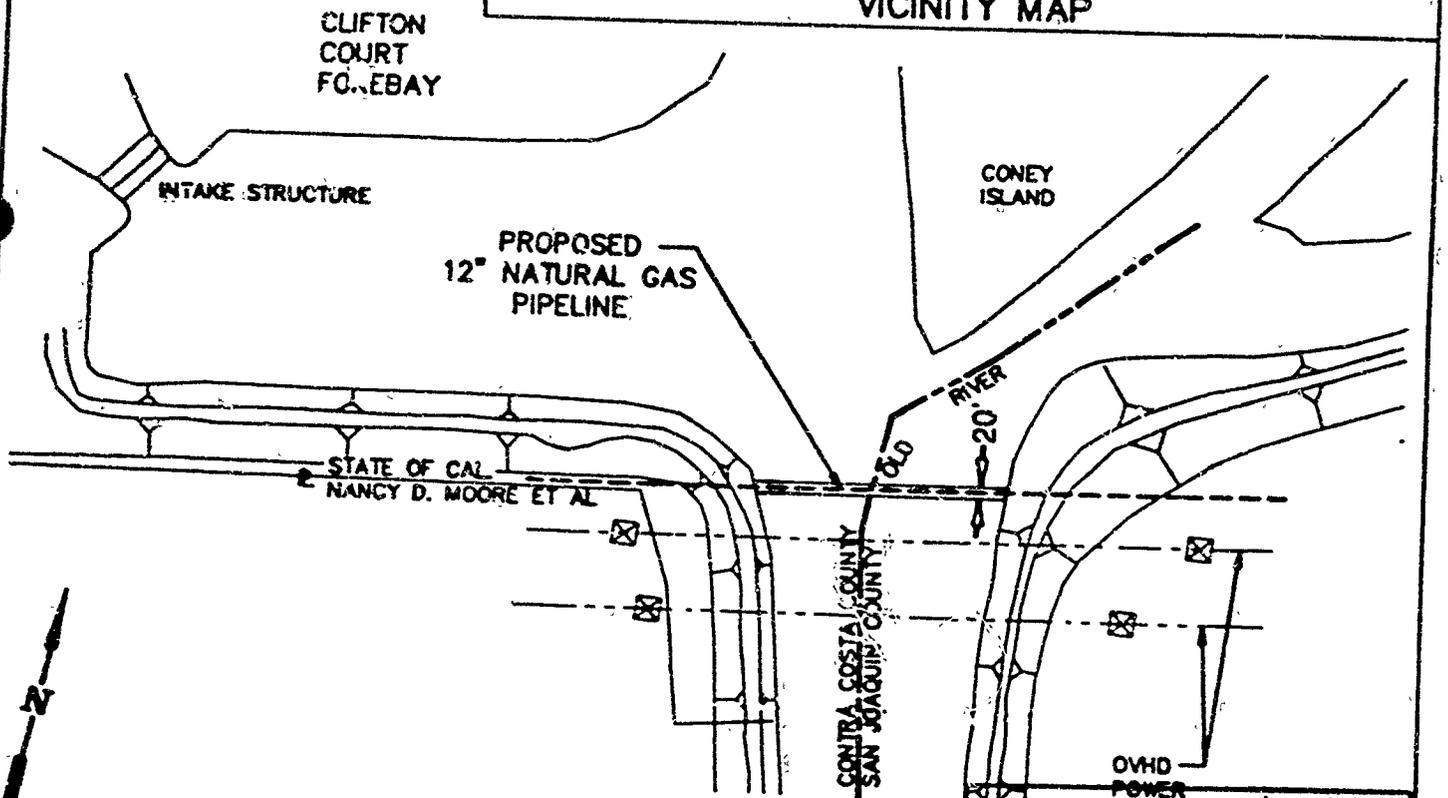
EXHIBIT "A"

LAND DESCRIPTION

'W 20864



VICINITY MAP



PLAN  
1"=300'

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REVIEWED MAY 31, 1990 BY LLB.

PURPOSE: PIPELINE RIVER CROSSING  
DATUM: MLW  
PROPERTY OWNERS:  
WEST SIDE - STATE OF CALIFORNIA DEPT. OF WATER RESOURCES  
EAST SIDE - J.A.L. FARMS

PLAN VIEW  
0' 300' 600'  
1"=300'  
UNOCAL  
P.O. BOX 7600  
LOS ANGELES, CA. 90051

PROPOSED CROSSING ALIGNMENT  
OF: OLD RIVER  
AT: SOUTH OF CLIFTON COURT FOREBAY INTAKE STRUCTURE  
COUNTY OF: EAST SIDE - SAN JOAQUIN COUNTY WEST SIDE - CONTRA COSTA COUNTY  
STATE OF: CALIFORNIA  
APPLICATION BY: UNOCAL  
SHEET 1 OF 2  
JULY 1, 1989

446 CLMWRK3

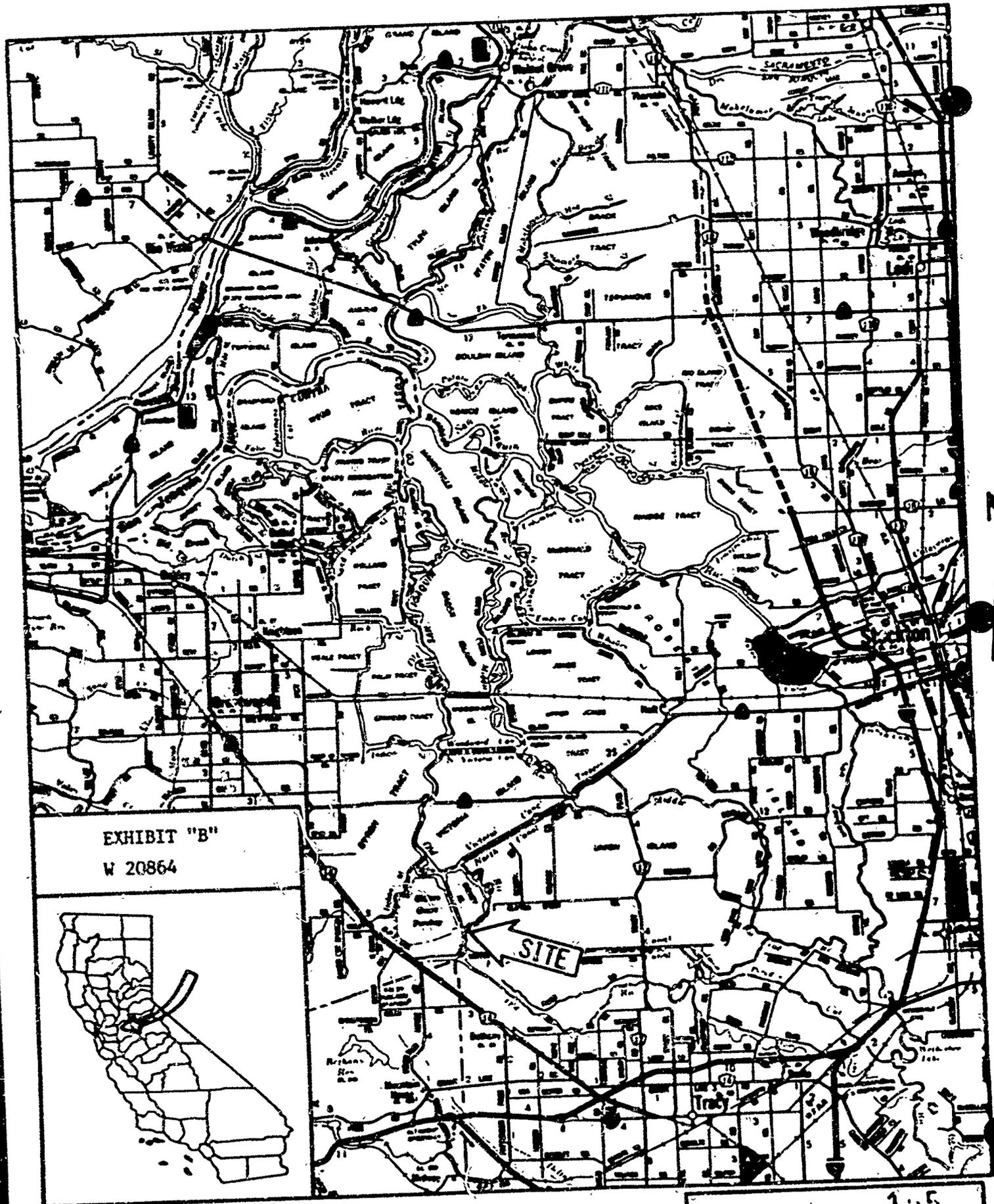


EXHIBIT "B"  
W 20864



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# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

**FILED**  
DEC 12 1990

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
 851 PINE STREET MARTINEZ, CALIFORNIA 94553-0085  
 Telephone: (415) 648-2031 Contact Person: Debbie Drannen  
 BY LE. MARTINEZ  
 CLERK, COUNTY CLERK  
 CONTRA COSTA COUNTY

**Project Description and Location:**

UNOCAL PIPELINE COMPANY (Applicant) - SOUTHERN PACIFIC TRANSPORTATION COMPANY (Owner), County File #2074-90: The applicant requests approval to relocate and install approximately 143,821 feet of new pipeline. Subject property is railroad right-of-way from Herdlyn Road north to Hoffman Road in East County and an area starting on the north side of Franklin Road opposite Franklin Canyon Golf Course northerly into Unocal San Francisco Refinery in the Richmond area. (H-1 and L-1) CT 3150) Parcel: Railroad R/W)

The Project was (Denied) (Withdrawn) (Approved on 11/19/90).

Pursuant to the provisions of the California Environmental Quality Act:

- An Environmental Impact Report was prepared and certified.
- The Project was encompassed by an Environmental Impact Report previously prepared for \_\_\_\_\_.
- A Negative Declaration was issued indicating that preparation of an Environmental Impact Report was not required.
- Copies of the record of project approval and the Negative Declaration or the final EIR may be examined at the office of the Contra Costa County Community Development Department.

- The Project will not have a significant environmental effect.
- The Project will have a significant environmental effect. Mitigation measures for identified significant impacts were made a condition of approval.
  - A statement of overriding considerations was adopted.
  - Findings were adopted pursuant to Section 15091 of the State CEQA Guidelines.

Date 12/12/90 By Debbie Drannen  
 Community Development Department Representative

**AFFIDAVIT OF FILING AND POSTING**

I declare that on \_\_\_\_\_ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature [Signature] Title [Signature]

**Exhibit D****Special Conditions**

Within 30 days of permit approval, the applicant shall submit to the staff of the State Lands Commission, for their review and approval, a site revegetation plan incorporating the following elements:

- A. The designation of species native to the area as selected by a qualified biologist or plant ecologist.
- B. The planting, with such species, of an area of at least 0.6 acres located: 1) in close proximity to the area of disturbance and; 2) where there will be no interference with pipeline project erosion control measures and district levee maintenance activities. Reclamation District 2 staff shall have approved such plan prior to submittal to State Lands Commission staff.
- C. A schedule for planting during spring of 1991.
- D. Monitoring sufficient to assure success of plantings and consistent with or incorporated into the mitigation monitoring plan developed for the balance of the project (Environmental Compliance Monitoring for the Union Island to Richmond Natural Gas Pipeline by Woodward-Clyde Consultants, October, 1990.)