

MINUTE ITEM
This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 2-12-91
meeting.

CALENDAR ITEM

A 2
S 2

C 1 0

08/12/91
W 24553 PRC 7560
J. Ludlow

APPROVE A GENERAL LEAS^F - RIGHT-OF-WAY USE

APPLICANT:

Atlantic Richfield Company
P. O. Box 147
Bakersfield, California 93302

AREA, TYPE LAND AND LOCATION:

A 0.191- acre parcel of tide and submerged land located in
the Eel River near Fortuna and Rohnerville, Humboldt County

LAND USE:

Construction, use and maintenance of a proposed ten-inch
natural gas pipeline.

TERMS OF PROPOSED LEASE:

Initial period:

Twenty years beginning July 1, 1991.

Surety Bond:

\$10,000

Public Liability insurance:

Combined single limit coverage of \$2,000,000

Self-insured for gradual pollution

CONSIDERATION:

\$105.84 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. Code Regs. 2003

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing costs and the first year's annual rental have been received.

STATUTORY AND OTHER REFERENCES:

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

AB 884:

01-10-92

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the County of Humboldt. The State Lands Commission's staff has reviewed the documents.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.
3. The purpose of the overall project is to produce natural gas from an area west of the Eel River near Rohnerville and Alton. Production wells and associated pipelines to transport the gas to an existing pipeline east of the Eel River and Highway 101 will be installed. The ten-inch pipeline which crosses State-owned land in the Eel River will connect to an existing PG&E main pipeline located east of Highway 101.
4. The installation of the pipeline will require the excavation of the river bottom to create a trench, placing the pipeline, backfilling and regrading the site to restore its original contours. Pursuant to Fish and Game's request, approximately 3000 cubic yards of the excavated gravel will be placed on the river bar between the two river channels.
5. The Department of Fish and Game has required, as part of the project, a trench to be left perpendicular to the west channel of the river upstream of the pipeline to enhance fish habitat. The excavation will be

15 feet deep at its deepest point, about 46 feet upstream of the pipeline, and the excavation will run across the channel for a distance of about 350 feet.

6. The subject pipeline is related to activities conducted under an existing commercial oil and gas lease, PRC 7383. All State oil and gas leases contain conditions establishing lease activity control, reporting, and inspection mechanisms. The State Lands Commission has field inspection and monitoring staff located in the major resource producing areas of the State to monitor and enforce the lease provisions and other SLC rules and regulations.

APPROVALS OBTAINED:

Humboldt County, Department of Fish and Game, California Coastal Commission, and various private upland easements.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers

EXHIBITS:

- A: Land Description
- B: Location Map
- C. Negative Declaration and Notice of Determination
- D. Mitigation Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION AND A MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF HUMBOLDT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. AUTHORIZE ISSUANCE TO ATLANTIC RICHFIELD COMPANY OF A TWENTY-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING JULY 1, 1991; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$105.84, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000, INCLUDING SELF-INSURANCE FOR GRADUAL POLLUTION; FOR THE INSTALLATION AND MAINTENANCE OF A TEN-INCH NATURAL GAS PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24553

LAND DESCRIPTION

A strip of submerged land 10 feet wide in the State owned bed of the Eel River, in Sections 14 and 15, T2N, R1W, HBM, Humboldt County, California, said strip lying 5 feet on each side of the following described center line:

The center line of said strip lying immediately beneath the pipeline as shown on the map "Preliminary Pipeline Survey for Arco Oil & Gas Company" dated April, 1990, a copy of said map is on file in file W 24553, in the office of the State Lands Commission, Sacramento, California.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of the Eel River.

END OF DESCRIPTION

PREPARED JULY 19, 1990 BY LLB.

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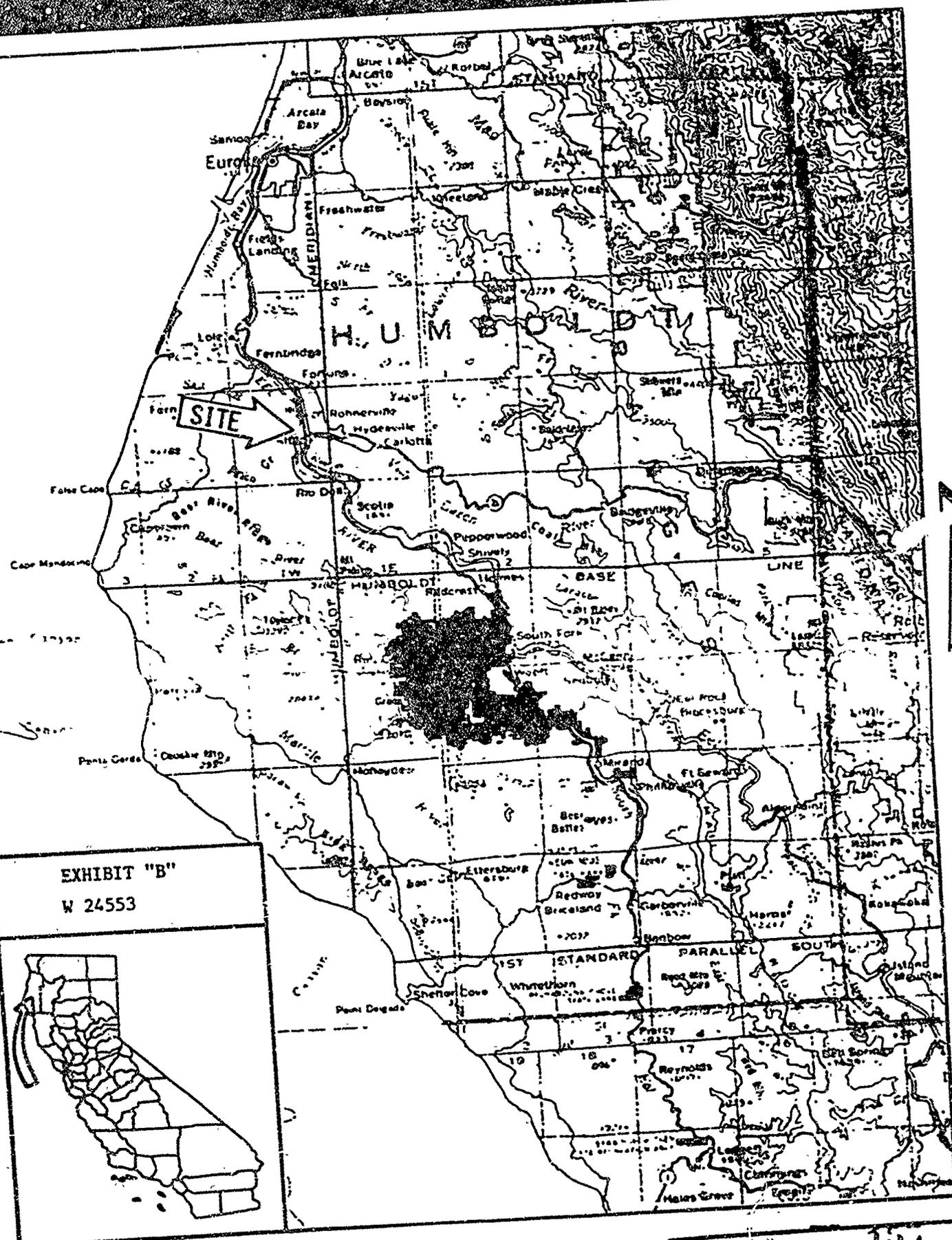


EXHIBIT "B"
W 24553



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NOTICE OF DETERMINATION

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

From: Planning Division of the
Humboldt County Planning
and Building Department
3015 H Street
Eureka, CA 95501

[X] County Clerk, County of Humboldt

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

Project Title: Conditional Use Permit and Coastal Development for Atlantic Richfield Company (ARCO), Applicant; Case Nos. CUP-38-90 and CDP-66-90; Assessor Parcel Number: APN106-221-02.

State Clearinghouse Number: 91043030
Lead Agency Contact Person: Sidnie Olson, Senior Planner
Area Code/Telephone/Extension: (707) 445-7541

Project Location: Humboldt County in the Eel River Valley, Grizzly Bluff and Alton areas in Sections 14, 15, 22, and 23, of Township 2 North, Range 1 West, Humboldt Meridian.

Project Description: A Conditional Use Permit and a Coastal Development Permit for the construction of natural gas production and transmission facilities from the Grizzly Bluff area of Ferndale to east of Highway 101 in the Alton area.

This is to advise that the Humboldt County Planning Commission has approved the above described project on June 20, 1991, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. The negative declaration and record of project approval may be examined at the Humboldt County Planning Department.
3. Mitigation measures were made a condition of the approval of the project.
4. A statement of Overriding Considerations was not adopted for this project.

Sidnie Olson
Signature (Public Agency)

7/12/91
Date

Senior
Planner
Title

Date received for filing at OPR

Revised 07-11-91

RECEIVED

JUL 12 1991

COUNTY CLERK
County of Humboldt

(CONV89.SUB1.ARCO.MOD)

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Mitigation Monitoring Plan

ARCO Ed River Natural Gas
Production and Transmission Facilities

Monitoring Responsibility

This mitigation measure has been supplemented by the "Mitigation Plan" included as Attachment A. ARCO and its consulting biologist will send a photograph of the riparian area immediately following restoration planning and copies of all monitoring reports to the Humboldt County Planning Department, as well as to the other agencies listed in the plan.

ARCO and its consulting engineer will be responsible to furnish the Humboldt County Planning Department with photographs of the mitigation trench following completion of grading activities.

APPROVED

JUL 05 1991

HUMBOLDT COUNTY
PLANNING COMMISSION

RECEIVED

JUL 05 1991

HUMBOLDT COUNTY
PLANNING COMMISSION

EXHIBIT "D"

Mitigation

Mitigation Measure #1

The 1/2-acre of riparian vegetation to be removed on the west side of the river will be revegetated with willow and alder rooted cuttings planted on 8-foot centers between November and February. The planting area will be prepared by ripping to 24" depth and spreading the stockpiled brush originally removed from the site. ARCO will be responsible to demonstrate 75 percent success, (measured in terms of original undisturbed vegetation coverage) five years after planting, if requested to do so by the California Department of Fish and Game.

Mitigation Measure #2

To enhance fish habitat, a trench will be left perpendicular to the main (west) channel of the river upstream of the pipeline. The excavation width will be 30 feet, stretching from a point 36 feet upstream of the pipeline to the limits of pipeline excavation (66 feet upstream of the pipeline). The excavation will be 15 feet deep at its deepest point, about 46 feet upstream of the pipeline, and the excavation will run across the channel for a distance of about 350 feet. The volume of gravel to be removed will be about 3,000 cubic yards.

The following comment is added to the draft Initial Study in response to a U.S. Fish and Wildlife Service comment received during an Informal scoping process by the consultant:

The trench will also be sloped downward gradually from the west side of the channel to avoid abrupt hydraulic effects near the bank and to avoid interfering with recreational vehicle movement along the river. Shaped thus, the mitigation trench should have insignificant hydraulic/erosion or recreational effects, and any effects should disappear after the first winter high flows partially fill the trench with gravel.

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Mitigation Measure #3

The applicant will incorporate the recommendations of the Natural Resources Division of the County Public Works Department that a representative from the Table Bluff Rancheria be present to observe during trenching of the pipeline. The contact person at the Rancheria shall be Albert James, P.O. Box 519, Lolo, CA 95551.

Mitigation Measure #4

During construction activity, if buried archaeological resources are encountered work in the immediate area will be called to a halt temporarily and a qualified archaeologist will be contacted to evaluate the materials and recommend required action. Should the discovery be human remains,

there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required, and
2. If remains are of Native American origin,
 - a. The descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

Monitoring Responsibility

Mitigation Measures #3 and #4 have been included in the plans and specifications by the consulting engineer for ARCO. The consulting engineer will be responsible for contacting Albert James, notifying the County of the name of the Table Bluff Rancheria representative to be present during trenching (outside the river bed), and briefing the representative of his/her responsibilities with respect to Mitigation Measure #4.

Mitigation

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Monitoring Responsibility

Mitigation

b. The Native American Heritage Commission was unable to notify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. (CEQA Guidelines, Appendix K)

Note: The 1603 agreement with Fish & Game and other documents related to this project make it clear that construction in the river must take place during low flow conditions. Fish and Game has accepted responsibility for monitoring this condition (Warden Jan Froland, DFG, July, 1991).

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COUNTY OF HUMBOLDT

Mitigation Monitoring Checklist
ARCO Eel River Natural Gas Production
and Transmission Facilities

<u>Mitigation Measure</u>	<u>Evidence of Implementation of Mitigation Measure</u>	<u>Approximate Date that County Should Receive Evidence</u>	<u>Date Received</u>
#1: Riparian Restoration	Photograph of restored riparian area Monitoring Reports	January to February, 1992 Monthly, May-August 1992 May and July, 1993 through 1996	_____ _____ _____ _____ _____ _____
#2: Fish habitat trench	Photograph of trench	September to October, 1992	_____
#3: Observation of trenching by Table Bluff Rancheria Representative	Name of representative	July, 1991	_____
#4: Actions to be taken if archaeological resources or human remains are encountered	Copy of instructions to contractor in plans and specifications and letter of instructions to Table Bluff Rancheria representative	July, 1991	_____

County of Humboldt

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Attachment A
Riparian Mitigation Plan

03/20/2014 10:00 AM

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Mitigation Plan

**ARCO Pipeline Crossing
of Eel River at Fortuna, CA**

**Revegetation
Monitoring and Reporting
Maintenance
Reporting Standards
Integrity of the Restoration Area**

June, 1991

**Winzler & Kelly, Consulting Engineers
633 Third Street
P.O. Box 1345
Eureka, CA 95501
(707) 443-8326**

91-063-830

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Purpose

This mitigation plan is to clarify and supplement Mitigation Measure #1 presented in the Proposed Negative Declaration (State Clearinghouse #91043050) circulated on April 18, 1991, for "ARCO Eel River Natural Gas Production and Transmission Facilities."

Environmental Setting and Biological Resources

The crossing location of the proposed pipeline is in an "opening" along the river where both the riparian vegetation within the ordinary high water limits of the river and on the adjacent flood plain is undeveloped compared to nearby locations. No wetlands or riparian vegetation exists on the east side of the crossing. On the west edge of the main summer channel, and on the edges of the river bar through which the pipeline will pass, are scattered willows (Salix sp.) and alder (Alnus sp.) saplings in the 1- to 3-foot height range (see Photo 1). This riparian feature is a fluctuating community that is annually damaged or destroyed during high flows, and regrows either from adjacent seed sources or by sprouting from plants covered by gravels. The portions of the shallow gravels containing these willows will be stockpiled during the initial excavations, and these piles will be re-spread at the river's edge at the conclusion of construction to encourage re-establishment of these willows, which will regrow naturally over time in any case.

Low-shrub riparian vegetation occurs along the path through the river bank from where the pipeline leaves the adjacent pasture to the west to where it enters the ordinary high water bed of the river, delineated by a relatively steep bank (see Figure 1). This riparian vegetation consists of mostly agricultural grasses and broadleaf herbs, with widely scattered bushes, including mostly Coyote brush (Baccharis pilularis), Sweet fennel (Foeniculum vulgare) and occasional willows (see photo 2). The construction swath through this vegetation will be about 250 feet along the pipeline, and about 50 feet wide. The area of this rectangle is less than 1/2-acre. During construction, the impact to this area will be minimized. If the disturbed area is less than anticipated, only the area impacted will be restored.

Mitigation Planting Plan

The riparian vegetation above the ordinary high water to be removed on the west side of the river will be revegetated as outlined in Mitigation Measure #1 in the Negative Declaration, as slightly modified below to adjust for the measured brush coverage on the restoration site. The restoration plantings will consist of willow, Coyote brush, alder, and cottonwood (Populus trichocarpa), rooted and unrooted cuttings planted between November and February. The planting area will be prepared by ripping to 24" depth and spreading the stockpiled brush originally removed from the site.

The density of planting will be sufficient to double the density, as measured by areal coverage, of perennial woody vegetation, assuming moderate growth and survival of 75 percent of the planted shrubs.

Field measurements show existing coyote brush and willow to cover about 28 percent of the site by areal measurement. The ultimate areal coverage, therefore, should be about 56 percent. At an assumed survival rate of 75 percent, we need to plant to obtain 75 percent planned coverage if we were to assume 100 percent survival. (75 percent planned coverage x 75 percent survival = 56 percent ultimate coverage). At conservative growth rates of 10 square feet of average areal coverage per plant the first year and 10 square feet growth per plant each succeeding year for a 5-year average of 40 square feet per plant, about 235 plantings will be required to reach the goal. (12,500 sq. ft. site x .75 / 40 = 235) The planting will be designed to improve the riparian habitat by shifting the brush composition toward true riparian species by planting in the following ratios:

Willow	50%
Alder	15%
Cottonwood	15%
Coyote brush	20%

These features of the mitigation plan are viewed as adequate to restore the habitat to its original value or greater, and to compensate for any temporary loss of habitat during regrowth.

Monitoring Plan

ARCO will retain a biologist to periodically monitor the site, take measures necessary to insure the success of the plan, and report to resources agencies. The site will be monitored monthly from May through August for the first dry season following construction, and then twice per summer in May and July for the following 4 years. Monitoring reports will be prepared twice during the first monitoring year and annually for the next four years. Reports will be sent to the California Department of Fish & Game, the National Marine Fisheries Service, the U.S. Fish & Wildlife Service, and the U.S. Environmental Protection Agency.

Maintenance

The mitigation area will be watered (probably by water truck) as necessary during the first year to maintain good growing conditions. The truck will be used only when natural precipitation is not sufficient to adequately water the plants. Watering will continue in the second year if necessitated by unusual drought conditions or evidence of water stress, in the opinion of the responsible biologist or the Department of Fish & Game. Should it become evident in the early years that the site is not meeting the performance criteria (see below), the area will be replanted, utilizing those species that are showing the most vigor.

Performance Criteria

ARCO will be responsible to demonstrate that areal coverage by perennial shrubby vegetation at the end of 5 years on the disturbed area is double that of the original condition. This assessment will be presented in the 5th year monitoring report, if requested by the California Department of Fish & Game or other resources agency. As mentioned previously, we assume 10 square feet of average areal coverage per plant in the second year, and average annual growth rates of 10 square feet per plant per year thereafter. We have made conservative assumptions because the site does not appear to have optimum conditions for riparian development. The following chart shows the quantified performance criteria.

<u>Year</u>	<u>Surviving Plants</u>	<u>Areal Coverage per Plant (square feet)</u>	<u>Total Areal Coverage Goal (square feet)</u>
1	Plant 235 plants, water, and monitor		
2	210	10	2100
3	190	20	3800
4	180	30	5400
5	172	40	6880
		$\frac{6,880}{12,500} = 55\%$ coverage	

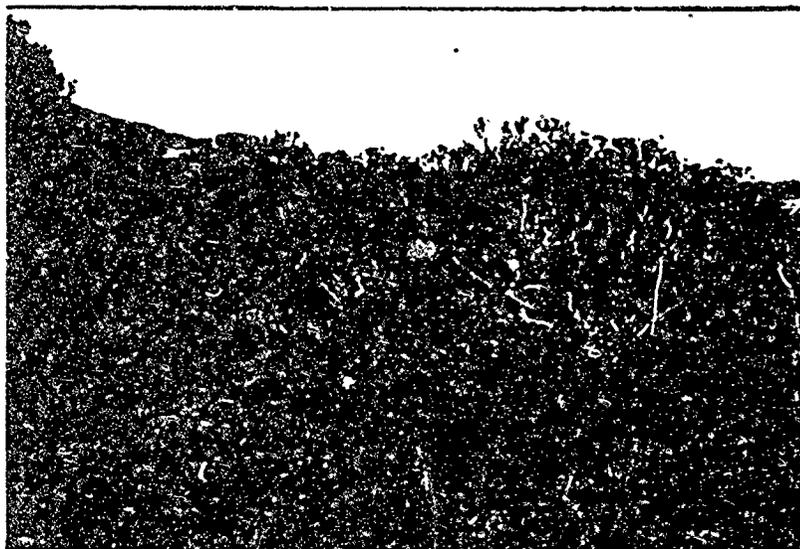
Integrity of Restoration Area

The restoration will take place on a pipeline construction right-of-way and easement between ARCO and the landowner which is adjacent to the landowner's pasture. The landowner has been invited by the Coastal Commission to become a co-applicant in the application for a Coastal Development Permit to alert him that the permit may include restoration conditions on his property and that the restored vegetation must be left intact. Any disturbance of the vegetation would be subject to the provisions of the Coastal Act for protection of riparian vegetation.

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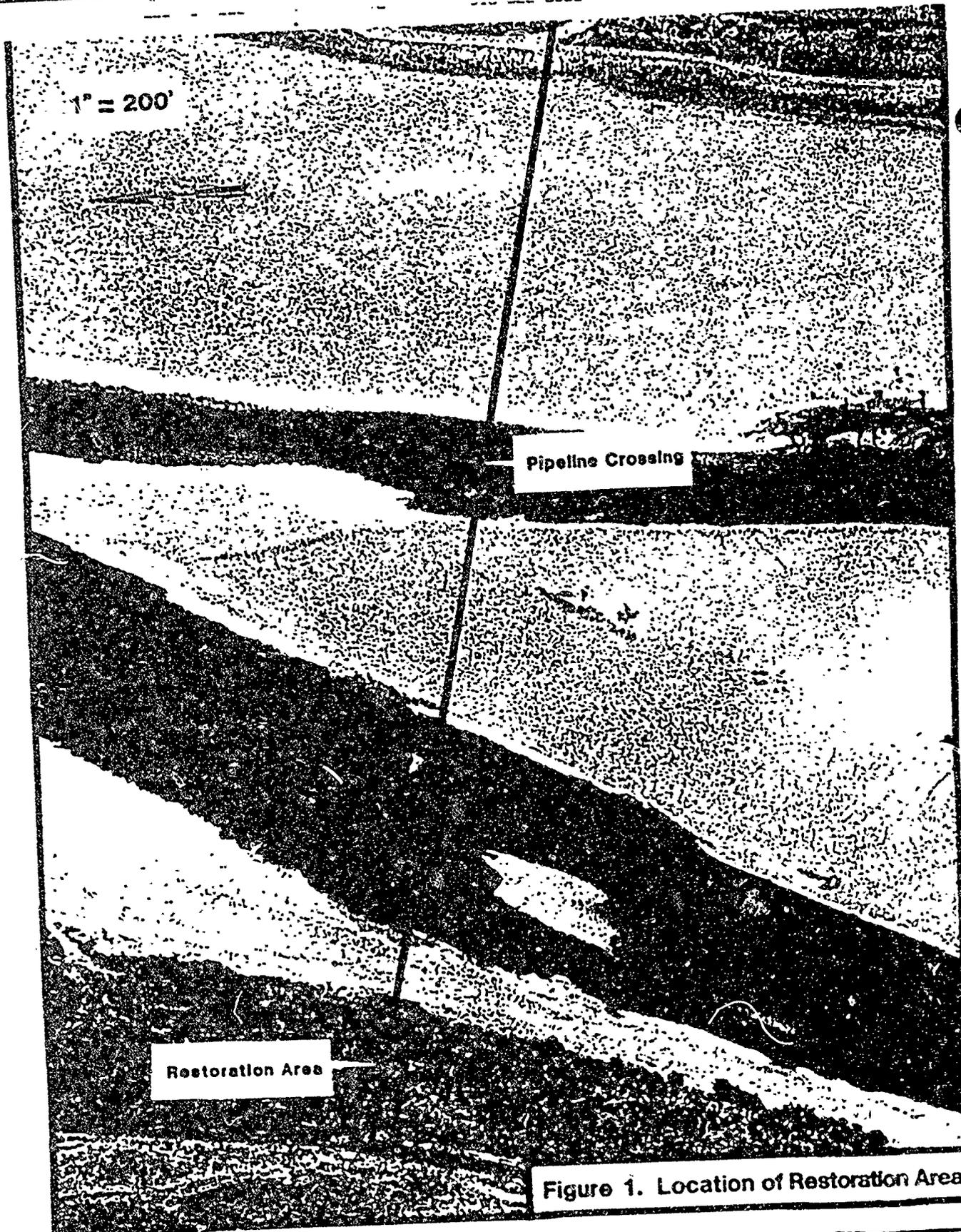
Photo 1. Small Riverbank Willows



**Photo 2. Coyote Brush-Dominated
Shrub Vegetation Above Ordinary High Water**

WINZLER & KELLY

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1" = 200'

Pipeline Crossing

Restoration Area

Figure 1. Location of Restoration Area

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