

MINUTE ITEM  
This Calendar Item No. C19  
was approved as Minute Item  
No. 19 by the State Lands  
Commission by a vote of 3  
to 0 at its 6-30-92  
meeting.

CALENDAR ITEM

A 10  
S 7

C 19

06/30/92  
W 24820  
Fong PRC 7638

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

Tosco Refining Company, a Division of  
Tosco Corporation  
Avon Refinery  
Martinez, California 94553

AREA, TYPE LAND AND LOCATION:

A 0.04-acre parcel of tide and submerged land in Taylor  
Slough between Bethel Island to Jersey Island, Contra Costa  
County.

LAND USE:

Installation, use, and maintenance of a six-inch-diameter  
steel natural gas pipeline.

TERMS OF PROPOSED LEASE:

Initial period:  
Thirty (30) years beginning July 1, 1992.

Surety bond:  
\$10,000.

Public liability insurance:  
Combined single limit coverage of \$1,000,000.

Special:

1. Lessee shall provide a spill contingency plan for  
work in the slough prior to construction. The work  
barge shall carry a supply of absorbent pads and at  
least 400 feet of absorbent boom together with a small  
boat for immediate deployment in the event of an  
accidental spill of a hazardous substance into the  
slough waters.

(ADDED 6/29/92)

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2. Prior to construction, lessee shall provide a map showing the location of the nearest block valve upstream of the slough together with a narrative description of leak detection and emergency shutdown procedures in the event of a pipeline rupture in the slough.

3. Lessee shall provide a certified copy of the final hydrotest results upon completion of construction.

4. Lessee shall provide an "as built" plan of the Taylor Slough pipeline crossing showing horizontal alignment data and vertical grades, certified by a licensed surveyor. This information is to be provided within 60 days after the project has been accepted as complete by Tosco.

5. Lessee shall provide details of the annual pipeline inspection procedures to be performed, and copies of the annual inspection reports.

6. Lessee shall immediately notify lessor, in writing, in the event of any planned repairs or modification of the pipeline in the crossing.

7. In the event that any cultural artifacts or remains are uncovered during the trenching operations in Taylor Slough, lessee will immediately cease operations and notify lessor.

**CONSIDERATION:**

\$100 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 and application processing deposit have been received.

CALENDAR ITEM NO. C 1 9 (CONT'D)

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:

12/19/92

OTHER PERTINENT INFORMATION:

1. A Negative Declaration, SCH 92033052, was prepared and adopted for this project by the County of Contra Costa. The State Lands Commission's staff has reviewed the information contained therein.
2. The Applicant proposes to extend an underground gas pipeline along Canal Road from an existing gas well on Bethel Island. The pipeline would extend west across Taylor Road and Taylor Slough. The new line, approximately 3,500 feet in length, will connect to an existing pipeline which runs along Jersey Island Road. The only State lands affected by this project consists of the crossing of Taylor Slough at an existing utility crossing which is about 340 feet wide at this location.
3. Impacts to State-owned lands which may result from this proposed project include the following: water quality, soil disturbance, minor vegetation disturbance from trenching activities, and potential impacts to Delta Smelt, Winter Run Chinook Salmon, and other inland fisheries.

The Department of Fish and Game has issued its Streambed Alteration Agreement which conditions mitigate for the above impacts, including the construction window of August through September. In addition, the U. S. Fish and Wildlife Service has imposed a construction window of July 1, to November 30, 1992 to avoid impacts to Delta Smelt.

The conditions imposed by the above agencies, along with the proposed conditions in the State Lands Commission lease will ensure that the identified impacts are properly addressed.

CALENDAR ITEM NO C 1 9 (CONT'D)

Contra Costa County did not adopt a monitoring program for this proposed project, as they determined that the identified impacts were reduced to a level of insignificance due to the conditions imposed by other regulatory authorities.

4. 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.

**APPROVALS OBTAINED:**

Contra Costa County, United States Army Corps of Engineers, Fish and Game Streambed Alteration Agreement, and Bethel Island Municipal Improvement District.

**FURTHER APPROVALS REQUIRED:**

None.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Notice of Determination

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A NEGATIVE DECLARATION, SCH 92033052, 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. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO TOSCO OF A THIRTY-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING JULY 1, 1992; 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 \$10,000 SURETY

CALENDAR ITEM NO C 1 9 (CONT'D)

BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A BURIED SIX-INCH-DIAMETER STEEL NATURAL GAS PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

W 24820

LAND DESCRIPTION

A strip of tide and submerged land five feet in width in the bed of Taylor slough situated within a portion of the projected Sections 8 and 9, T 2 N, R 3 E, M.D.M., Contra Costa County, California, lying two and one-half feet on each side of the following described centerline:

BEGINNING at a point on the East boundary line of Parcel "C"; said point bears N 11° 27' 00" E, 5.00 feet from the Southeast corner thereof, said Parcel "C" is shown on that map filed in Book 79 of Parcel Maps at Page 12, Contra Costa County Records; thence leaving said East boundary line N 76° 30' 29" W, 339.41 feet more or less to the Southwesterly line of Lot 25 of Jersey Island Farms as shown on Map Book 18, Page 419, Contra Costa County Records, and the end this herein described centerline.

The sidelines are to be lengthened or shortened to terminate at a bearing of N 11° 27' 00" E at the point of beginning and at a bearing of S 11° 14' 00" E at the end of this strip.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Taylor Slough.

END OF DESCRIPTION

PREPARED JUNE , 1992 BY LLB.

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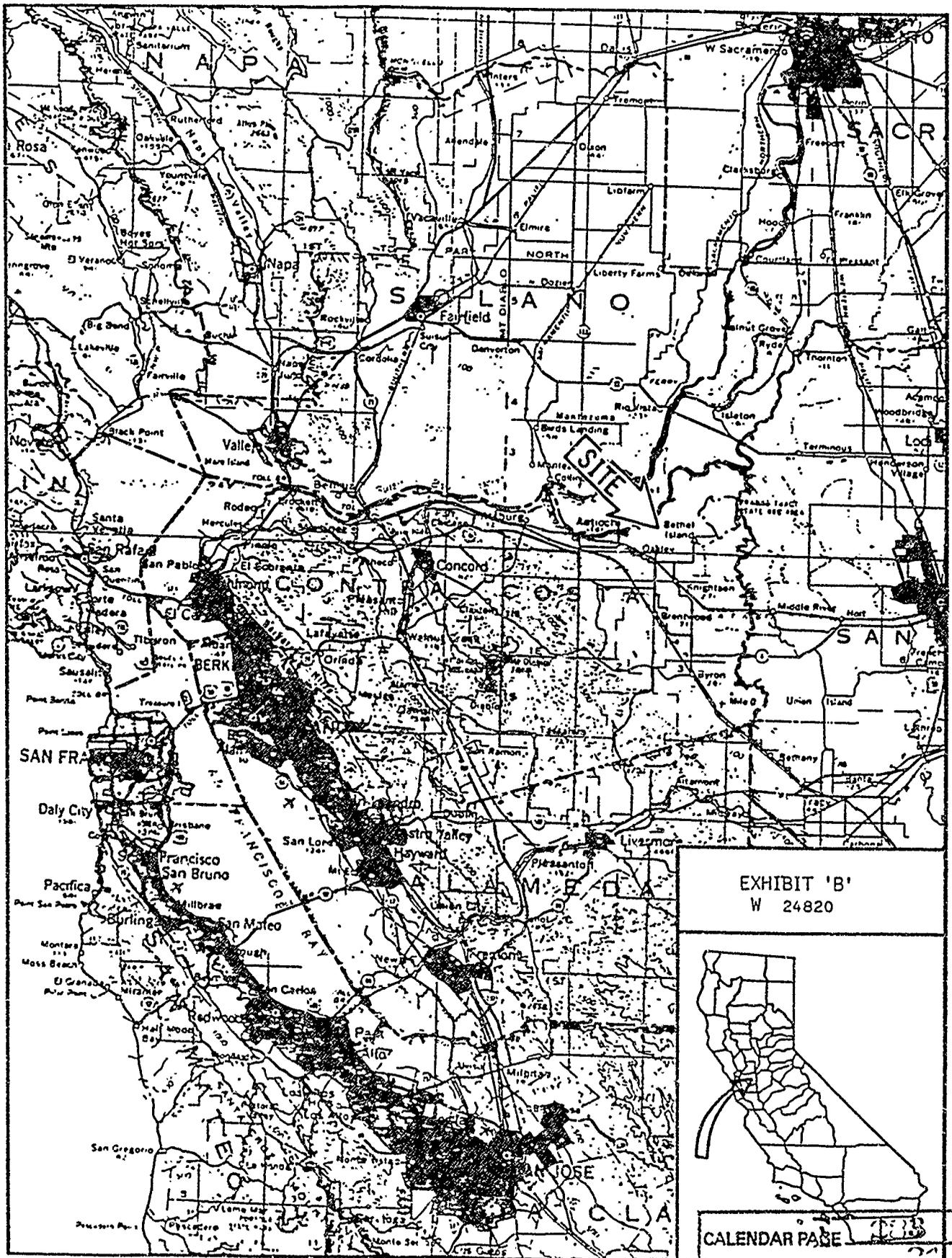


EXHIBIT 'B'  
W 24820

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# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
651 PINE STREET MARTINEZ, CALIFORNIA 94553-0095

Telephone: (415) 646-2035 Contact Person: Jim Cutler/Matt Tomas

**Project Description and Location:**

TAYLOR SLOUGH AND TAYLOR ROAD PIPELINE CROSSING TOSCO REFINERY

Tosco Refinery proposes to extend underground gas pipelines (along Canal Road from an existing gas well line located on Bethel Island. The new pipeline would extend west along Canal Road, across Taylor Road and Taylor Slough, for approximately 3,500 feet. The new line would connect to an existing pipeline which runs along Iersev Island Road and located on the west side of Taylor Slough. The gas pipeline would be buried approximately 24 inches underground. (CT 2017)

**FILED**  
JAN 28 1992

STEPHEN L. WEIR, COUNTY CLERK  
CONTRA COSTA COUNTY

BY L.E. Martins, Deputy

The Project was (Denied) (Withdrawn) (Approved on November 4, 1991).

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 Jan 7 1992 By [Signature]  
Community Development Department Representative

**AFFIDAVIT OF FILING AND POSTING**  
JAN 28 1992

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 L.E. MARTINS

Title DEPUTY CLERK

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