MINUTE ITEM
This Calendar Item No. C09
was approved as Minute Item
No. 09 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

CALENDAR ITEM

C09

A 30

S 14, 16

04/28/93
W 24896
Gordon
PRC 7681

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:
Union Oil Company of California
1800 30th Street, Suite 200
Bakersfield, CA 93301

AREA, TYPE LAND AND LOCATION:
A 0.0689-acre parcel and a 0.3443-acre parcel of submerged land located in the bed of the San Joaquin River near Dos Palos, Fresno and Madera Counties.

LAND USE:
Construction, operation and maintenance of an eight-inch natural gas pipeline with a temporary construction easement, respectively.

TERMS OF PROPOSED LEASE:
Initial period:
Twenty (20) years beginning May 3, 1993. Temporary Construction Easement begins May 3, 1993; ends May 2, 1994.

Surety Bond:
$10,000

Public Liability Insurance:
Combined single limit coverage of $2,000,000.

CONSIDERATION:
Permanent Right-of-Way; $100 per annum; Temporary Construction Easement; $100.

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

APPLICANT STATUS:
Applicant is permittee of upland.

CALENDAR PAGE	120
MINUTE PAGE	414

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee, processing costs, and environmental costs have 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:
10/11/93

OTHER PERTINENT INFORMATION:

1. Applicant proposes to construct the subject pipeline to transport natural gas from its two wells, completed in the Spring of 1992, and a third well, completed by McFarland Energy earlier in 1992, to applicant's new gas processing facility located in Fresno County, a distance of approximately eight miles. The combined gas fields will produce natural gas at a maximum rate of 14 million standard cubic feet per day (MMSCFD) for purchase by Pacific Gas and Electric Company.

2. A Negative Declaration was prepared and adopted for this project by County of Fresno. The State Lands Commission's staff has reviewed such document.

3. Fresno County has not adopted a Monitoring Plan for this project; therefore, Commission staff have prepared a Monitoring Plan which encompasses potential impacts to State-owned land.

   Reimbursement Agreement RO1592 has been amended to reflect the cost of Commission staff's time to monitor the implementation of the project modifications identified in the Monitoring Plan, attached as Exhibit "C".

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 process it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army, Corps of Engineers; California Department of Fish and Game; California Regional Water Quality Control Board, Central Valley Region; County of Fresno and County of Madera.

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

A. Land Description
B. Location Map
C. Mitigation Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY COUNTY OF FRESNO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE MITIGATION MONITORING PROGRAM, ATTACHED AS EXHIBIT "C".

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

4. AUTHORIZE ISSUANCE TO UNION OIL COMPANY OF CALIFORNIA OF A 20-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING MAY 3, 1993; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $100 FOR A PERMANENT RIGHT-OF-WAY, AND A ONE-TIME PAYMENT OF $100 FOR A TEMPORARY CONSTRUCTION EASEMENT; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A $10,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $2,000,000; FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF AN EIGHT-INCH NATURAL GAS PIPELINE WITH A TEMPORARY CONSTRUCTION EASEMENT ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

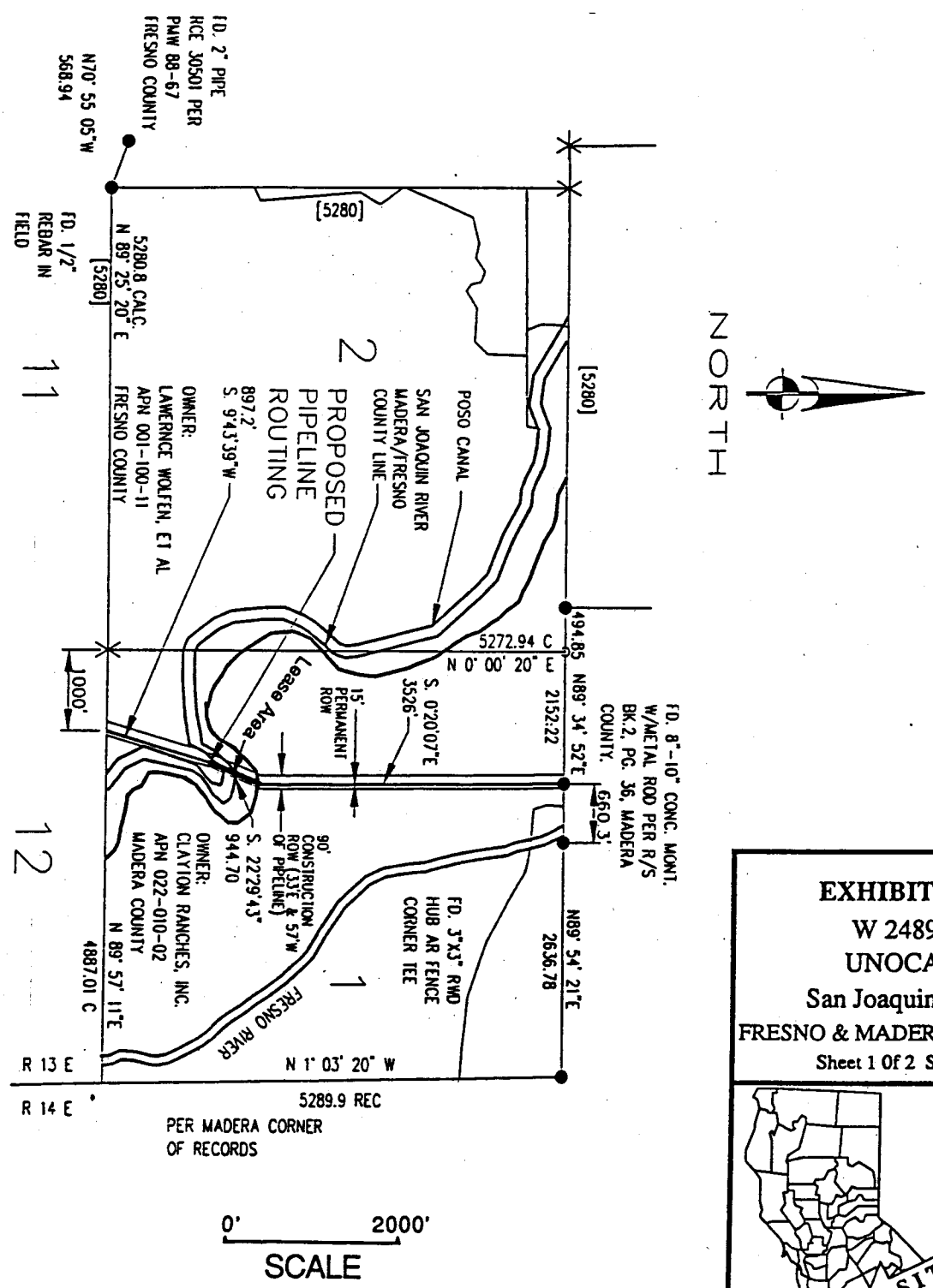
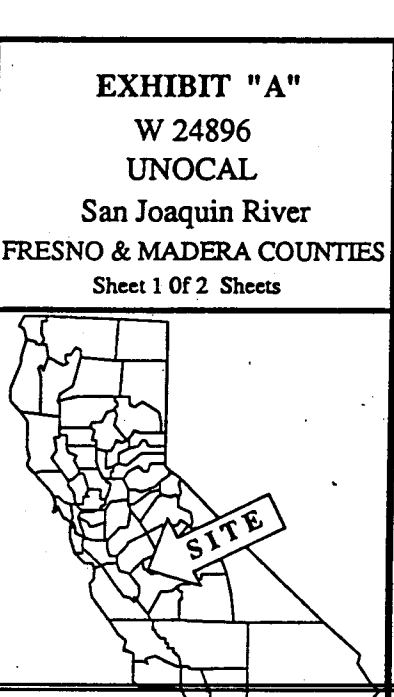


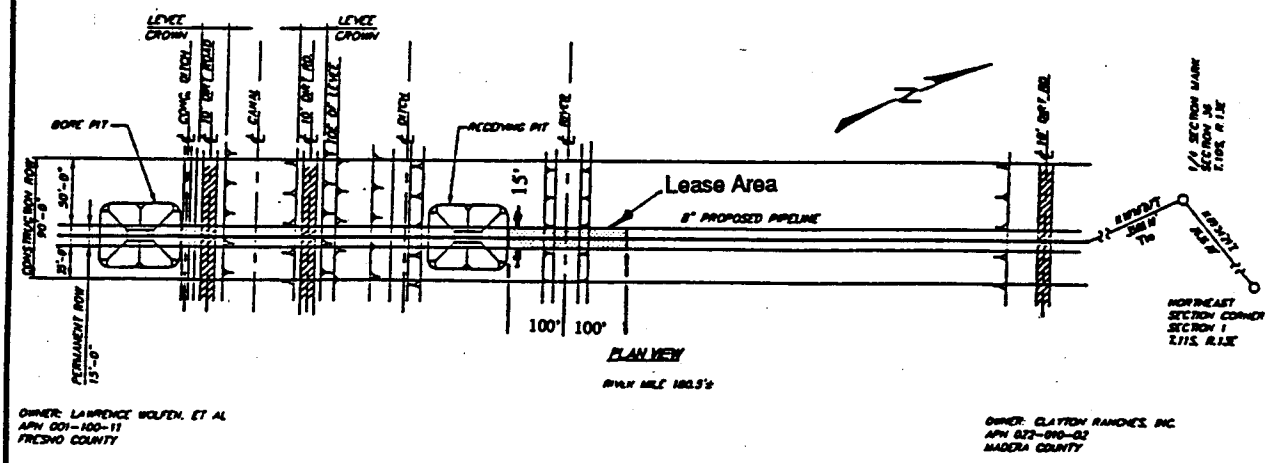
EXHIBIT "A"
W 24896
UNOCAL
San Joaquin River
FRESNO & MADERA COUNTIES
Sheet 1 Of 2 Sheets



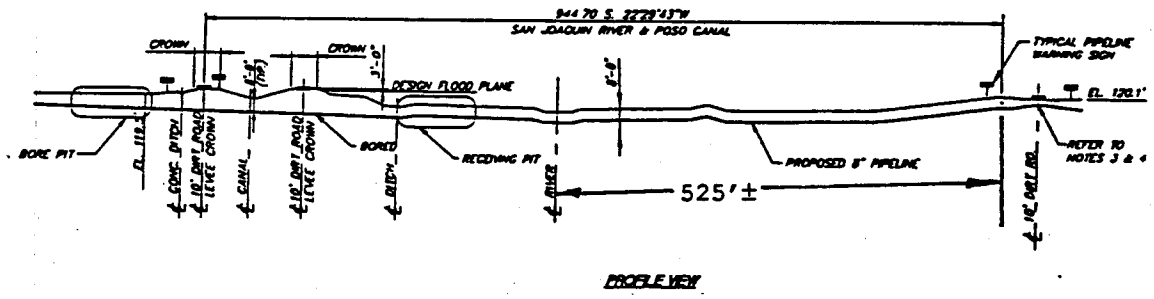
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CALENDAR PAGE 123
MINUTE PAGE 417

CG 3/93



No Scale



NOTES:

1. INSTALLATION OF GAS GATHERING LINE WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF "STANDARDS OF ENCROACHMENT", STATE OF CA. THE RESOURCES AGENCY, THE RECLAMATION BOARD.

3. BACK FILL MATERIAL WITHIN THE LEVEE SHALL BE COMPACTED TO 95% RELATIVE COMPACTION. LEVEE CROWN ROADWAYS DISTURBED BY EXCAVATION SHALL BE REPAIRED WITH 4" CRUSHED MINERAL AGGREGATE SURFACING.

4. EXCAVATION DEPTH IN LEVEE TO BE 18" MAXIMUM. LEVEE SECTION SHALL BE INCREASED AT EXCAVATION A MINIMUM OF 40' (TOTAL UPSTREAM AND DOWNSTREAM) TO PROVIDE MINIMUM OF 3'-0" COVER. LEVEE ROADWAY TAPER SHALL BE MINIMUM 10 TO 1 SLOPE.

5. FLOOD PLANE DATA FOR 10, 50 & 100 YEAR STORMS ARE UNAVAILABLE FOR THIS SECTION OF THE SAN JOAQUIN RIVER.

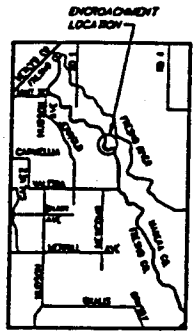


EXHIBIT "A"
W 24896
UNOCAL
San Joaquin River
FRESNO & MADERA COUNTIES
Sheet 2 of 2 Sheets

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

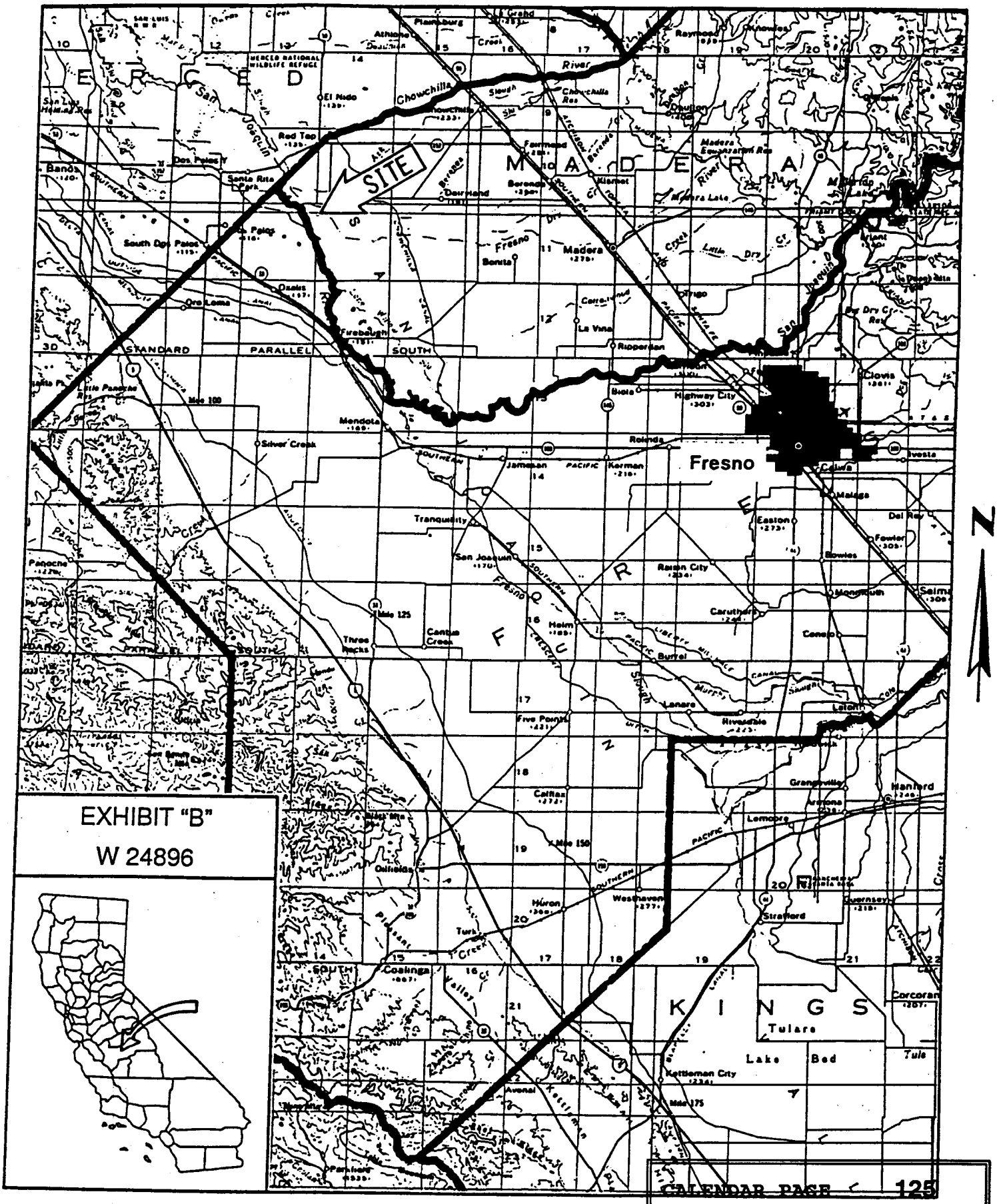


EXHIBIT "B"

W 24896

EXHIBIT "C"

MITIGATION MONITORING PLAN
UNION OIL COMPANY OF CALIFORNIA'S
BLEWITT TREND PIPELINE
FRESNO COUNTY NEGATIVE DECLARATION 92102038

1. Impact: The proposed route and construction activity associated with the pipeline project may have the potential to affect sensitive or endangered plant and wildlife species.

Modification:

A. A pre-construction biological survey will be conducted by a qualified biologist within 30 days of the beginning of the construction. The purpose of the survey is to look for new kit fox dens and other wildlife burrows. Appropriate measures, including but not limited to marking burrows and dens for avoidance, shall be implemented to ensure that no adverse effects to State and/or Federally protected species will occur.

Results of the survey will enable the Applicant to route the pipeline through non-native grassland in such a way as to minimize disturbance to patches of bare ground with annual saltbushes.

Consultation with the California Department of Fish and Game and the United States Fish and Wildlife Service shall begin immediately if disturbance would occur to candidate and/or endangered species. Results of consultation would be enumerated in a Memorandum of Agreement concerning further mitigation and/or restoration/enhancement required in compliance with State and Federal law.

B. A worker education program shall be conducted by a qualified biologist for all project personnel (Unocal, contractors, and subcontractors) to inform them of the occurrence of listed species in the project area, and the reasons behind worksite protocol to conserve listed species and their habitats. Worksite protocol will include the following:

1. A speed limit of 20 miles per hour shall be observed on all roads other than Federal, State or County roads within the project area.

2. Pets shall be prohibited on the worksite, to prevent harassment of wildlife.

3. All trash, especially food-related items, shall be contained and removed from the worksite on a daily basis, in order not to attract wildlife.

4. Pesticide use shall be discouraged. If necessary a pest control program will be required to be pre-approved by responsible agencies in order to prevent harm to listed species and their prey.

5. Parking and storage of equipment and materials shall be limited when possible to existing, non-vegetated, constructed pad surfaces and roadways. If any other areas are needed for parking and/or storage, they shall be approved by the State Lands Commission's Project Manager, Union Oil Company of California's Project Manager and the qualified biologist before use.

6. In order to prevent entrapment of kit foxes and other wildlife, all open pipes on the jobsite shall remain capped until used. Construction personnel shall inspect all pipes for animals before moving or welding. Open trenches and holes shall be provided with earthen escape ramps at 500 foot intervals for each trench or hole. Open trenches and holes shall be inspected at the beginning of each working day and before backfilling by Unocal personnel. If animals are found, work shall be suspended and they shall be allowed to escape or be removed by a qualified biologist.

Monitoring:

A. A pre-construction survey report would be prepared by a qualified biologist detailing the methods and results of the pre-construction survey and submitted to the State Lands Commission's Project Manager.

Upon completion of review of the pre-construction survey, the State Lands Commission's Project Manager shall inform Applicant's Consultant concerning the implementation of appropriate protective

measures necessary in biologically sensitive areas of the right-of-way. Applicant's consultant will include the pre-construction survey report within the Final Project Modification Compliance Report.

B. After participation in the worker education program, all personnel shall sign a statement attesting to his/her participation in this training, agreement to abide by jobsite regulations, and to his/her knowledge that non-compliance may be grounds for dismissal from the job. The Unocal construction foreman shall maintain the signed agreements and shall submit copies to the State Lands Commission's Project Manager and the qualified biologist to be included with submittal of the Final Compliance Report by the Applicant's Consultant.

3. Impact: Topsoil within the proposed pipeline route would be impacted which would be vital to accomplish native species revegetation.

Project Modification:
During site preparation for burial of the pipeline and within the non-native grassland portion of the right-of-way, the upper six inches of soils and vegetation will be windrowed <u>if possible</u>. This material will then be reapplied on the right-of-way after backfilling is completed.

Monitoring:
Salvage and reapplication of topsoil shall be done under the supervision of the Unocal Construction Foreman, with final inspection of reapplied topsoil by the qualified biologist. The Applicant's Consultant shall detail the implementation of this measure within the Final Compliance Report.

4. Impact: The bed and banks of the San Joaquin River will be disturbed during construction and placement of the proposed pipeline.

Project Modification:
The width of disturbance to soils and vegetation at the Fresno River and San Joaquin River shall be minimized as much as possible. All trees shall be strictly avoided. The limits of the construction corridor at the river crossings shall be identified and flagged by Unocal personnel and the qualified biologist. Construction at the river crossings

will not commence until the corridor has been approved by the State Lands Commission's Project Manager.

Monitoring:

The State Lands Project Manager will inspect the proposed corridor at the river crossings before and after construction and placement of the pipeline.

A Final Compliance Report (Report) will be prepared by the qualified biologist in conjunction with the Applicant's Consultant. Copies of the Report will be submitted to the State Lands Commission's Project Manager, to Fresno and Madera Counties, and to other responsible agencies as requested. The Final Compliance Report shall include the preconstruction survey report, dates of construction period, dates and location of trench inspections with results, description of contacts with agency personnel if necessary, records of worker education program, and description of topsoil salvage work and river crossing work.