

CALENDAR ITEM
C49

MINUTE ITEM
This Calendar Item No. C49
was approved as Minute Item
No. 49 by the State Lands
Commission by a vote of 3
to 0 at its 10-17-95
meeting.

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10/17/95
PRC 7829.1
Maricle

AMENDMENT OF LEASE, RIGHT-OF-WAY; PRC 7829.1

APPLICANT:

Tuscarora Gas Transmission Company
Attn: Mr. Gregory Galbraith
6100 Neil Road
P.O. Box 30057
Reno, Nevada 89520-3057

CURRENT LEASE TERMS:

Lease period:

49 years beginning June 1, 1995

Surety bond:

\$1,000.00

Public liability insurance:

Combined single limit coverage of \$1,000,000

Consideration:

\$300 per annum; five-year rent review.

Authorized use:

Installation, use and maintenance of a 20 inch diameter main pipeline ("mainline")
crossing under the Pit River at three locations.

PROPOSED AMENDMENT:

Installation, use and maintenance of a 4-inch diameter lateral line, for the transmission of
natural gas, crossing the Pit River at two additional locations.

Consideration:

\$100 per annum per crossing; a total lease rental of \$500 per annum.

CALENDAR ITEM NO. C49 (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:

04/27/96

OTHER PERTINENT INFORMATION:

1. At its meeting of May 3, 1995, in Minute Item 15, the Commission authorized the three southernmost crossings of the five crossings of the Pit River for which the Tuscarora Gas Transmission Company had previously submitted an application. The Commission also determined that the approval of the two northerly crossings of the Pit River, adjacent to the lands of Mr. Curtis Talbott, would be addressed at a future Commission hearing date. Mr. Talbott and Tuscarora have subsequently reached conceptual settlement about the location of the four-inch lateral service line and the applicant now wishes to pursue the original route for the two remaining Pit River crossings.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff, in cooperation with the Federal Energy Regulatory Commission (FERC), has prepared an EIR/EIS identified as FERC/EIS-0078D, State Clearinghouse No. 93112055. Such EIR/EIS was prepared and circulated for public review pursuant to the provisions of CEQA. Included in the Final EIR/EIS, as certified by the Commission, were mitigation measures. Such measures and related Findings relating to the impacts on wildlife from the construction and operation of the Tuscarora Pipeline were adopted by the Commission prior to its approval of the majority of the proposed project. Several of these Mitigation/Findings pairs related specifically to the impacts on the Pronghorn Antelope herds found along the proposed right-of-way.
3. Findings adopted within Minute Item 15, May 3, 1995, in conformance with Section 15091 of the State CEQA Guidelines, that are specific to the issues discussed herein, are contained in Exhibit B attached hereto.

The Findings adopted by the Commission, and related mitigation relevant to the protection of the Antelope are briefly discussed below:

- Finding 5-1 Discussion of general impacts to wildlife habitats during construction, and provides for the acquisitions and maintenance of new habitat as a replacement.
- Finding 5-5 Covers loss of Deer and Pronghorn Antelope from disturbance from new access

CALENDAR ITEM NO. C49 (CONT'D)

roads and the Right of Way itself. These include human intrusion, poaching and other impacts. Mitigation require the blocking of all such access points after construction is complete, and monitoring of Tuscarora's access during maintenance activities.

- Finding 5-7 Covers specific impacts to Deer and Antelope Habitat during construction and maintenance activities, which includes any repairs. Impacts from human ground level intrusion, heavy equipment operation and aircraft flyovers are discussed. Mitigation includes prohibition of routine maintenance activities during critical times of the year, altitude limits for flyovers, and monitoring by the Department of Fish and Game. It is possible, in the event of an emergency operation involving threat to human life, that disruption to a kidding ground could result in some loss of new kids. Wildlife experts at the Department of Fish and Game believe that the mitigation included in this project reduce such potential loss to a level that is insignificant.
- Finding 5-8 Covers construction activities near Antelope kidding grounds. Mitigation measures include the prohibition of work within one-half mile of the kidding grounds during the periods of time just before, during and after birth, April 15 through June 30. These periods are subject to review and modification by the Department of Fish and Game if weather or other conditions change the Antelopes birthing cycles.
- Finding 5-9 Covers Antelope migration corridors. Construction during migration periods are prohibited in migration corridors. There are none along the route of the Alturas lateral.
- Finding 5-14 Covers impacts to Wildlife, including Antelope, during pipeline maintenance and inspection activities. Mitigation includes timing restrictions, distance restrictions and ongoing monitoring by wildlife biologists from the Department of Fish and Game.
- Finding 5-15 Covers specific habitats along the Alturas lateral. Mitigations includes the restoration of all habitats to their pre-construction conditions. No critical wildlife habitat is directly on the pipeline route, although the Antelope kidding ground is close enough to the route to impose construction prohibitions at certain times of the year.
- Finding 5-17 Covers in further detail the impacts to the Antelope kidding ground discussed above. Lays out the time periods when work cannot be done in this area.

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The impacts and Findings discussed above, in the opinions of the wildlife biologists in the Department of Fish and Game reduce all impacts to a level that is less than significant. Even with the remote possibility of pipeline rupture along the lateral, including the portion within the Proposed Route, the potential impacts remain less than significant as provided in Findings 5-5, 5-7, 5-14, and 5-17 above.

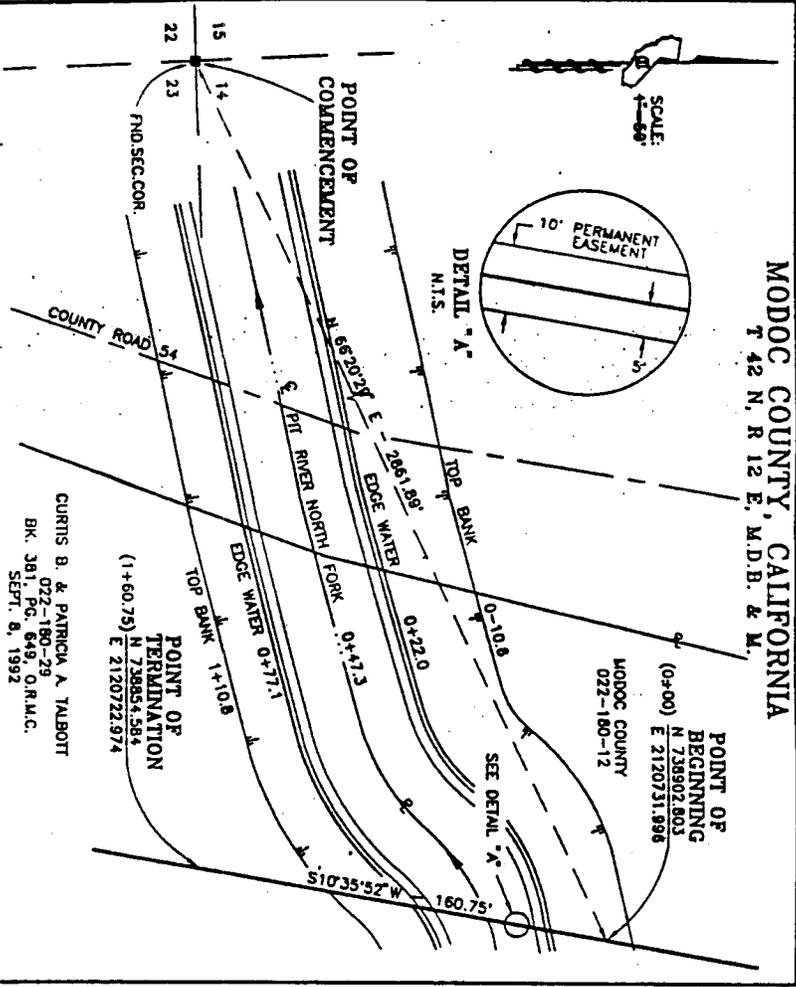
EXHIBITS:

- A. Land Description
- B. Findings

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT IT CERTIFIED EIR/EIS, SCH 93112055, IN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
2. RE-ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH SECTION 15091 OF THE STATE CEQA GUIDELINES, AS CONTAINED WITHIN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
3. RE-ADOPT THE MITIGATION MONITORING PLAN, WITHIN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
4. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
5. AUTHORIZE AMENDMENT OF A 49 YEAR GENERAL LEASE - RIGHT-OF-WAY USE, PRC 7829.1, EFFECTIVE OCTOBER 17, 1995, TO ADD TWO CROSSINGS OF THE PIT RIVER, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND TO AMEND THE CONSIDERATION OF SAID LEASE FROM \$300 PER YEAR TO \$500 PER YEAR; ALL OTHER CONDITIONS TO REMAIN THE SAME.

MODOC COUNTY, CALIFORNIA
T. 42 N., R. 12 E., M.D.B. & M.



NOTES:

1. ALL COORDINATES SHOWN HEREON ARE CALIFORNIA STATE PLANE, ZONE 1, IN METERS.
2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE MAPPING PROJECTION, ZONE 1.
3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES IN U.S. SURVEY FEET.
4. COMBINED SCALE FACTOR 1.00120879795 (SURFACE TO GRID)

CENTERLINE DESCRIPTION:

COMMENCING AT A SECTION CORNER FOUND FOR THE S.W. CORNER OF SECTION 14 TOWNSHIP 42 NORTH, RANGE 12 EAST, M.D.B. & M. THENCE NORTH 65 DEGREES 39 MIN. 34 SEC. EAST A DISTANCE OF 2861.89' FEET TO THE POINT OF BEGINNING. THENCE SOUTH 09 DEGREES 54 MIN. 57 SEC. WEST AT 47.27 FEET PASSING THE CENTERLINE OF THE PIT RIVER, NORTH FORK AND CONTINUING A TOTAL DISTANCE OF 180.75 FEET TO THE POINT OF TERMINATION. LESS AND EXCEPT ALL THAT LAND ABOVE THE ORDINARY LOW WATER ELEVATION.

SURVEYOR'S CERTIFICATION:
I, SID WHEELER, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION IN JULY OF 1994.

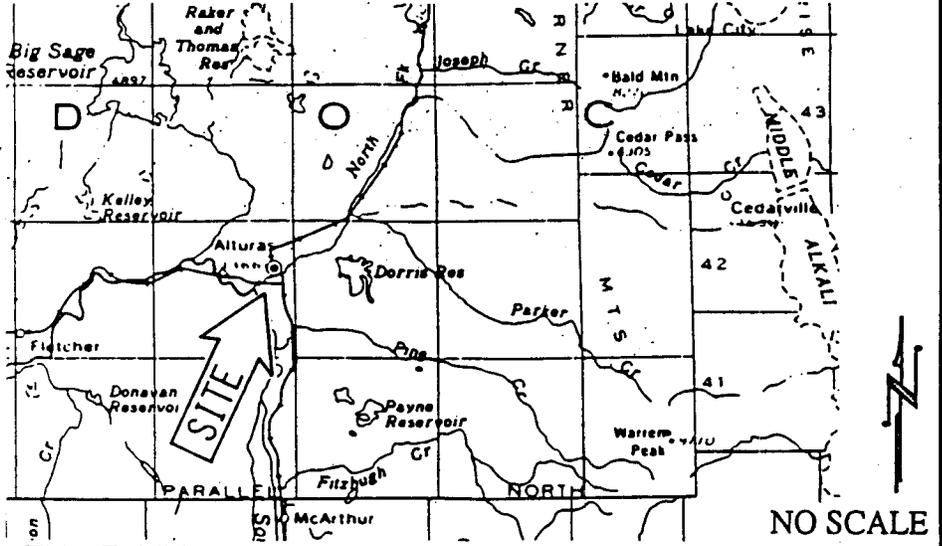
Sid Wheeler
SID WHEELER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6437

CURTIS B. & PATRICIA A. TALBOT
022-180-29
BK. 381, PG. 649, O.R.M.C.
SEPT. 8, 1992

<p>TUSCARORA GAS TRANSMISSION COMPANY</p>		<p>PLAT OF 4" PIPELINE CROSSING OF THE NORTH FORK PIT RIVER (M.P. 4.1) T. 42 N., R. 12 E., M.D.B. & M. MODOC COUNTY, CALIFORNIA</p>	
		<p>DATE: 12/30/94</p>	<p>APPROVED:</p>
<p>BY: JAW</p>	<p>DATE: 4/3/95</p>	<p>DESIGNING MANAGER</p>	<p>DATE: TGT-2088A-7604</p>

NO SCALE

LOCATION MAP



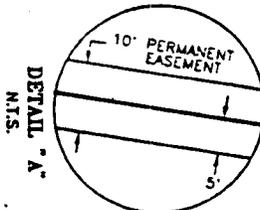
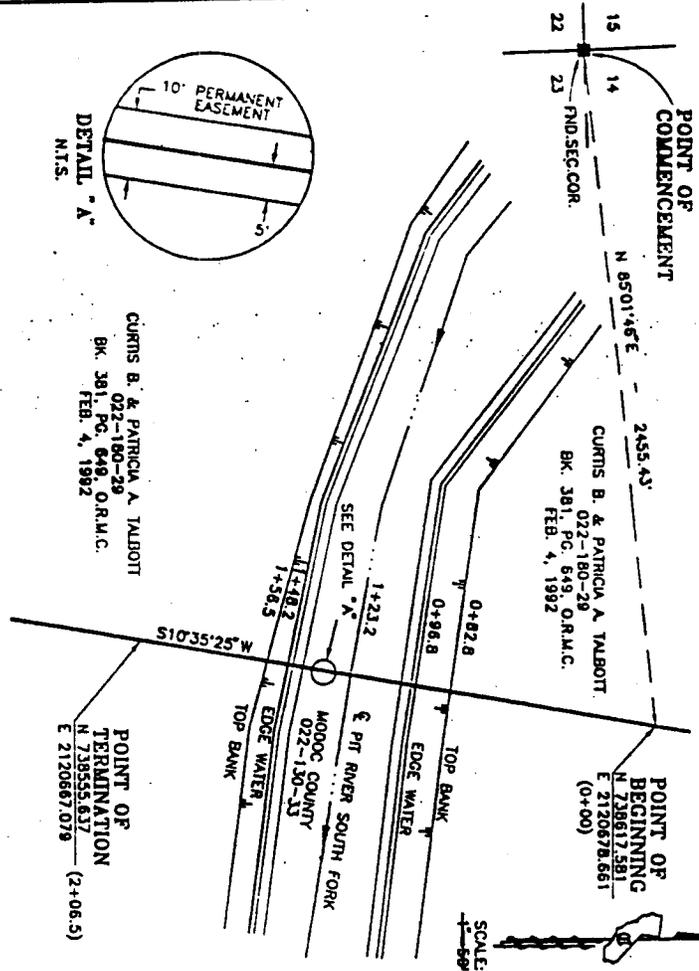
NO SCALE

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 "A"
W 25063
APN 022 - 180 - 29 & 12
PIT RIVER
MODOC COUNTY
Sheet 1 of 2 Sheets



MODOC COUNTY, CALIFORNIA
T 42 N, R 12 E, M.D.B. & M.



- NOTES:**
1. ALL COORDINATES SHOWN HEREON ARE CALIFORNIA STATE PLANE, ZONE 1, IN METERS.
 2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE MAPPROX PROJECTION, ZONE 1.
 3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES IN U.S. SURVEY FEET.
 4. COMBINED SCALE FACTOR 1.00120978795 (SURFACE TO GRID)
- CENTERLINE DESCRIPTION:**
- COMMENCING AT A SECTION CORNER FOR THE S.W. CORNER OF SECTION 14 TOWNSHIP 42 NORTH, RANGE 12 EAST, M.D.B. & M. THENCE NORTH 84 DEGREES 21 MIN. 18 SEC. EAST A DISTANCE OF 2455.43 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 09 DEGREES 54 MIN. 57 SEC. WEST, AT 123.19 FEET PASSING THE CENTERLINE OF THE PIT RIVER AND CONTINUING A TOTAL DISTANCE OF 206.50 FEET TO THE POINT OF TERMINATION. LESS AND EXCEPT ALL THAT LAND ABOVE THE ORDINARY LOW WATER ELEVATION.

DATE	APPROVED	DATE	APPROVED
JUL 12/30/94		4/3/95	
SWW		DATE	
		DATE	

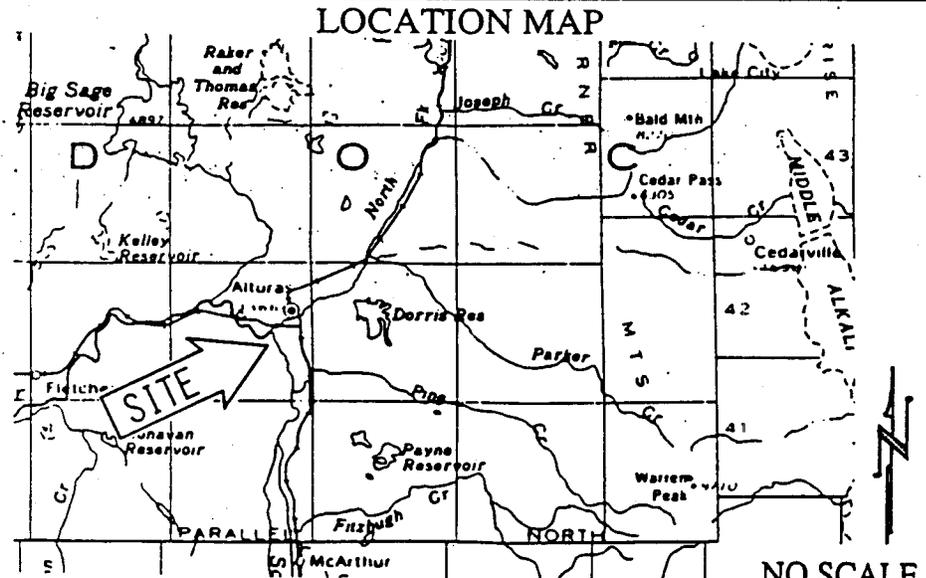
SURVEYOR'S CERTIFICATION:

I, SID WHEELER, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION IN JULY OF 1994.

Sid Wheeler
12/96

SID WHEELER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 8457

NO SCALE



NO SCALE

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EXHIBIT "A"
W 25063
APN 022 - 180 - 29
PIT RIVER
MODOC COUNTY
Sheet 2 of 2 Sheets

SITE

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EXHIBIT "B"; FINDINGS
Tuscarora Natural Gas Pipeline Project

CEQA FINDING NO. 5-1

WILDLIFE RESOURCES: Terrestrial Wildlife Habitat

Impact: Pipeline construction, including clearing for roads and other facilities, would result in the alteration of an estimated 3,054 acres of terrestrial wildlife habitat.

- Finding:**
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

The construction of the proposed Tuscarora pipeline has the potential to produce temporary, short-term, long-term, and permanent impacts on biological resources in the project area. In general, these impacts can be avoided or, where unavoidable, minimized to the extent that they can be successfully mitigated.

Temporary impacts are defined as impacts that would occur during the construction period and the resource would recover during or immediately after construction. Short-term adverse effects on wildlife populations within and adjacent to the ROW would primarily occur during construction but could last approximately three years following construction. During the period of construction, habitat for wildlife would be disrupted by ground disturbance, removal of vegetation/cover, and operations associated with preparing and installation of the pipeline and restoring the surface to grade. Wildlife, including birds and mammals, may also be affected (direct mortality, decreased fecundity/reproductive success, increased predation, lowered fitness, etc.) during construction by vehicular traffic, blasting, entrapment in open trenches, and other activities.

Wildlife species outside the ROW may be affected by construction activities. For example, if birds and wildlife are at sensitive stages of their reproductive cycle, noises from construction or human activity may result in immediate or permanent disruption of nesting or reproductive behavior, if these species are within range of these activities. Such effects on wildlife are attenuated with distance from the ROW.

The significance of these effects depends on the presence of the species that may be sensitive to these activities, and the coincidence of sensitive life-cycle stages with construction activities. For most of these effects, the impacts are immediate to short-term, lasting from a few months for disturbance-associated impacts, to three to five years for habitat impacts related to the reestablishment of faster-growing vegetation associated with agricultural and ruderal habitats. In many cases, effective mitigation measures are available and can be implemented.

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Long-term and permanent impacts, defined as greater than three years, could occur if pipeline construction substantially alters or destroys wildlife habitats characterized by slow-growing vegetation. In arid climates such as the project area, small springs and seeps serve as important water sources and breeding sites for wildlife over a broad area. For example, disruption of groundwater flow could dry or alter features in a manner that makes them unusable for wildlife. Alteration to slow-growing vegetation, such as big sagebrush habitat, may alter food and cover values for 20-30 years.

Pipeline operation and maintenance activities are expected to have minimal effects on most species along the pipeline corridor. Low-intensity maintenance (see Chapter 2.0) is planned for this project, and very little other planned human activity will occur along the corridor other than periodic overflights for monitoring and a yearly walk-through inspection.

Abandonment of the proposed pipeline would produce minimal effects on the surrounding habitats or wildlife communities. The pipeline will be filled with inert gas, left in place, and the area will be allowed to return to natural conditions.

Construction of the pipeline is scheduled to occur from May through October, preceded in the early spring by various preconstruction field activities. Depending on location, the preconstruction and construction activities would occur during seasons of reproductive activity when wildlife are typically more susceptible to disturbance. As discussed above, disturbance-related impacts which may occur as a result of preconstruction, construction, and maintenance and monitoring activities along the ROW could involve abandonment of nest sites and alteration of normal movement patterns and use areas. Most of these impacts will be relatively short-term in nature.

Table 5.7-1 and 5.7-2 in Chapter 5.7 of the Final EIR/EIS provide a breakdown of the acreage of plant communities potentially impacted by project construction and assumes a 100-foot wide ROW along the estimated 229 mile long route. In general, construction clearing will result in a complete loss of cover along the ROW for the first year. In subsequent years, herbaceous cover would dominate depending on specific site conditions. In xeric-shrub dominated habitats (sagebrush, bitterbrush, etc.), reclamation to pre-project conditions (i.e., similar to adjacent habitats in terms of shrub density, cover height, and composition) is likely to take many years, possibly decades.

Available mitigation requires that the Final Reclamation Plan to be implemented by Tuscarora provides specific procedures for erosion control, top soil salvage, revegetation, and maintenance and monitoring requirements. Tuscarora shall prepare and implement the required Final Reclamation Plan. This plan shall include specific performance criteria for vegetation establishment (based on an adequate sample of reclamation sites) and specific measures approved by appropriate regulatory agencies to assure long-term compliance with reclamation procedures. (See also Chapter 5.4 Aquatic Resources, Chapter 5.6 Threatened, Endangered, Candidate, and Sensitive Species, and Chapter 5.7 Vegetation of the Final EIR/EIS.)

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.

Tuscarora Natural Gas Pipeline Project

CEQA FINDING NO. 5-15

WILDLIFE RESOURCES: Alturas Lateral

Impact: Pipeline construction would effect approximately 17 acres of non-agricultural scrub habitats and 0.2 acre mixed meadow wetland habitat.

- Finding:**
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

See wildlife background discussion in CEQA Finding 5-1. The Alturas Lateral crosses primarily through upland agricultural lands and great basin scrub habitats, although much of the route borders wetland habitats associated with the crossings of the North and South Forks of the Pit River, near the terminus at Alturas. The route does not cross any identified critical habitat for deer or pronghorn, or contain significant features or habitats other than the wetland communities near Alturas.

As mitigation, Tuscarora shall develop and implement an approved Final Reclamation Plan following protocols presented in Final Reclamation Plan and other standard mitigation measures discussed in this document.

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.

Tuscarora Natural Gas Pipeline Project

CEQA FINDING NO. 5-17

WILDLIFE RESOURCES: Alturas Lateral - Pronghorn

Impact: Construction and monitoring/maintenance activities within or adjacent to active kidding grounds, migration routes, and on winter ranges may result in mortality of young and or displacement of pronghorn from traditional use areas.

- Finding:**
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

See wildlife background discussion in CEQA Finding 5-1 and the impact discussion under CEQA Finding 5-7, 5-8, and 5-9.

As mitigation, Tuscarora shall implement mitigation measures discussed in CEQA Findings 5-7, 5-8, and 5-9 per the segments and time frames identified in Table 5.5-5 of the Final EIR/EIS.

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.