

**MINUTE ITEM**

This Calendar Item No. C02 was approved as Minute Item No. 02 by the California State Lands Commission by a vote of 3 to 0 at its 4-9-02 meeting.

**CALENDAR ITEM  
C02**

A 26

04/09/02

S 12

PRC 6205WP 6205.1

L. Burks

**AMENDMENT OF MASTER LEASE NO. PRC 6205.1  
(ADDENDUM NO. 25)**

**LESSEE:**

Pacific Gas and Electric Company  
3185 M Street  
Merced, California 95348

**AREA, LAND TYPE, AND LOCATION:**

0.05 acres, more or less, of sovereign lands in the Merced River, at the Oakdale Road Bridge, city of Merced, Merced County.

**AUTHORIZED USE:**

Proposed 21kV overhead electric transmission line crossing.

**LEASE TERM:**

30 years, beginning September 1, 1982.

**CONSIDERATION:**

Currently, \$24,993 per year, with the State reserving the right to fix a different rent periodically during the lease term

**PROPOSED AMENDMENT:**

The Master Lease provides that the lease may periodically be amended by a series of addenda for the purpose of adding to and deleting from the lease the parcels of land necessary for the distribution of electrical energy. Pacific Gas and Electric Company is requesting that the Master Lease be amended to maintain and relocate an existing 21kV overhead electric transmission line in the Merced River, Merced County. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

- 1. Lessee has a right to use the uplands adjoining the lease premises.

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2. Merced County has requested Pacific Gas and Electric Company to relocate the existing 21kV overhead electric transmission line for construction of the new Oakdale Road Bridge realignment.
3. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by Merced County. The California State Lands Commission's staff has reviewed such document.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

**EXHIBITS:**

- A. A-25 Location and Site Map
- B. Mitigation Monitoring Program

**PERMIT STREAMLINING ACT DEADLINE:**

June 21, 2002.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

1. FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY MERCED COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT B, ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C02 (CONT'D)

**AUTHORIZATION:**

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6205.1, A GENERAL LEASE - RIGHT OF WAY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JANUARY 23, 2002, TO ADD AND MAINTAIN A 21 KV OVERHEAD ELECTRICAL TRANSMISSION LINE ACROSS THE MERCED RIVER, AT THE OAKDALE ROAD BRIDGE, CITY OF MERCED, MERCED COUNTY; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

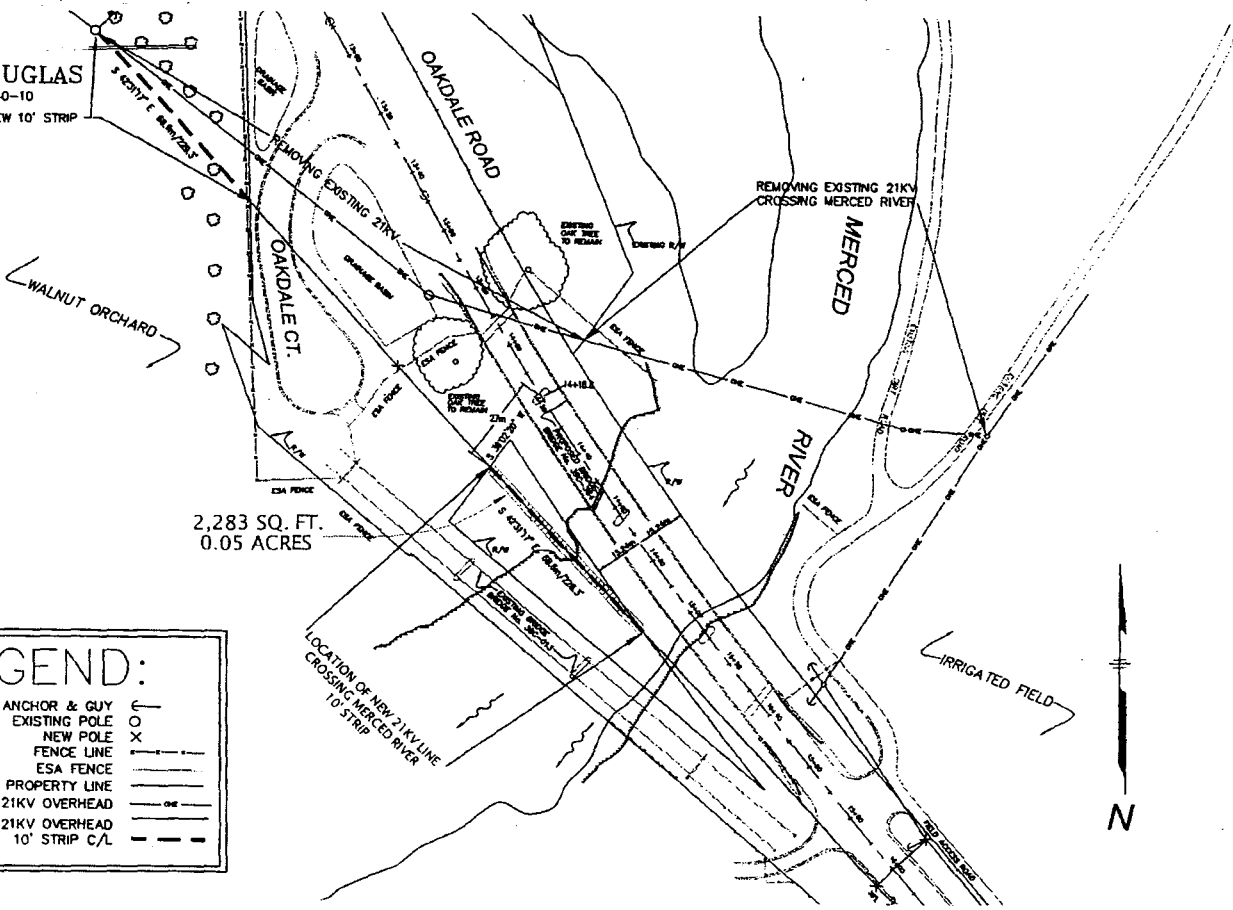
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NO SCALE

# SITE MAP

BEULAH DOUGLAS

APN: 042-140-10  
LOCATION OF NEW 10' STRIP



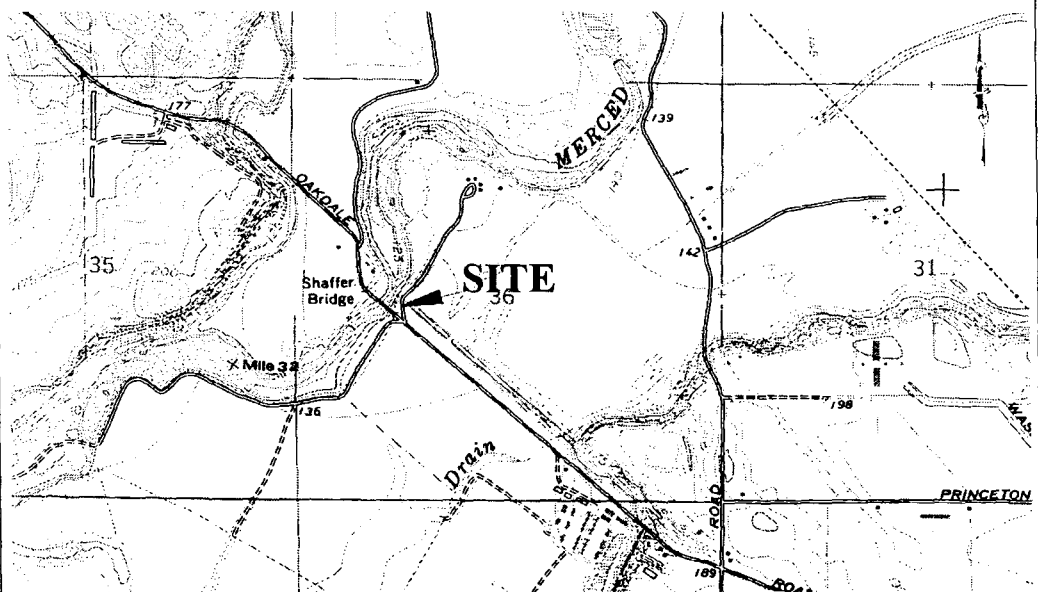
**LEGEND:**

- ANCHOR & GUY ————
- EXISTING POLE ○
- NEW POLE X
- FENCE LINE ————
- ESA FENCE ————
- PROPERTY LINE ————
- EXISTING 21KV OVERHEAD ————
- NEW 21KV OVERHEAD ————
- 10' STRIP C/L ————

## PROPOSED RELOCATION OF A 21KV TRANSMISSION LINE APN 042-140-09,28,11,10

NO SCALE

# LOCATION MAP



## Exhibit A-25

WP 6205.1

PG&E

ADDENDUM #25  
TO MASTER LEASE  
MERCED COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

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**Mitigation Monitoring and Reporting Program**

**Project:** Oakdale Road Bridge Project

**Lead Agency:** Merced County Dept. of Public Works, Roads Division (the County)  
715 Martin Luther King Jr. Way, Merced, CA 95340

MMRP TABLE							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
<b>Biological Resources</b>							
1.	<i>Swainson's Hawk.</i> Conduct Spring surveys for nesting raptors. If raptors are present, CDFG will be notified. Pertains particularly to an historic Swainson's hawk nest in the project area. The tree used for nesting will be clearly marked and avoided.	Prior to construction.	Merced County. A qualified environmental monitor selected by the County.	Prior to construction. However, if raptors are present, and it is determined that construction activities are disturbing nesting/raising young, construction will be postponed until the young have fledged (approximately July 31).	Monitoring Report will be submitted to the County within 6 months of project completion.		

**EXHIBIT B**

WP 6205.1

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**Mitigation Monitoring and Reporting Program**

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
2.	<i>Western Burrowing Owl.</i> Conduct CDFG protocol surveys for nesting owls prior to construction. Removal of all potential burrows must occur prior to the nesting season (February 1), after a qualified biologist determines that the burrows are empty. Burrows can be collapsed or "excluders" may be used.	Prior to construction.	Merced County. A qualified environmental monitor selected by the County.	In the Fall after the nesting season, between August 31 and February 1, prior to construction activity. In the Spring prior to any ground disturbing activities.	Monitoring Report will be submitted to the County within 6 months of project completion.		
3.	<i>Tricolored Blackbird.</i> Conduct pre-construction surveys in potential tricolored blackbird nesting habitat. If nesting birds are found or birds build nests during construction period, these nests will be monitored for disturbances. Any project activities that are found to disturb nesting birds, those activities will be postponed until fledglings are able to independently feed and protect themselves.	Two weeks prior to construction.	Merced County. A qualified environmental monitor selected by the County.	Prior to construction. If nesting birds are found, nest monitoring will take place during construction.	Monitoring Report will be submitted to the County within 6 months of project completion.		

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## Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
4.	<i>Valley Elderberry Longhorn Beetle.</i> Elderberry shrubs that cannot be avoided by the project will be transplanted to suitable locations within or adjacent to the project area. Transplanting will take place when the plants are dormant (November – February 10 <sup>th</sup> ), prior to construction. Transplanting procedure will be in accordance with USFWS guidelines (USFWS 1999).	Prior to construction.	Merced County. A qualified environmental monitor selected by the County.	Initial transplanting. Additional monitoring will be conducted annually to evaluate the performance of the mitigation. The USFWS requires a 10-year monitoring program for the valley elderberry longhorn beetle to ensure plantings of the elderberry are successful.	Reports will be submitted according to the USFWS guidelines		
5.	<i>Valley Elderberry Longhorn Beetle.</i> Plant 140 cuttings or seedlings to mitigate for all adverse impacts to elderberry shrubs by the project, as determined by USFWS ratios. Cuttings will be obtained from the plants to be transplanted, and from other nearby plants if necessary. The 140 seedlings and cuttings will be accompanied by 88 other native plants that are associated with elderberry shrubs.	Prior to construction, and after construction is complete.	Merced County. A qualified environmental monitor selected by the County.	Transplanting will occur prior to construction as stated in mitigation #4 above. Remaining plantings will occur after construction activities are complete. Cuttings and seedlings may need to be cultured during the construction phase for a successful planting.	Reports will be sub-mitted according to the USFWS guidelines		

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## Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
6.	<p><b>Jurisdictional Wetlands.</b>                      The limits of all temporary work areas will be fenced to minimize impacts to wetlands during construction. All impacted areas will be revegetated with appropriate native plant species from local stock. An irrigation system will be set up to supply revegetated areas with water until a qualified environmental monitor determines that it is no longer necessary</p>	Prior to, during, and after construction activities.	Merced County. Fencing limits and fence maintenance will be performed by the contractor. Revegetation and irrigation of impacted areas will be directed by a qualified environmental monitor.	Fencing must be well maintained throughout the construction process. Completed plantings will be monitored as necessary to ensure the plantings are successful. A 10-year monitoring program is required by USFWS for elderberry plantings and associated riparian plantings.	Annual reports will be submitted, beginning 6 months after completion of construction, or as required under the ACOE permit authorization.		
7. and 9.	Remove the abandoned railroad pier that is in the active channel. Any debris created during removal must be removed from the river.	During construction.	Merced County; Contractor.	No monitoring required.	No report due.		

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## Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)

Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
8.	Construct temporary construction ramps out of clean, round, river cobble (approximately 2-8 inch diameters) with a layer of clean, "washed," crushed gravel placed on top. Once the ramps are no longer needed, the top gravel will be removed, and the cobble will be pushed into the river to help replenish spawning gravels downstream.	During construction.	Merced County; Contractor.	Implementation will be monitored by the environmental monitor designated by the County.	Monitoring report will be submitted if required under the CDFG Streambed Alteration Agreement.		
10.	Install sediment control devices, such as silt fences and erosion control blankets, around all work areas adjacent to the river.	Prior to any activities at or near the water.	Merced County. The contractor will install and maintain erosion control devices.	Implementation will be monitored by the environmental monitor designated by the County.	Monitoring report will be submitted if required under the CDFG Streambed Alteration Agreement.		

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## Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
11.	Construction with the active channel will take place only between June 1 and October 1. Some of the river water will be allowed to flow freely through the project area to allow any fishes moving up or downstream during construction to do so without barriers.	During construction.	Merced County. The contractor is responsible for maintaining an unrestricted flow suitable for fishes to move freely through the project site.	The County-designated environmental monitor will monitor the project area during construction.	Monitoring report will be submitted if required under the CDFG Streambed Alteration Agreement.		
12.	Concurrent to implementing mitigation measure #6, all vegetation removed during construction within 2 feet of the active channel will be replanted at a ratio of 3:1 with native plant species.	After construction has been completed.	Merced County.	Riparian plantings will be monitored as part of the wetland and elderberry mitigation monitoring program.	Planting success will be reported as described for mitigation measure #6.		
13.	Any oak trees with a DBH over 76 centimeters that are removed as a result of the project will be replaced at a ratio of 8:1. Oak seedlings will need to be watered by hand or by the necessary irrigation system under mitigation measure #6.	After construction has been completed.	Merced County.	Oak plantings will be monitored as part of the wetland and elderberry mitigation monitoring program.	Planting success will be reported as described for mitigation measure #6.		

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## Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
14.	The new bridge will be placed as far away as possible from the existing bridge.	During the design phase of the project.	Merced County.	No monitoring required.	No report due.		
15.	Designing the new bridge so that it is as unobtrusive as possible with regard to the existing bridge.	During the design phase of the project.	Merced County.	No monitoring required.	No report due.		
16.	A qualified archeologist will be present to monitor all construction activities to avoid potential impacts to unidentified cultural resources.	The duration of construction.	Merced County. A qualified archeological monitor selected by the County.	During the entire construction phase of the project.	Upon completion of the project, unless cultural resources are discovered. Any finds will be reported to the County immediately		
17.	Construction within the active channel may only take place between June 1 and October 1 to ensure water quality is not impacted while sensitive anadromous fishes could be running up or downstream. Concurrent with mitigation measure #11.	During construction.	Merced County; Contractor.	No monitoring necessary.	Compliance will be documented in the mitigation monitoring report submitted to the County and CDFG.		

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### Mitigation Monitoring and Reporting Program

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
18.	Ensure that mitigation measure #8 is carried out to protect water quality and fisheries.	During construction (June 1 – October 1).	Merced County; Contractor.	No monitoring necessary.	Compliance will be documented in the mitigation monitoring report submitted to the County and CDFG.		
19.	Post signs at all public access points to inform potential rafters that the project exists downstream, where the last take-out point is on the Merced River upstream of the project, and that rafting through the project site is prohibited during construction.	Implement two weeks prior to the commencement of construction.	Merced County.	These signs should be checked periodically to ensure they remain posted. If missing, replace as necessary.	No report due.		

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**Mitigation Monitoring and Reporting Program**

MMRP TABLE (Continued)							
Mitigation Measure #	Mitigation Measure	Mitigation Phase	Responsibility Person/Agency	Frequency of Monitoring	Report Due	Date Report Received	Compliance
20.	Post signs clearly marking the surrounding private properties. If public access will be made available within the project site, clearly mark the access point. If public access will <i>not</i> be made available, post signs reading "No Public Access" in all potential areas where river access may be attempted.	When the project is near completion.	Merced County.	No monitoring necessary.	No report due.		

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