

MINUTE ITEM

This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

**CALENDAR ITEM
C21**

A 33

11/21/06

PRC 8720

W 25485

S 19

G. Kato

ISSUANCE OF A NEW GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:

Southern California Gas Company
1981 W. Lugonia Avenue
Redlands, CA 91927

AREA, LAND TYPE, AND LOCATION:

One acre of sovereign land located near the town of Lompoc, Santa Barbara County, commonly referred to as the "Burton Mesa Preserve".

AUTHORIZED USE:

Construction, use and maintenance of approximately 830 feet of six-inch pipeline used to transport natural gas.

LEASE TERM:

Ten years, ending January 24, 2015.

CONSIDERATION:

\$100 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

BACKGROUND:

A landslide caused by heavy winter rains during 2004 left a significant portion of the existing pipeline suspended in air and without support. The existing natural gas pipeline was installed under a license agreement with the State's predecessor in interest, UNOCAL.

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OTHER PERTINENT INFORMATION:

1. The State, acting through the State Lands Commission (CSLC), received 5,125 acres of land in north Santa Barbara County, to be held as sovereign lands by the State, from Union Oil Company of California (UNOCAL) as part of a settlement agreement reached in July 1991. The acreage supports one of the last significant natural stands of Burton Mesa Chaparral. The property is currently under lease to the Department of Fish and Game (CDFG) for management, operation and maintenance of the property.

2. This project involves the relocation of approximately 830 feet of six-inch diameter natural gas pipeline that had been previously buried, but became exposed due to flood-related erosion. Due to the risks associated with the pipeline's exposure, the Applicant relocated the pipeline to roughly 50 feet east of its previous location, and is applying for a new lease. The new pipeline is located immediately adjacent to an existing water main and close to an existing road to minimize new disturbance within the preserve. Mitigation measures applied to the project included the conduct of a pre-construction biological (plants and animals) survey by a qualified biologist, an onsite education session for construction workers, construction monitoring by a qualified biologist, and segregation of the top soil to ensure protection of the existing seed bank.

In June of this year, a site specific restoration plan was submitted to Commission staff and to the CDFG, the manager of the Burton Mesa Preserve. The stated goal of such plan, "...is to restore the impacted habitat to original conditions and to a condition satisfactory to DFG." Said plan has subsequently been accepted, with minor modifications, by the CDFG. Follow-up plans for weed control and pipeline inspection have also been implemented.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA under the general rule that the CEQA applied only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

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4. The property assumed the legal character of sovereign lands upon the Commission taking ownership in 1991. The property involves lands which were not identified in 1975 as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq.

However, the Commission has declared that all sovereign lands are "significant" by nature of their public ownership. Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370 et seq., the findings of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

Department of Fish and Game

EXHIBITS:

- A. Location and Site Map
- B. Plat to Accompany Legal Description
- C. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15601 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

THE PROPERTY ASSUMED THE LEGAL CHARACTER OF SOVEREIGN LANDS UPON THE COMMISSION TAKING OWNERSHIP IN 1991.

THE PROPERTY INVOLVES LANDS WHICH WERE NOT IDENTIFIED IN 1975 AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES

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PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.




HOWEVER, THE COMMISSION HAS DECLARED THAT ALL SOVEREIGN LANDS ARE "SIGNIFICANT" BY NATURE OF THEIR PUBLIC OWNERSHIP. SINCE SUCH DECLARATION OF SIGNIFICANCE IS NOT BASED UPON THE REQUIREMENTS AND CRITERIA OF PUBLIC RESOURCES CODE SECTIONS 6370 ET SEQ., THE FINDINGS OF THE PROJECT'S CONSISTENCY WITH THE USE CLASSIFICATION AS REQUIRED BY TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2954 IS NOT APPLICABLE.

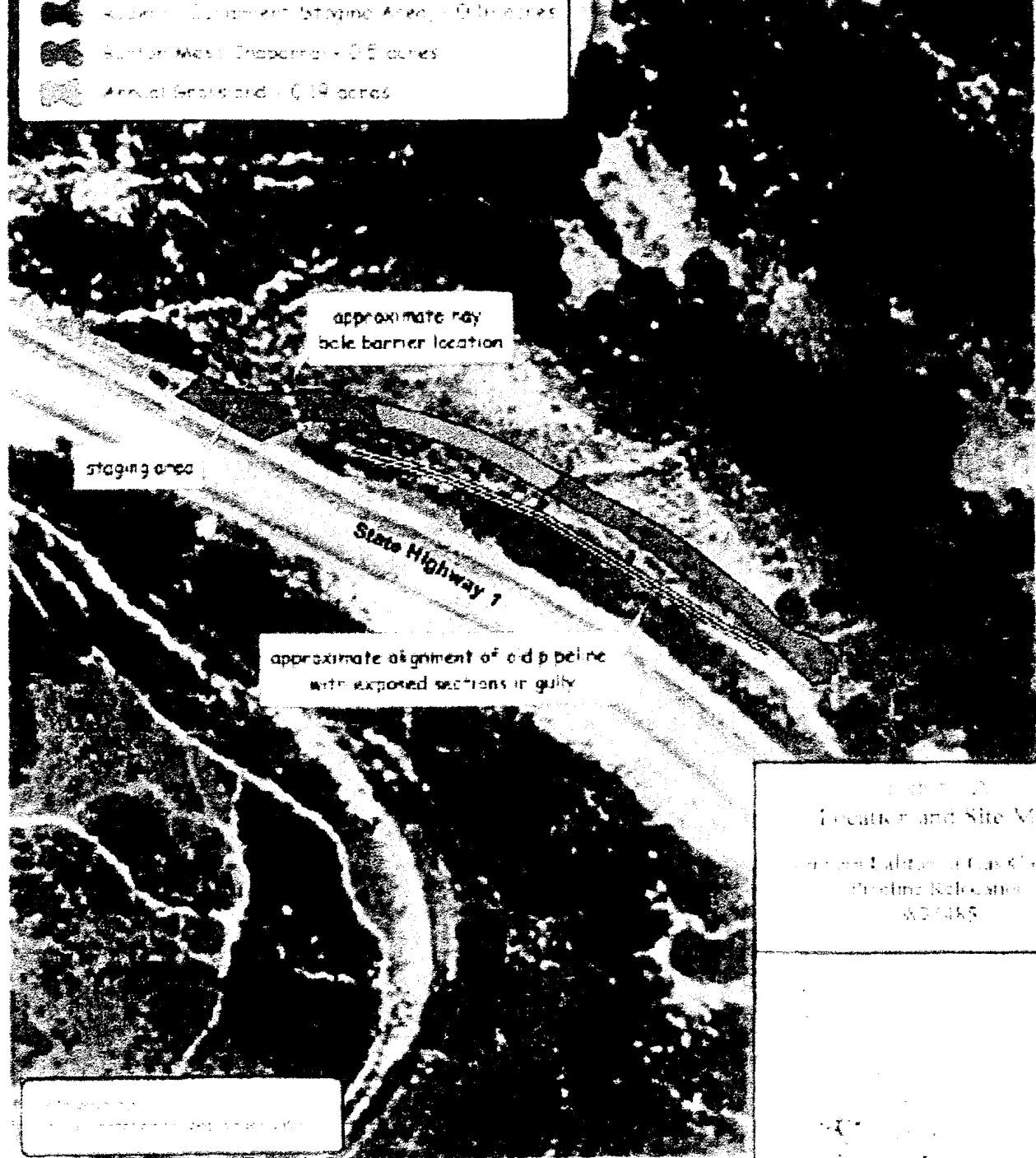
AUTHORIZATION:

AUTHORIZE ISSUANCE TO SOUTHERN CALIFORNIA GAS COMPANY OF A GENERAL LEASE – RIGHT OF WAY USE, BEGINNING JANUARY 25, 2005, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION, USE AND MAINTENANCE OF A SIX-INCH DIAMETER NATURAL GAS PIPELINE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

Legend

Approximate Habitat Disturbance Areas

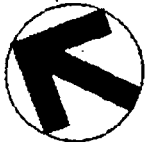
-  **Keokuk Wetland (Staging Area) - 0.15 acres**
-  **Banker Moss (Drainage) - 0.8 acres**
-  **Annual Grassland - 0.19 acres**



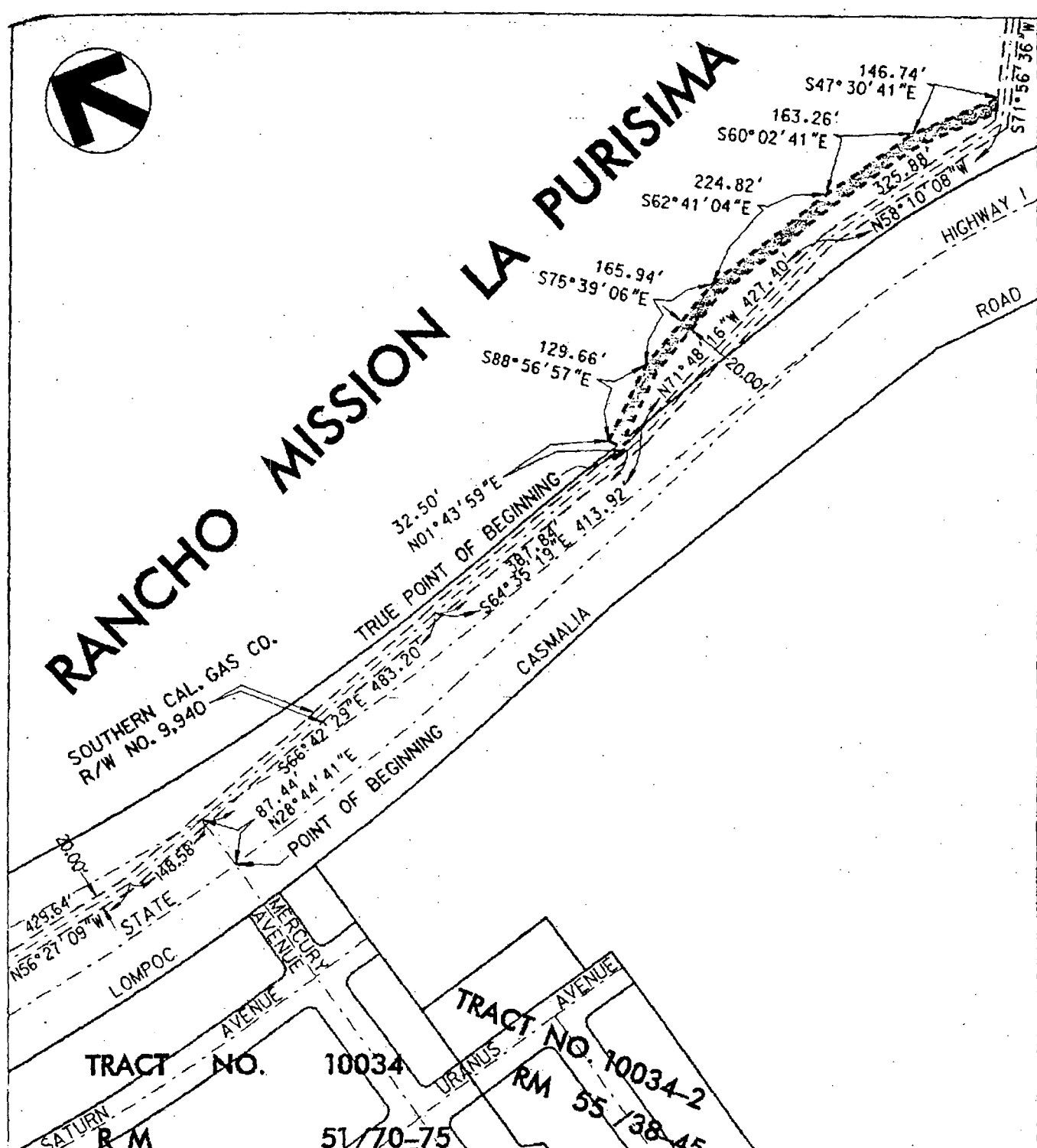
Sheet No. 2
Location and Site Map
for the Leasing of Gas Conduits
in the Keokuk
WD 445

000097
CALENDAR PAGE

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.



RANCHO MISSION LA PURISIMA



SOUTHERN CAL. GAS CO.
R/W NO. 9,940

TRUE POINT OF BEGINNING

POINT OF BEGINNING

TRACT NO. 10034
R M 51/70-75

TRACT NO. 10034-2
RM 55/38-45

EXHIBIT "B"

SOUTHERN CALIFORNIA GAS COMPANY

PLAT TO ACCOMPANY LEGAL DESCRIPTION

UNINCORPORATED TERRITORY, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

APPROVED BY: *Gregory S. Irwin* LAND SURVEY ANALYST
GREGORY S. IRWIN, P.L.S. NO. 5923

SCALE: 1" = 200'
DATE: 3-08-05
PREPARED BY: GSI
W.O.:
W.R.:
A.S.:
A.P.N.:
FILE: 2003-038.DGN

EXHIBIT "C"
LAND DESCRIPTION

W25485

A STRIP STATE OF LAND, 20.00 FEET WIDE, IN RANCHO MISSION LA PURISIMA, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, THE NORTHERLY LINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF LOMPOC CASMALIA ROAD AND MERCURY AVENUE AS SHOWN ON THE MAP OF TRACT NO. 10034 AS RECORDED IN BOOK 51, OF RECORD MAPS, PAGES 70 THROUGH 75, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

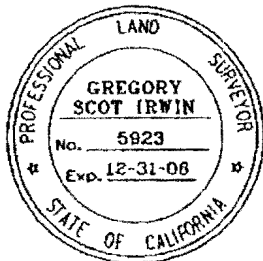
THENCE ALONG THE NORTHEASTERLY PROLONGATION OF SAID CENTERLINE OF MERCURY AVENUE NORTH 28°44'41" EAST 87.44 FEET TO A POINT IN THE CENTERLINE OF THAT CERTAIN STRIP OF LAND, 20.00 FEET WIDE, BEING AN EASEMENT GRANTED BY UNION OIL COMPANY OF CALIFORNIA TO SOUTHERN COUNTIES GAS COMPANY, DECEMBER 3, 1959, AND DESCRIBED IN THAT CERTAIN UNRECORDED DOCUMENT ON FILE AS RIGHT OF WAY NO. 9,940, RECORDS OF SOUTHERN CALIFORNIA GAS COMPANY, SUCCESSOR TO SOUTHERN COUNTIES GAS COMPANY; THENCE ALONG SAID EASEMENT CENTERLINE SOUTH 66°42'29" EAST 483.20 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG SAID EASEMENT CENTERLINE SOUTH 64°35'19" EAST 387.84 FEET TO THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE NORTH 1°43'59" EAST 32.50 FEET; THENCE SOUTH 88°56'57" EAST 129.66 FEET; THENCE SOUTH 75°39'06" EAST 165.94 FEET; THENCE SOUTH 62°41'04" EAST 224.82 FEET; THENCE SOUTH 60°02'41" EAST 163.26 FEET; THENCE SOUTH 47°30'41" EAST 146.74 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY LINE OF SAID RIGHT OF WAY NO. 9,940.

THE SOUTHERLY SIDE LINES OF SAID STRIP TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN SAID RIGHT OF WAY NO. 9,940.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

END OF DESCRIPTION




GREGORY S. IRWIN, P.L.S. NO. 5923

2003-038.DOC
3-06-05

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