MINUTE ITEM This Calendar Item No. 24 was approved as Minute Item No. 24 by the State Lands Commission by a vote of 3 to 2 at its 18192 meeting.

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CALENDAR ITEM

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#### APPROVE A NEGOTIATED SUBSURFACE (NO SURFACE USE) STATE OIL AND GAS LEASE (95 ACRES UNDER SAND MOUND SLOUGH), CONTRA COSTA COUNTY

#### APPLICANT:

Texas Crude Exploration, Inc. 801 Travis, Suite 2/100 Houston, Texas 77002

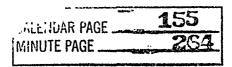
#### AREA, TYPE LAND, AND LOCATION:

The State land contains about 95 acres of submerged land in the bed of Sand Mound Slough located between Franks Tract State Recreation Area and Holland Tract in Contra Costa County, California (see exhibits "A", "B" and "C" for the description and approximate location of the State land). Texas Crude Exploration, Inc., a Texas corporation, has completed the application requirements for a negotiated subsurface (no surface use) State oil and gas lease on this State land.

#### LAND USE:

Because the State land is a waterway, Staff has determined that surface locations for oil and gas operations (drill sites) are not available. However, oil and gas resources that may underlie the State land would be protected and could be developed pursuant to the Commission's negotiated subsurface (no surface use) State oil and gas lease. Under the terms of the lease, the Commission would approve all slant drilling into the State land from county-approved drill sites and any pooling or unitization of the State land.

Except for a few submerged parcels located within Franks Tract State Recreation Area, Texas Crude has oil and gas leases on all of the private property adjacent to the State land and has a permit from the Contra Costa County Community



Development Department (Lead Agency) to drill for oil and gas on private property adjacent to the State land (see Exhibit "D" for permit requirements).

#### AUTHORITY:

P.R.C. 6815(a) authorizes the Commission to negotiate and enter into compensatory drainage agreements or oil and gas leases on State land if any of the following exists: wells drilled on private or public lands are draining or may drain oil and gas from the State land; the Commission determines the State land to be unsuitable for competitive bidding because of such factors as its small size or irregular configuration or its inaccessibility from surface drill sites reasonably available or obtainable; the State owns a fractional mineral interest in the land; or the Commission determines the agreement or lease to be in the best interests of the State.

Because the State land is a waterway and because Texas Crude controls by lease all of the drill sites adjacent to the State land and has county (Lead Agency) approval to drill for gas and oil near the State land, Staff has concluded that the criteria of P.R.C. 6815(a) have been met in that the State land is unsuitable for competitive bid leasing because surface locations for oil and gas operations (drill sites) are not available and that a negotiated subsurface (no surface use) oil and gas lease will provide protection from wells drilled on private property which may drain oil and gas from the State land.

#### NON-NEGOTIABLE LEASE PROVISIONS:

- 1. Primary term will be twenty (20) years and for so long thereafter as off or gas is produced in paying quantities from the leased lands, or so long as the lessee is diligently conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations in the leased lands.
- 2. No right to use any portion of the leased lands to a depth of 500 feet for drilling locations, producing facilities or related oil and gas operations.

- 3. All development of the leased lands shall be accomplished from surface locations on adjacent lands.
- 4. All drilling into the leased lands shall be by slant drilling from surface locations on adjacent lands, shall be on a course and to an objective approved in writing by the Commission prior to the commencement of drilling, and shall be subject to the Commission'z oil and gas drilling and production regulations (2 Cz<sup>5</sup>. Code Regs. 2125, jet seq.).
- 5. Compliance with all applicable laws, rules and regulations of federal, state and local governments and receipt of all necessary permits or approvals prior to slant drilling into the leased lands.

#### **NEGOTIATED LEAGE PROVISIONS:**

- 1. Drilling term of three (3) years. However, if all or part of the leased lands is included in a Commissionapproved pooled area or unit, then drilling operations on and production from the pool or unit will be deemed to be drilling operations on and production from the pooled or unitized leased lands.
- 2. Annual rental of \$35 per acre (\$3,325 for 95 acres).
- 3. Royalty of twenty percent (20%) on gas and oil.
- 4. Performance bond or other security in the sum of \$5,000.

#### PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Ediling fee, processing costs, first year's rental, and duly executed State Oil and Gas Lease (Negotiated-Subsurface-Royalty) form have been received and are on file in the Commission's Long Beach office.

#### AB 884:

03/01/92

#### OTHER PERTINENT INFORMATION:

 CEQA Guidelines Section 15378(a) (3) identifies an activity involving the issuance to a person of a lease as a "project". However, the site of the project or area in which the major environmental effects will occur is located on private property within the County of Contra Costa. The County has, therefore, functioned

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as Lead Agency for the project pursuant to CEQA Guidelines Section 15366.

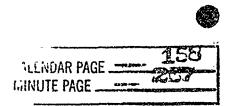
The Contra Costa County Community Development Department is the Lead Agency for approving applications for oil and gas well permits in the County. Development of oil and gas wells within the unincorporated area of the County is governed by Chapter 88-14 of the Ordinance Code. Before any new oil and gas activity is established, Chapter 88-14 requires the granting of a land use permit.

On September 4, 1991, the County Community Development Department approved Application for Oil and Gas Well Permit (File No. WD-6-91) to permit Texas Crude Exploration, Inc. to develop oil and gas wells on private property near the State land (see Exhibit "D" for the permit requirements). The project is a permitted activity and is governed by Section 88-14.602 of the County Ordinance Code. The project site is certified as being located in a permitted area. For the purposes of complying with the California Environmental Quality Act, the County has issued a categorical exemption (Class 3) for this project.

 Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land, 14 Cal. Code Regs. 15304.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370 et seq. but will not affect those significant lands, or their environmentally significant values, because the surface of the State land is not included within the project site.



EXHIBITS:

- A. Land Description.
- B. Site Map.
- C. General Location.
- Application for Oil and Gas Well Permit (File No. WD-6-91).

### IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. CODE REGS. 15304.
- 2. FIND THAT SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
- 3. DETERMINE THAT THE CRITERIA OF P.R.C. 6815(a) HAVE BEEN MET IN THAT A NEGOTIATED SUBSURFACE (NO SURFACE USE) STATE OIL AND GAS LEASE IS THE BEST INSTRUMENT TO PROTECT AND DEVELOP OIL AND GAS RESOURCES THAT MAY UNDERLIE THE STATE LAND DESCRIBED IN EXHIBIT "A" AND THAT THE STATE LAND IS UNSUITABLE FOR COMPETITIVE BIDDING BECAUSE SURFACE DRILL SITES ARE NOT AVAILABLE AND BECAUSE WELLS DRILLED ON THE ADJACENT FRIVATE PROPERTY MAY DRAIN STATE OIL AND GAS RESOURCES.
- 4. PURSUANT TO P.R.C. 6815(a), ENTER INTO A NEGOTIATED SUBSURFACE (NO SURFACE USE) STATE OIL AND GAS LEASE WITH TEXAS CRUDE EXPLORATION, INC. THE LEASE WILL CONTAIN THE STATE LAND DESCRIBED IN EXHIBIT "A" (ABOUT 95 ACRES), A DRILLING TERM OF THREE YEARS, ANNUAL RENTAL OF \$35 PER ACRE (\$3,325 FOR 95 ACRES), ROYALTY ON GAS SUBSTANCES AND OIL FIXED AT 20 PERCENT AND PERFORMANCE BOND OR OTHER SECURITY IN THE SUM OF \$5,000.
- 5. AUTHORIZE THE EXECUTION OF THE DOCUMENT NECESSARY TO EFFECT THE COMMISSION'S ACTION.

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# EXHIBIT "A"

# LAND DESCRIPTION

A parcel of land in the State-owned bed of Sandmound Slough southerly of Franks Tract and northerly of Holland Tract, Contra Costa County, California, more directly described as follows:

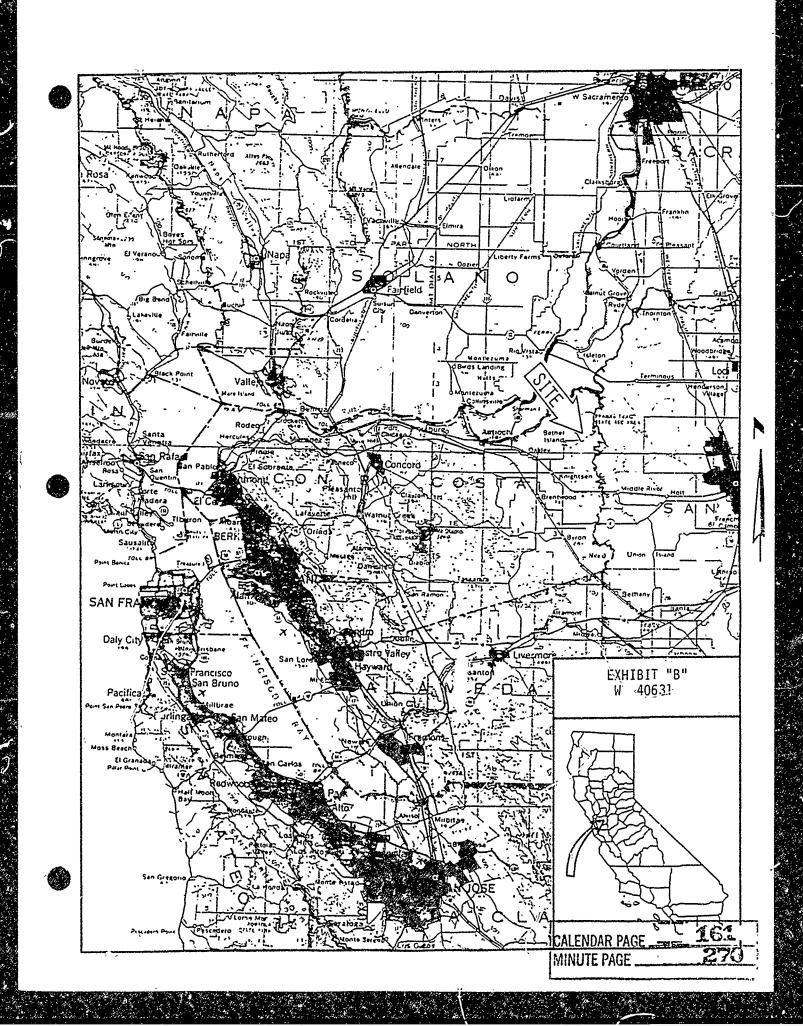
A strip of land 1300 feet wide lying northerly of the following described line, COMMENCING at the quarter corner common to Sections 34 and 35 in T 2 N, R 3 E, MDM; thence from said point of commencement North, 225 feet to a point in line with the outer toe of the levee on the South side of the "Holland Tract"; thence Easterly along the outer toe of said levee, 5782 feet to a point in line with the center line of the main North and South canal through the "Holland Tract"; thence N 00° 40' W along said canal center line, 14534 feet to a point on the center line of a canal running Easterly; thence continuing along the center line of the aforesaid main North and South canal 800 feet to a point on the outer toe of the levee forming the Northerly side of said "Holland Tract" and the TRUE POINT OF BEGINNING of this description; thence along said outer toe, N 53° 04' E, 657 feet; thence N 37° 20' E, 2280 feet; thence N 58° 00' E, 3375 feet; thence N 73° 25' E, 167 feet and the end of the herein described line.

EXCEPTING THEREFROM any portion lying northerly of the mean high tide line of the north bank of Sandmound Slough, and any portion lying southerly of the mean high tide line of the south bank of Sandmound Slough.

## END OF DESCRIPTION

# PREPARED OCTOBER, 1991; LAND LOCATION and BOUNDARY SECTION

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Com <del>mun</del> ity Development	Õ	ontra Osta	Harvey E. Bragdon Director of Community Development
Department	~``		
County Administration Building, North Wing	, CC	ounty	EXHIBTT "D"
P.O. Box 951 Martinez, California 94553 0095	AND A		
Phone: (415) 546-1600	Č.		
		C. N	W406
Application	for Oil a	and Gas W	ell Permit
Development of Oil and Gas Wells within the unit Ordinance Code, unless the project is located on I such activity is subject to the review requirements	land that is zoned Pla		(P-1) in which case
Before any new oil and gas activity is established the subject parcel is certified by the County as			ative approval.
APPLICANT		Name_Bedford Pr	OWNER
Name Texas Crude Exploration, Inc c/o Petroleum Properties Address P.O. BOX 1060	Corporation		
		;	Diablo Blvd., #A100
City, State Dixon CA		City, Stat- Lafayer	te, CA94549
Phone(916) 678-1693		Phone (415) 283-	8262
PROJECT INFORMATION		OTHER SURMITTAL	TEMS TO ACCOMPANY APPLICATION
Name of Well(s)_Texas_Crude/Bedford P	roperties 13-1		The second s
Assessor's Parcel Number 23 _ 100 _ 0		SITE PLAN, of the	e entire parcel drawn to scale showing the location ments, the proposed well site and the access road.
		EXPLORATION A	AND PRODUCTION PAD LAYOUTS Identifying
Total Parcel Area: 121.55 Acres			lescribing the location of any nearby residences or
Section 13 Township 2N Range	3EMD8&M	sures to be taken to	vities near the well site(s) and detailing the mea- o protect (fiese activities from excess noise, dust, ""
This project involves:		the proposed project	nd other objectionable elements associated with the
modifications to an existing well.		land use permit req	E (If the project is determined to be subject to the juirement, this fee can neither be refunded nor
Use this space if necessary to further describe the	project.	credited to the fand	d use permit application fee.)
		Owner's Signature	
		-	signature) a copy of the lease agreement is attached
APPLICANT MUST READ AND SIGN.			USE ONLY A CARLES SALE
STANDARD CONDITIONS OF APPROVAL FOR		************	
CIL AND GAS WELL PERMITS	DATE FILED	12 1	LAND USE PERMIT APPROVAL IS
1. The proposed uses shall be established in accord			
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# W40631

ATTACHMENT TO OIL AND GAME WELL PERMIT # 110 6-91 (Additional Conditions of Approval)

- 1. The applicant is allowed one well with the permit.
- 2. All noise abatement requirements shall be fully satisfied.
- 3. The applicant shall notify all adjacent neighbors and the department prior to drilling.
- 4. All clean-up standards shall be satisfied.