

MINUTE ITEM C15

SA 5704

Reese

CONSIDER A RIGHT-OF-ENTRY AGREEMENT  
TO A 135+-ACRE PARCEL OF  
STATE LIEU LAND NEAR DAGGETT, SAN BERNARDINO COUNTY

Calendar Item C15, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C15

A 61

S 25

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02/05/92

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CONSIDER A RIGHT-OF-ENTRY AGREEMENT  
TO A 135±-ACRE PARCEL OF  
STATE LIEU LAND NEAR DAGGETT, SAN BERNARDINO COUNTY

**APPLICANT:**

Meridian Oil, Inc.  
2919 Allen Parkway  
Houston, Texas 77210

**AREA, TYPE LAND AND LOCATION:**

A 135±-acre parcel of State lieu land located near the town of Daggett in Section 23, T9N R1E, SBM, San Bernardino County.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee has 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:**

N/A

**BACKGROUND**

The Commission acquired this 135±-acre parcel of lieu lands located near the town of Daggett in 1958 from the Bureau of Land Management (BLM). The parcel is presently encumbered with a 115kv powerline right-of-way which was issued by the BLM prior to consummation of the Commission's indemnity selection and a right-of-way lease approved by the Commission in March 1991. The Commission: 1) approved the issuance of a lease for a natural gas pipeline and metering station to Kern River Gas Transmission Company; and 2) approved the issuance, jointly to Mojave Pipeline and Kern River, a lease for a natural gas transmission line.

On August 28, 1991, staff received an application from Meridian Oil, Inc. to purchase the above-described parcel to facilitate construction of a pipeline lateral to a generating station owned by Southern California Edison Company. This lateral would connect with the Mojave/Kern natural gas pipeline which is scheduled to be in service in early February 1992.

**CURRENT SITUATION:**

Meridian has requested a Right-of-Entry Agreement in order to begin construction of their pipeline lateral prior to the finalization of the sale and transfer of the property to them. Approval of the right-of-entry agreement will enable Meridian to complete the pipeline lateral approximately the same time the Mojave/Kern natural gas pipeline becomes operational thereby avoiding substantial demand charges and loss of revenue. Meridian has executed the right-of-entry agreement (Exhibit C).

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), staffs of the State Lands Commission and the Federal Energy Regulatory Commission (FERC) prepared a Joint Environmental Impact Report/Environmental Impact Statement identified as EIR No. 400, State Clearinghouse No. 85081912, for the Mojave/Kern River Natural Gas Pipeline Projects. This EIR/EIS was certified by the State Lands Commission at its meeting of March 6, 1991 (Calendar Item 22).

The proposed right-of-entry agreement affects lands which were included within the scope of the above environmental document.

2. 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, the CEQA review process, and the review of the project by the U.S. Fish and Wildlife Service, it is the staff's opinion that the project, as proposed, is consistent with the use classification of the affected parcel.

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3. The Commission, as the CEQA Lead Agency, is required to monitor the Lessee's compliance with the mitigation measures identified in the Mitigation Monitoring Plan, adopted as part of Calendar Item No. 22, at the March 6, 1991 SLC meeting, and on file at the offices of the State Lands Commission in Sacramento. Meridian has entered into an agreement whereby the Commission's environmental monitor for the Mojave/Kern River Project (Chambers Group, Inc.) will monitor construction of the proposed activity.
4. This Right of Entry Agreement is made in consideration of the sale of the subject property as described in Exhibit "A".

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Right Of Way Agreement

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN EIR, NO. 400, STATE CLEARINGHOUSE NO. 85081912, WAS PREPARED PURSUANT TO THE PROVISIONS OF THE CEQA AND CERTIFIED BY THE COMMISSION AT ITS MARCH 6, 1991 MEETING. THIS EIR PREPARED FOR THE MOJAVE/KERN RIVER PROJECT, COVERS THE AREA OF THE PROPOSED PROJECT, AND THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. INCORPORATE BY THIS REFERENCE THE CEQA FINDINGS PREVIOUSLY ADOPTED BY THE COMMISSION, FOR EIR NO. 400 (MOJAVE/KERN RIVER PROJECT), WHICH WAS CERTIFIED BY THE COMMISSION AT ITS MARCH 6, 1991 MEETING, AND WHICH ARE ON FILE AT THE OFFICES OF THE COMMISSION IN SACRAMENTO.
3. FIND THAT THE MITIGATION MONITORING PROGRAM ADOPTED FOR EIR NO. 400 (MOJAVE/KERN RIVER PROJECT) WILL, BY AGREEMENT BETWEEN THE PARTIES, BE USED TO MONITOR THIS PROJECT AND WILL THEREBY ENSURE COMPLIANCE WITH THE REQUIRED MITIGATION MEASURES.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

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5. AUTHORIZE THE ISSUANCE OF THE PROPOSED RIGHT-OF-ENTRY AGREEMENT UPON THE NW 1/4 SW 1/4, SW 1/4 SE 1/4, S 1/2 SW 1/4, SECTION 23, T9N, R1E, SBM TO TAKE EFFECT ON FEBRUARY 5, 1992 AND EXPIRE ON MARCH 15, 1992 OR UPON THE COMPETITION OF THE FACILITIES DESCRIBED THEREIN, WHICHEVER IS THE LATER.

**EXHIBIT "A"**

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**LAND DESCRIPTION**

A parcel of land in Section 23, T 9 N, R 1 E, SBM, in the vicinity of Daggett, San Bernardino County, California, more directly described as follows:

The NW 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4, and the S 1/2 of the SW 1/4 of Section 23, T 9 N, R 1 E, SBM.

EXCEPTING THEREFROM any portion lying within the National Trails Highway.

**END OF DESCRIPTION**

**PREPARED OCTOBER, 1991; LAND LOCATION and BOUNDARY SECTION**

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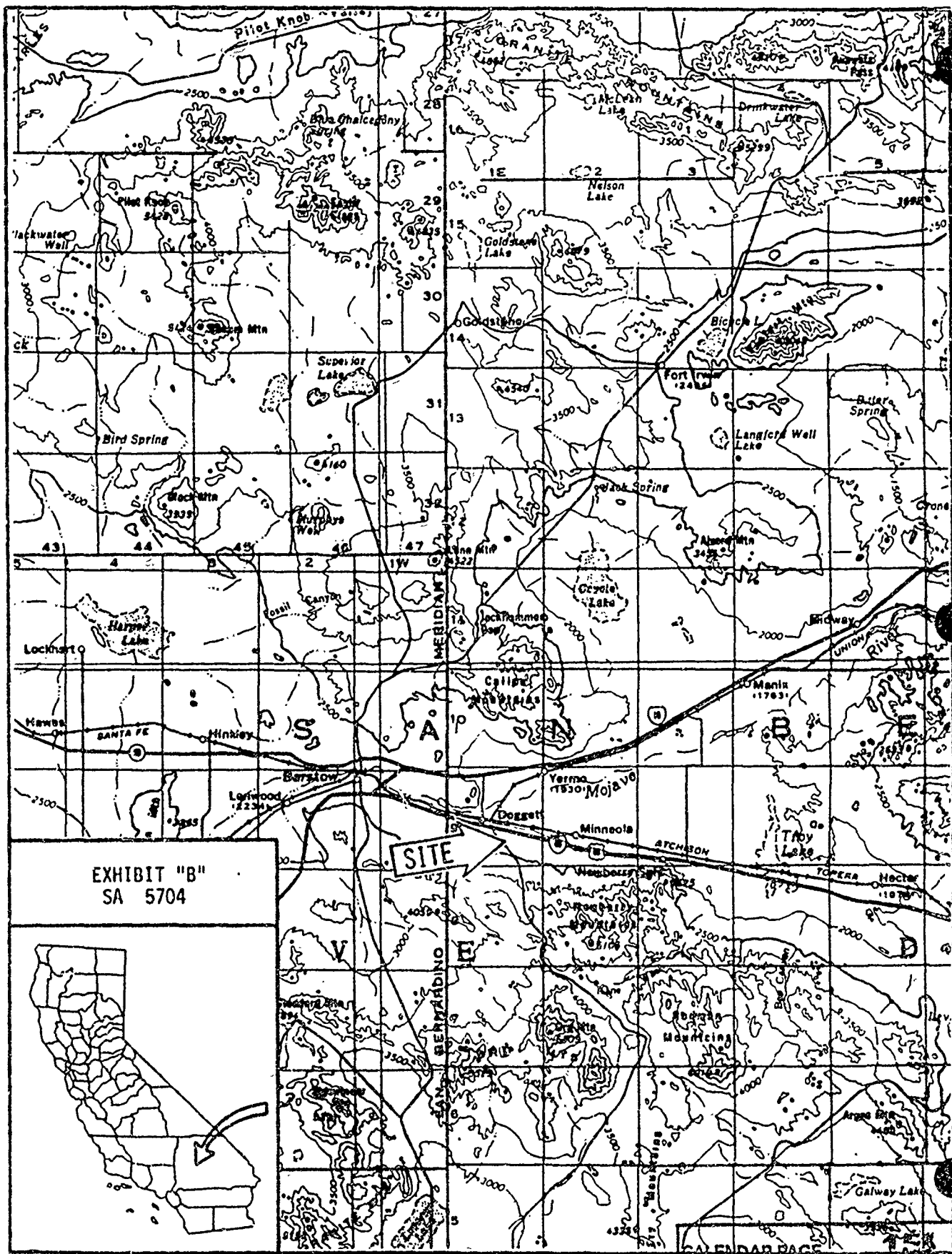


EXHIBIT "B"  
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SITE

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WORK ORDER: SA 5704

CALENDAR DATE: 2/5/92

NEGOTIATOR: REESE

MERIDIAN OIL COMPANY, INC. (APPLICANT)

EXHIBIT "C" UNAVAILABLE AT TIME OF PRINT

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