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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA UTH CALIFORNIA ST., SUITE 200 ORA, CA 93001 (805) 641-0142



Filed: 7/25/97 49th Day: 9/12/97 180th Day: 1/21/98

Staff Report: 8/20/97 (Hearing Date: 9/9-12/97 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:4-97-145

APPLICANT: Southern California Gas Company

AGENT: Cindy Poire

PROJECT LOCATION: 1171 More Road, Goleta, Santa Barbara County

PROJECT DESCRIPTION: Demolition of remaining portion of partially destroyed bridge and downstream pipeline support structures and replacement with four sets of concrete piers to support existing gas and other utility lines over Atascadero Creek. Restoration of a 1.5 acre portion of Southern California Gas Company lands adjacent to the project site along the western bank of Atascadero Creek, consisting of the removal of non-native invasive vegetation and replanting with native wetland and upland plant species.

Zoning: Public Utilities

Plan designation: Public Utilities

Ht abv natural grade: 14 feet

LOCAL APPROVALS RECEIVED: Santa Barbara County Final Development Plan (92-DFP-016)

SUBSTANTIVE FILE DOCUMENTS: Negative Declaration (95-ND-28), and Wetland Mitigation Plan (June 19, 1997) prepared by Robert Hamilton; Vegetation Restoration/Enhancement Plan (August 12, 1997) prepared by Darlene Chirman.

<u>SUMMARY OF STAFF RECOMMENDATION</u>: Staff is recommending approval of the proposed project with four (4) special conditions addressing (1) waiver of liability; (2) receipt of a State Lands Commission authorization; (3) receipt of a permit from the U.S. Army Corps of Engineers; and (4) receipt of a California Department of Fish and Game agreement.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline, is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Page 3

III. SPECIAL CONDITIONS:

1. Flooding Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted pipeline support project in an area where an extraordinary potential for damage or destruction from flooding exists as an inherent risk to life and property.

2. U.S. Army Corps of Engineers 404 Permit

Prior to the commencement of construction of the pipeline support project, the applicant shall provide the Executive Director of the Commission with a valid 404 Permit from the U.S. Army Corps of Engineers for the pipeline support proposed project.

3. California Department of Fish and Game Stream Alteration Agreement

Prior to commencement of construction of the pipeline support project, the applicant shall provide the Executive Director of the Commission with a copy of a valid 1600 stream alteration agreement between the applicant and the California Department of Fish and Game for the proposed pipeline support project.

4. State Lands Commission Authorization

Prior to commencement of construction of the pipeline support project, the applicant shall submit a written determination from the State Land Commission that:

- (a) No state lands are involved in the development; or
- (b) State lands are involved in the development, and all permits required by the State Lands Comm Commission have been obtained; or
- (c) State lands may be involved in the development, but pending a final determination of state land involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Background and Project History

The Southern California Gas Company operates a major natural gas storage and distribution facility near the mouth of the Goleta Slough. The area around the slough is developed with gas wells, pipelines, and a bridge and pipeline support system which transmits gas across Atascadero Creek.

During the floods of 1995, a major section of the wooden bridge which supports a sixteen inch gas line and several smaller utility lines (electric, water), and a downstream set of nine separate pipeline pier supports carrying a second sixteen inch gas line, were heavily damaged. To prevent the catastrophic failure of the pipeline in the event of a subsequent flood event, and the interruption of gas service, the Commission issued an emergency permit in November 1996 (4-96-199-G) to the Southern California Gas Company to install temporary pipeline pier supports for both of the sixteen inch pipelines (and smaller utility lines).

Initially, the applicant proposed reconstructing the wooden bridge, and the nine pipeline pier supports for the second sixteen inch gas pipeline downstream of the wooden bridge. After consultation with the Commission staff and other regulatory and resource agencies, the applicant modified the original proposal to eliminate the reconstruction of the wooden bridge, and substitute a simpler pipeline support system which reduces the number of pier supports in Atascadero Creek from 42 to 6. Additionally the pipeline pier supports for the downstream sixteen inch gas pipeline have been reduced from 20 to 4. The principal reason for this change was to reduce the possibility of a build up of debris on the wooden bridge supports and the downstream pipeline pier supports and the consequent catastrophic failure of the structure.

A. Project Location and Description

The site is located adjacent to and over Atascadero Creek in an tidally influenced portion of Atascadero Creek near the mouth of the Goleta Slough. The project site falls within the area of the Commission's retained jurisdiction because of its location on historic state tide-lands.

The project consists of providing permanent pipeline support structures for two sixteen inch gas pipelines (#159 and #247), and several smaller utility lines. The project will also involve the dismantling of the remnants of an existing wooden bridge and downstream pipeline support piers which were damaged during the floods of 1995.

Access to the project site will be from an existing road and staging area on the eastern portion of the project site, through property owned and operated by the Southern California Gas Company. The actual construction of the pipeline pier support structures would require access from a barge within Atascadero Creek. From the barge concrete piles will be jetted and driven at the four pier support locations. Each pier will have two or three piles arranged parallel to the flow of the creek. Pile caps will be formed and supported above the the 100 year flood elevation and pipeline cradles will be installed to contain the pipelines.

All pipelines will remain in place and in service during the construction of the new pipeline pier supports. Once the pipeline pier supports are completed the old pier supports (including those for the wooden bridge and the second sixteen inch gas line downstream) will be removed or cut off at the mudline. A total of 62 pier supports will be removed, and 10 new pier supports will be re-installed. Following completion of the construction project, areas in the vicinity of the former bridge and pipeline support structures will be restored and enhanced through the removal of non-native invasive vegetation and the re-planting of native species.

B. <u>Biological Resources</u>

PRC Section 30231, provides that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

PRC Section 30233 provides, in part, that:

- (a) The diking, filling, or dredging of . . . wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (7) Restoration purposes.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

PRC Section 3040 provides that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed bridge removal and pipeline support system would occur along Atascadero Creek within the Goleta Slough. A majority of the work would be performed over the open-water portion of lower Atascadero Creek. Vegetation which occurs along and immediately adjacent to the creek banks includes remnant stands of Southern Coastal Salt Marsh and Central Coast Scrub. Vegetation typical of the Southern Coastal Salt Marsh community includes saltgrass (Distichlis spicata), alkali heath (Frankenia salina), jaumea (Jaumea carnosa), iceplant (Carpobrotus spp.), pickleweed (Salicornia spp.) and sea blite (Suaeda spp.) Characteristic species of the Central Coastal

Scrub plant community include coyote bush ($\underline{Baccharis}$ pilularis), golden yarrow ($\underline{Erophyllum}$ confertiflorum), and California coffeeberry ($\underline{Rhamnus}$ sp.). Much of this vegetation has been disturbed as a result of routine maintenance activities, periodic flooding, and the introduction of invasive non-native plant species.

Because access to the project site would be via an existing road and staging area, and via barge, only about 0.1 acre of wetland habitat would be temporarily disturbed along Atascadero Creek, primarily as a result of the removal of accumulated flood debris, the repair of damaged fence lines, and the reburial of a portion of the existing gas line which could disturb native vegetation in several localized areas.

The existing wooden bridge is built upon 14 sets of bents comprised of three wooden piers (for a total of 42 bridge piers) with an diameter of approximately 14 inches. Prior to the 1995 floods, the second sixteen inch gas pipeline located immediately downstream of the wooden bridge was supported by 10 sets of bents consisting of two metal piers (for a total of 20 piers) with a diameter of approximately 14 inches. In summary, there were a total of 62 pre-project pilings used to support the two sixteen inch gas lines and the several smaller utility lines.

The wooden bridge will be replaced with two sets of bents consisting of two concrete piers each (for a total of 6 bridge replacement piers) with a diameter of approximately 16 inches. The proposed replacement for the downstream pipeline support structure will be two sets of bents consisting of 2 concrete piers (for a total of 4 piers) with a diameter of approximately 16 inches. There will be a total of 10 post-project pilings used to support the two sixteen inch gas lines and the several smaller utility lines.

The net result of the proposed project will be to reduce the total number of piers driven into the bed of Atascadero Creek from 62 to 10, with a resultant reduction in the amount of fill in the inter-tidal portion of the lower Atascadero Creek. The proposed project will also reduce the amount of development over the open water of the lower Atascadero Creek which is visible from the adjacent Goleta Beach County Park. As such it will enhance the visual quality of the area and the views from Goleta Beach County Park.

The proposed pipeline support project is a restoration of an incidental public service which is a permitted use under the provisions of PRC Section 30233 of the Coastal Act. PRC Section 30233 specifically allows uses in wetlands not otherwise permitted in environmentally sensitive habitat areas governed by PRC Section 30240. The existing gas pipelines connects major storage and distribution facilities which lie on opposite sides of Atascadero Creek, necessitating the crossing of the creek in some fashion. No feasible alternatives to the proposed (existing) location of the pipeline are available given the location of the existing storage and distribution facilities operated by the Southern California Gas Company at this location. A clear span design would necessitate a much larger structure which would intrude into adjacent environmentally sensitive habitat, as well as generate substantial visual impacts. Alternative routes around the lower reaches of Atascadero Creek would entail a longer route to connect the storage and distribution facilities, and would require passing the gas pipelines through commercial,

Page 7

agricultural, and residentially developed areas. Directional drilling of the lines under Atascadero Creek is not considered feasible because of the size of the lines and the thickness of the pipeline casing.

The proposed design, therefore, is the only feasible, and the least environmentally disruptive alternative. Further, as noted above, the restoration of the existing pipeline supports would entail a substantial reduction in the number of existing pilings (62 to 10) which are currently located in the Atascadero Creek channel, and will result in a reduction of existing fill; additionally, no new areas of the Atascadero Creek channel will be impacted by the pipeline support project.

To mitigate the temporary impacts to 0.1 acre of wetland habitat which would be disturbed during the construction of the pipeline support project, the applicant has developed a wetland mitigation plan which entails revegetation all disturbed areas with native species of wetland plants, and monitoring the revegetation materials for two years. Replantings include principally pickleweed (Salicornia spp.) and salt grass (Distichlis spicata) drawn from existing stands of vegetation adjacent to the disturbed areas.

The pipeline support project is located within Atascadero Creek and falls within the jurisdiction of the both the U.S. Army Corps of Engineers and the California Department of Fish and Game. Special Conditions #2 and #3 ensure that the regulatory requirements of these agencies is met consistent with those of the California Coastal Commission.

In addition to the pipeline support project, the applicant has amended the original application to include restoration along the west bank of Atascadero Creek on property owned by the Southern California Gas Company. (See Exhibit 10.) PRC Section 30240 is also applicable to the project because some of the elements of the supplemental restoration component of the project include upland areas adjacent to Atascadero Creek. This supplemental restoration effort will be undertaken upon completion of the pipeline support project and is not necessary or intended to mitigate the impacts of the pipeline support project. The restoration work will be performed by local volunteer organizations and funded in part by the Southern California Gas Company. The volunteer work will be conducted in consultation with the staff of the Herbarium of the Museum of Systematics and Ecology at the University of California, Santa Barbara.

This supplemental restoration plan will include the removal of non-native invasive vegetation such as pampus grass (<u>Cortadaria jublata</u>) and Giant Reed (<u>Arundo donax</u>), and <u>Myoporum</u> sp. and replanting with a variety of native wetland, and wetland transition species, including coyote brush (<u>Baccharis pilularis</u>), salt bush (<u>Atriplex lentiformis</u>). Included in this restoration plan is a provision for the future construction of a pedestrian overlook of the lower Atascadero Creek and the mouth of the Goleta Slough to be accessed from the Goleta Bike Trail. (See Exhibit 10.)

All special conditions attached to this permit pertain solely to the mitigation proposed by Southern California Gas Company to mitigate the temporary impacts resulting from the construction of the pipeline support project, and do not apply to the supplemental restoration along the west bank of Atascadero Creek.

Page 8

The Commission therefore finds that approval of the proposed development, as conditioned, is consistent with the Sections 30231, 30233, 30240 of the Coastal Act.

C. Geologic and Flood Hazards

Section 30253 of the Coastal Act states, in part, that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located adjacent to and over Atascadero Creek at the mouth of the Goleta Slough. Atascadero Creek drains approximately 15 square miles of urbanized and undeveloped mountains watershed and has a high potential for flooding, particularly in its lower reaches where the stream gradient is low. The previous bridge design and pipeline support structure employed 62 wooden piers in sets of three on 15 foot centers. This design has facilitated the accumulation of debris during major flood events which can have a damming effect on flood flows. This damming effect can increase the hydraulic pressure on the bridge and increase the chances of bridge failure, and consequent damage to the gas and other utility lines carried by the bridge.

The damage to the bridge during the 1995 floods was the direct result of the built up of debris around the wooden pilings and the increased hydraulic pressure on the bridge structure. The proposed project will significantly reduce the number of pile supports in Atascadero Creek from 62 to 10, and therefore reduce the possibility of damage to the gas and other utility lines from flooding.

As noted above, the Southern California Gas Company pipelines traverse Atascadero Creek and are subject to damage from flooding of Atascadero Creek. Because the pipeline support structures and the gas and utility lines remain subject to potential catastrophic flooding from Atascadero Creek, however, it is necessary to ensure that the applicant acknowledges the hazards associated with the project site, and holds the Commission and its agents harmless in the event of a catastrophic failure of the gas and utility line support structures.

Special Condition #1 requires the applicant to acknowledge the potential for damages related the pipeline support project and to hold the Commission and its officers, agents, and employees harmless against all claims of liability arising out of the construction and maintenance of the pipeline support project.

The Commission finds that the project as conditioned to include a waiver of liability for flooding, will be consistent with Section 30253 of the Coastal Act.

E. Public Access

PRC Section 30211 provides that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including,

but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 provides, in part, that:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

The proposed project consists of replacing an existing private bridge connecting to area developed with gas extraction, storage, and transmission facilities. The bridge has never been open to the public and does not provide an opportunity to access any publically owned recreational areas or facilities.

The project site, however, is bordered on the west by the Goleta Bike Trail which connects the western end of the unincorporated community of Goleta to the Goleta Beach County Park and the University of California at Santa Barbara. The project would not interfere or affect the use of this facility, but may increase its safety by reducing the possibility of catastrophic failure of the gas and other utility lines by reducing the possibility of damage to these facilities during a major storm event.

The pipeline support project is located within Atascadero Creek and falls within the jurisdiction of the State Lands Commission, which has an interest in maintaining the navagibility of Atascadero Creek and access to the State Lands under the waters of Atascadero Creek. Special Condition #4 ensure that the regulatory requirements of this agency is met consistent with those of the California Coastal Commission.

The Commission finds therefore that the proposed project, as conditioned is consistent with Sections 30211 and 30212 of the Coastal Act as required by Section 30604(c).

F. California Environmental Quality Act

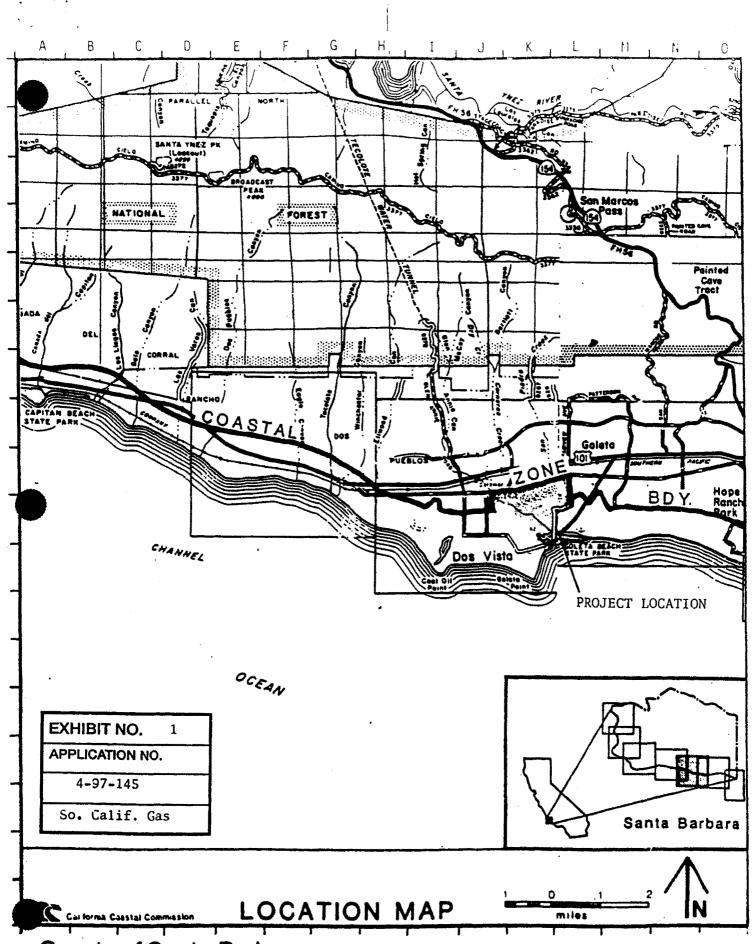
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed pipeline support project has been mitigated to incorporate the protection of environmentally sensitive habitats, and the waiver of liability for any flood related damages. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the

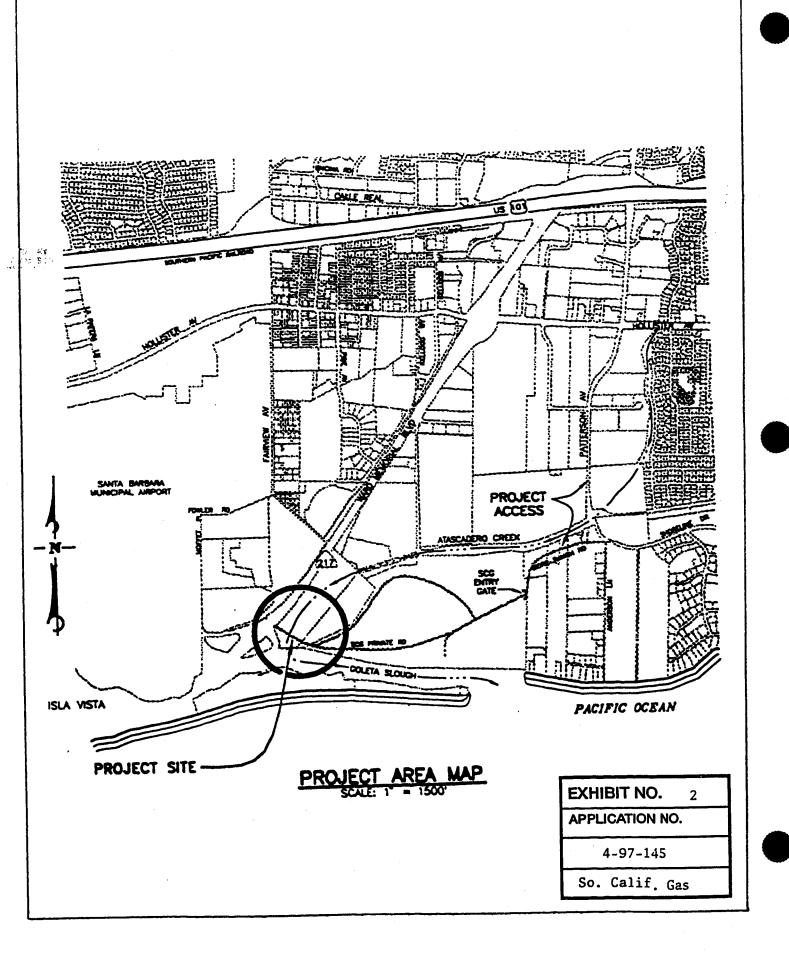
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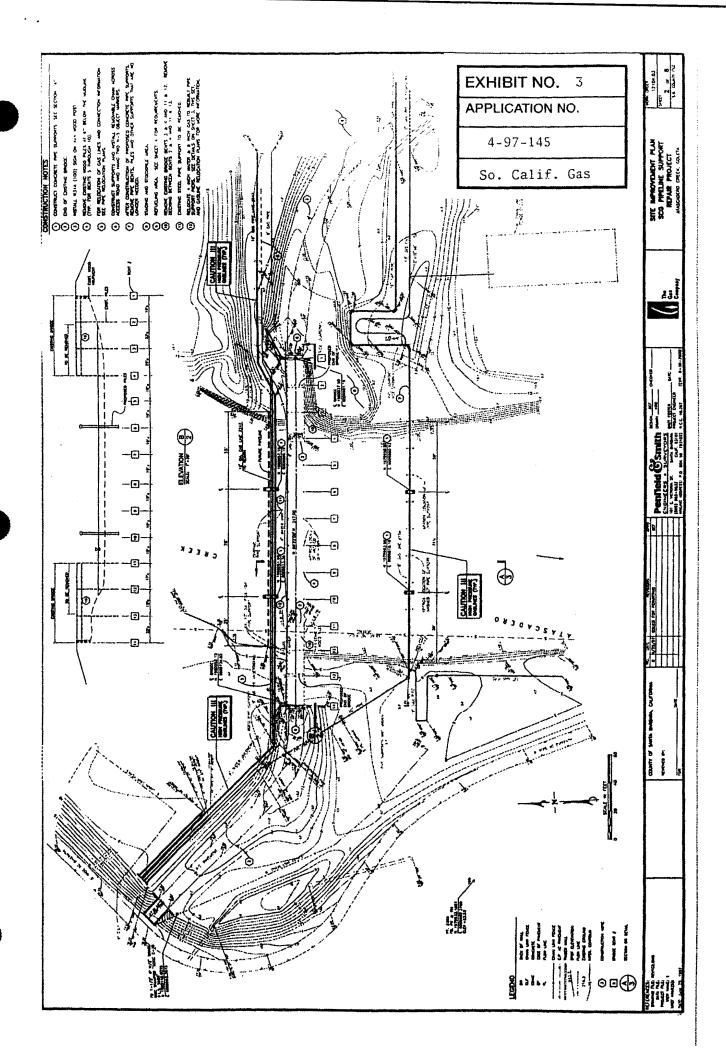
proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

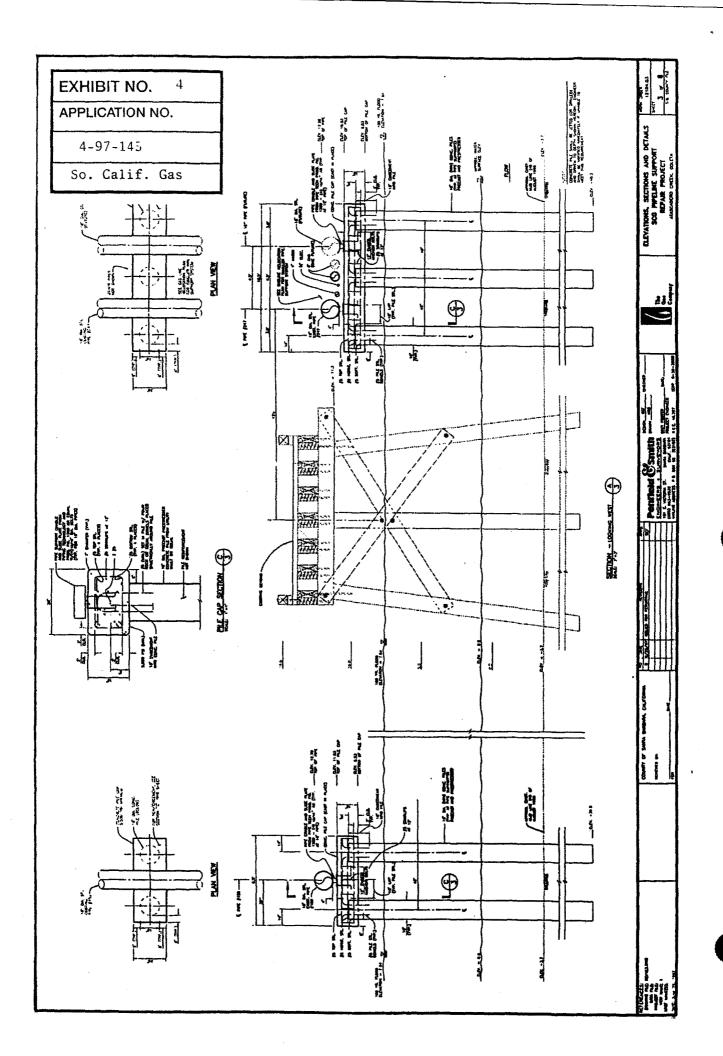
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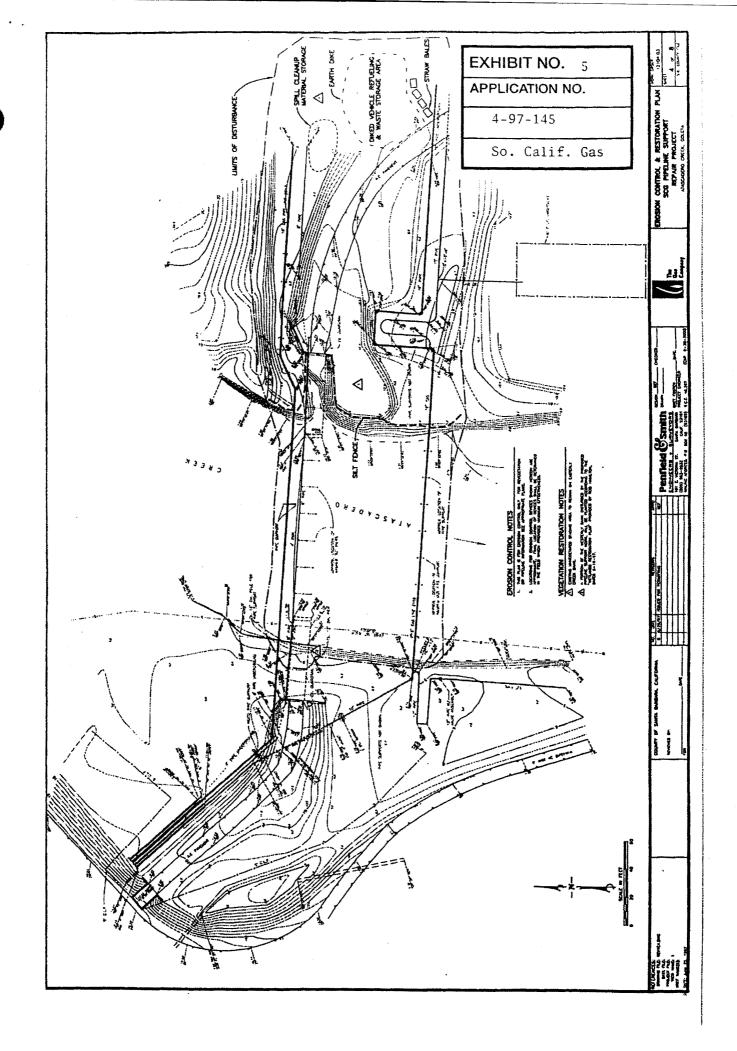


County of Santa Barbara











OOKING S.E.

EXHIBIT NO.

APPLICATION NO.

·- 4-97-145

So. Calif. Gas

EXHIBIT NO. 7

APPLICATION NO.

4-97-145

So. Calif. Gas

The 8",4"and 3" pipes on the southerly portion of the pipe crossing

New supports will be installed

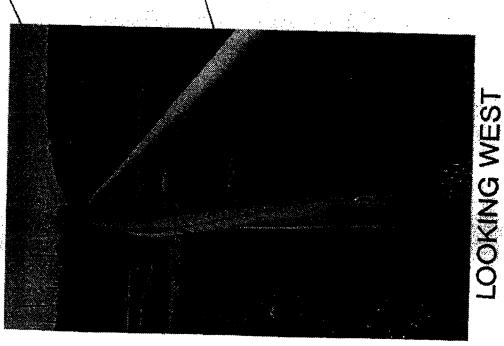


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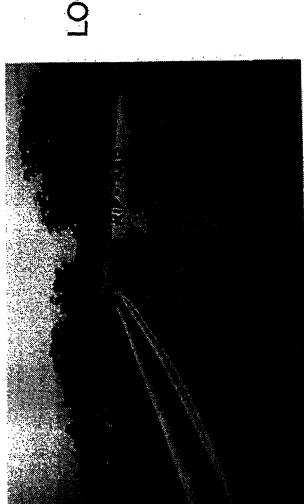
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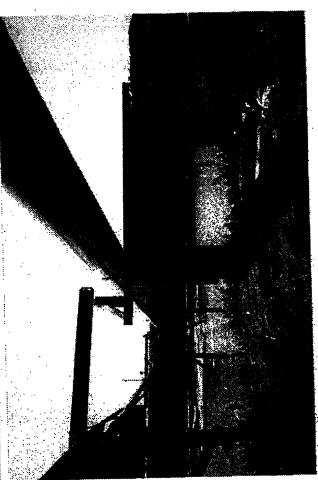
APPLICATION NO.

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So. Calif. Gas

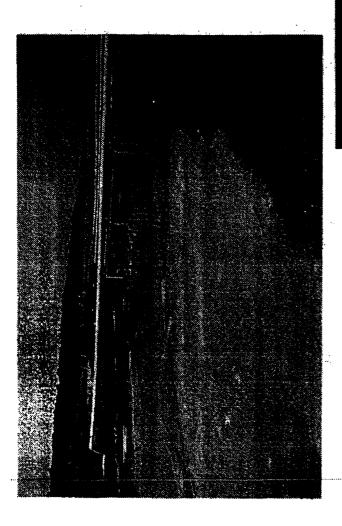
LOOKING EAST





LOOKING WEST

LOOKING N.W.



LOOKING WEST AREA WHERE GAS LINE WILL BE RELOCATED

EXHIBIT NO.

APPLICATION NO.

4-97-145

So. Calif. Gas

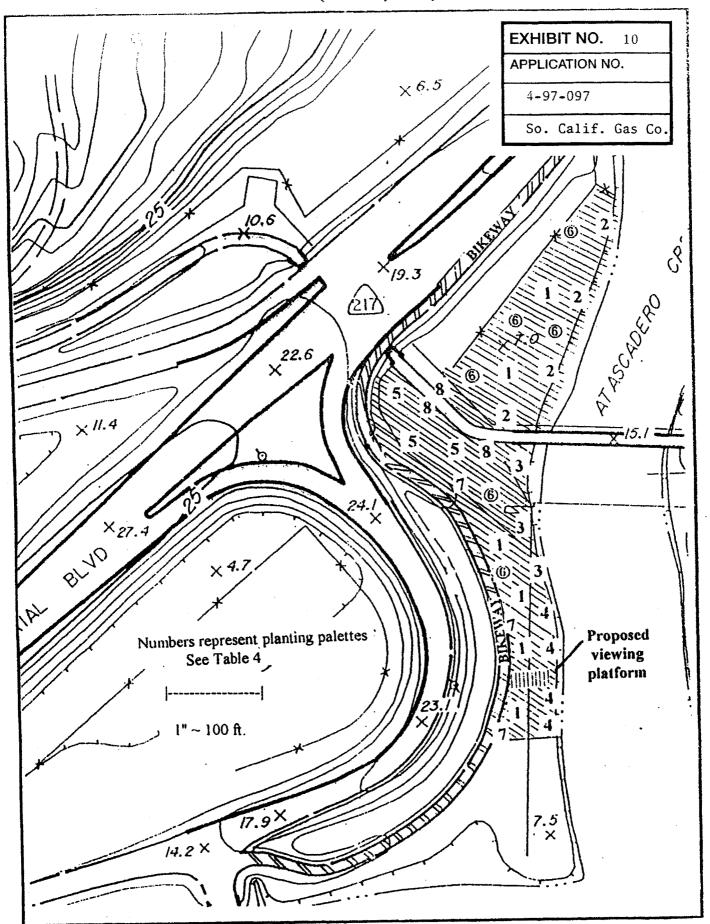


Figure 2. Enlargement from Flood Control map Santa Barbara County, 1991