CALIFORNIA COASTAL COMMISSION
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# W10a

**November 17, 2010**

**To:** Coastal Commissioners and Interested Persons

**From:** Alison Dettmer, Deputy Director
Cassidy Teufel, Analyst, Energy, Ocean Resources & Federal Consistency Division

**Subject: STAFF REPORT ADDENDUM for Item W10a**
**Coastal Development Permit Application E-10-009 (Atlantic Richfield Company, Goleta)**

Coastal Commission staff recommends the following minor modifications to Special Condition 1 and relevant sections of the staff report. Deletions are shown with ~~strikethrough~~ and additions are underlined.

[MODIFICATION 1: The following insertions and deletions to the second paragraph on page 2 of the staff report]

Nevertheless, proposed activities will result in the removal of roughly 200 square feet of wetland vegetation in the Bell Creek riparian corridor and approximately 3,305 square feet of wetland vegetation and habitat in the Tecolote Creek riparian corridor. ARCO will prepare and implement both a ~~Habitat Restoration and Monitoring~~Re-vegetation Plan for all wetland and upland areas within the project's disturbance footprint and a Restoration Plan to mitigate the project's adverse wetland habitat impacts (or a combined plan that includes both re-vegetation and restoration elements). **Special Condition 1** of this permit would require that the plan(s) be reviewed and approved by the Executive Director. The Restoration Plan must include provisions for the enhancement (restoration and/or re-vegetation) of wetlands within the coastal zone in the City of Goleta to achieve a minimum 4:1 replacement ratio to mitigate all impacts to wetland habitat resulting from the proposed project. ~~and that the plan~~ Both plans must include clear objectives for the achievement of 75 percent vegetative cover after ~~three~~ five years with no more than 1~~2~~0 percent non-native species represented, and provide for the removal of existing invasive plants, the salvage, storage and replacement of excavated soil, the use of container stock in place of seed when possible, the collection and use of seed and/or cuttings from local sources, the use of plants appropriate for the habitat conditions and in adjacent areas,

similar performance measures and the establishment of contingency measures if restoration objectives are not achieved.

[MODIFICATION 2: The following insertions and deletions to Special Condition 1 on page 4 of the staff report]

1. **Restoration and Re-vegetation.** Prior to issuance of this permit, ARCO shall submit, for Executive Director review and approval, both a Re-vegetation Plan and Restoration Plan (or a combined plan that includes both re-vegetation and restoration elements). The plan(s) shall include (a) the use of container stock in place of seed whenever possible; (b) performance criteria for each of the five years of post-planting site monitoring that include a goal of achieving a minimum of 75 percent native plant cover of the restoration and re-vegetation sites with no invasive species and no more than 10 percent cover of non-native species; (c) a requirement to obtain plantings from local sources; (d) a timeline that includes initiation of work within 30 days of completion of pipeline and equipment removal and decommissioning activities and completion of work within a reasonable period; and (e) contingency measures in case performance criteria are not achieved.

   The Re-vegetation Plan shall apply to all wetland and upland habitat areas within the proposed project's disturbance footprints and include: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) measures to minimize soil disturbance during site preparation and planting; (d) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (e) the restoration of native plant communities in areas from which non-native or invasive plants are removed; and (f) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas.

   The Restoration Plan shall include provisions for the enhancement (restoration and/or re-vegetation) of wetlands within the coastal zone in the City of Goleta to achieve a minimum 4:1 replacement ratio to mitigate all impacts to wetland habitat resulting from the proposed project and 10:1 replacement of any trees removed during the project. A map shall be included to show the existing and proposed habitat polygons to ensure that the restoration (a) shall connect with existing wetland resources; (b) shall replace existing disturbed upland habitat; and (c) is feasibly located for long term success.

   Compliance with the plan(s) shall include annual monitoring and reporting to the Executive Director for five years. The first annual report for each plan shall be submitted 12 months after completion of the initial re-vegetation or restoration work. If at the completion of the five year monitoring and reporting period, the Executive Director determines that the restoration and/or re-vegetation performance criteria described within the plan(s) have not been met, ARCO shall submit, within 60 days of the Executive Director's determination, a new plan for

Executive Director review and approval that addresses the restoration and/or re-vegetation work that was not successful.

~~**1. Restoration of Project Site.** Prior to issuance of this permit, ARCO shall submit, for Executive Director review and approval, a Habitat Restoration and Monitoring Plan. This plan shall apply to all wetland and upland habitat areas within the proposed project's disturbance footprints and include: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) the use of container stock in place of seed whenever possible; (d) measures to minimize soil disturbance during site preparation and planting; (e) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (f) the restoration of native plant communities in areas from which non-native or invasive plants are removed; (g) performance criteria for each of the three years of post-planting site monitoring that include a goal of achieving a minimum of 75 percent native shrub cover of the project disturbance footprints with no invasive species, at least three species of shrubs from a list of appropriate species, each of which must be present with at least 10 percent cover, and no more than 20 percent cover of non-native species; (h) a requirement to obtain plantings from local sources (including seed and/or cuttings collected from the project site when possible); (i) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas; and (j) contingency measures in case performance criteria are not achieved.~~

~~Within 30 days of completion of pipeline and equipment removal and decommissioning activities, ARCO shall implement the approved Restoration and Monitoring Plan. Compliance with this plan shall include annual monitoring and reporting to the Executive Director for three years. If at the completion of the three year monitoring and reporting period (dated from the completion of planting activities), the Executive Director determines that the performance criteria described within the plan have not been met, ARCO shall submit, within 60 days of the Executive Director's determination, a new Restoration and Monitoring Plan for Executive Director review and approval.~~

[MODIFICATION 3: The following insertions and deletions to the third and fourth paragraphs on page 13 of the staff report]

To further ensure that these activities do not result in long term adverse impacts to Tecolote Creek, Bell Creek, their riparian wetland corridors, or nearby coastal resources, the Commission is requiring in **Special Condition 1** that ~~the Habitat Restoration and Monitoring Plan required by the City of Goleta in mitigation measure CITY BIO-16 of the MND also~~ both a Re-vegetation Plan and Restoration Plan (or a combined plan that includes both re-vegetation and restoration elements) be submitted to the Executive Director for review and approval. The plan(s) would be consistent with the Habitat Restoration Plan required by the City of Goleta in mitigation measure CITY BIO-16 of the MND. ARCO has committed to include in the ~~this~~ plan(s) the restoration and native plant re-vegetation of all upland vegetation and riparian wetland habitat areas within the

project's disturbance footprints. Additionally, the Commission is requiring in **Special Condition 1** that both of the plan(s) include (a) the use of container stock in place of seed whenever possible; (b) annual reporting and performance criteria for each of the five years of post-planting site monitoring that include a goal of achieving a minimum of 75 percent native plant cover of the restoration and re-vegetation sites with no invasive species and no more than 10 percent cover of non-native species; (c) a requirement to obtain plantings from local sources; (d) a timeline that includes initiation of work within 30 days of completion of pipeline and equipment removal and decommissioning activities and completion of work within a reasonable period; and (e) contingency measures in case performance criteria are not achieved.

The Re-vegetation Plan would apply to all wetland and upland habitat areas within the proposed project's disturbance footprints and include: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) measures to minimize soil disturbance during site preparation and planting; (d) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (e) the restoration of native plant communities in areas from which non-native or invasive plants are removed; and (f) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas.

The Restoration Plan would include provisions for the enhancement (restoration and/or re-vegetation) of wetlands within the coastal zone in the City of Goleta to achieve a minimum 4:1 replacement ratio to mitigate all impacts to wetland habitat resulting from the proposed project and 10:1 replacement of any trees removed during the project. Assuming that the project would result in the disturbance of roughly 3,500 square feet of wetlands, ARCO would be required to restore approximately 1/3 of an acre of wetlands within the coastal zone in the City of Goleta.

Because the time period between when the proposed project would first adversely affect wetland habitat and when wetland values are fully restored by mitigation work is relatively long and the corresponding temporal loss of habitat values in the mean time is therefore significant, the Commission requires wetland mitigation to be carried out on a greater amount of habitat than that which was affected by the project, typically at a 4:1 mitigation ratio. For example, in approving Coastal Development Permit No. 1-07-013 for the replacement of the Highway 101 Mad River Bridge in Humboldt County, the Commission required a mitigation ratio of 4:1. The Commission is therefore requiring for this project a mitigation ratio of wetland mitigation to wetland fill of at least 4:1, to account for temporal loss and the uncertainty that the wetland mitigation will be fully successful in establishing the wetland values the mitigation is intended to provide.
~~this restoration plan include performance criteria, monitoring requirements and contingency measures to ensure that wetland areas within the project's disturbance limits recover in a timely manner. Specifically, the plan shall provide for: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) the use of container stock in place of seed whenever possible; (d) measures to minimize soil disturbance during site~~

~~preparation and planting; (e) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (f) the restoration of native plant communities in areas from which non-native or invasive plants are removed; (g) the establishment of performance criteria for each of the three years of post-planting site monitoring that reflect an ultimate goal of achieving a minimum of 75 percent native shrub cover of the project disturbance footprints with no invasive species, at least three species of shrubs from a list of appropriate species, each of which must be present with at least 10 percent cover, and no more than 20 percent cover of non-native species; (h) a requirement to obtain plantings from local sources (including seed and/or cuttings collected from the project site when possible); (i) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas; and (j) contingency measures in case performance criteria are not achieved.~~

~~Similarly, t~~The Commission is also requiring in **Special Condition 2** that all feasible measures are taken to minimize the size and scope of the project disturbance footprint at pipeline tap site #22, the hydrogen sulfide alarm panel site and the pump skid removal site…

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# W10a

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| Date Filed: | 7-30-10 |
| 49th Day: | 9-17-10 |
| 180th Day: | 1-25-11 |
| Staff: | C. Teufel - SF |
| Staff Report: | 10-28-10 |
| Hearing Date: | 11-17-10 |

## STAFF REPORT
## COASTAL DEVELOPMENT PERMIT APPLICATION

| | |
|---|---|
| **CDP Application No.:** | **E-10-009** |
| **Applicant:** | **Atlantic Richfield Company** |
| **Project Location:** | City of Goleta, Santa Barbara County. |
| **Project Description:** | Remove approximately 40 feet of six-inch diameter oil pipeline, an alarm panel, pump skid, and other ancillary above-ground infrastructure and tap, flush, and grout 800 feet of oil pipeline that has been abandoned in place. |
| **Substantive File Documents:** | See Appendix A |

The Atlantic Richfield Company (ARCO) proposes to (a) detach and remove approximately 20 linear feet of six-inch diameter decommissioned oil pipeline that currently crosses Tecolote Creek; (b) remove a hydrogen sulfide alarm panel, triplex pump skid and ancillary above ground equipment; (c) excavate and remove 10 to 15 feet of pipeline from either end of an approximately 800-foot long section of buried six-inch diameter oil pipeline near the existing Ellwood onshore oil processing facility; and (d) tap, drain, flush, and grout this approximately 800-foot long section of buried pipeline. The proposed project would take place at several sites in two areas, one in the Tecolote Creek riparian corridor and one surrounding an emergency access road near the existing Ellwood onshore oil processing facility.

ARCO coordinated early with the staffs of the City of Goleta, County of Santa Barbara, California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service and integrated their comments into the design of the project. A project Mitigated Negative Declaration (MND), certified by the City of Goleta and County of Santa Barbara, includes mitigation measures that have been incorporated by ARCO into its coastal development permit application request (several of these relevant measures are attached in Exhibit 3).

Nevertheless, proposed activities will result in the removal of roughly 200 square feet of wetland vegetation in the Bell Creek riparian corridor and approximately 3,305 square feet of wetland vegetation and habitat in the Tecolote Creek riparian corridor. ARCO will prepare and implement a Habitat Restoration and Monitoring Plan for all wetland and upland areas within the project's disturbance footprint. **Special Condition 1** of this permit would require that the plan be reviewed and approved by the Executive Director and that the plan include clear objectives for the achievement of 75 percent vegetative cover after three years with no more than 20 percent non-native species represented, and provide for the removal of existing invasive plants, the salvage, storage and replacement of excavated soil, the use of container stock in place of seed when possible, the collection and use of seed and/or cuttings from local sources, the use of plants appropriate for the habitat conditions and in adjacent areas, and the establishment of contingency measures if restoration objectives are not achieved.

The Commission staff further recommends in **Special Condition 2** that ARCO minimize the project disturbance footprint at all upland work sites and clearly mark the boundaries of each work site with construction and silt fencing to reduce the potential for project activities to adversely affect adjacent areas that qualify as environmentally sensitive habitat areas (ESHA).

The Commission staff recommends the Commission approve coastal development permit application E-10-009, as conditioned.

## 1 STAFF RECOMMENDATION

**Approval with Conditions**
The staff recommends conditional approval of the permit application.

**Motion:**

> *I move that the Commission approve Coastal Development Permit E-10-009 subject to conditions set forth in the staff recommendation specified below.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

**Resolution:**

> *The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## 2 STANDARD CONDITIONS

This permit is subject to the following 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. **Expiration**. 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. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. 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.

**5.** **Terms and Conditions Run with the Land**. 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.

## 3 SPECIAL CONDITIONS

This permit is subject to the following special conditions:

**1.** **Restoration of Project Site.** Prior to issuance of this permit, ARCO shall submit, for Executive Director review and approval, a Habitat Restoration and Monitoring Plan. This plan shall apply to all wetland and upland habitat areas within the proposed project's disturbance footprints and include: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) the use of container stock in place of seed whenever possible; (d) measures to minimize soil disturbance during site preparation and planting; (e) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (f) the restoration of native plant communities in areas from which non-native or invasive plants are removed; (g) performance criteria for each of the three years of post-planting site monitoring that include a goal of achieving a minimum of 75 percent native shrub cover of the project disturbance footprints with no invasive species, at least three species of shrubs from a list of appropriate species, each of which must be present with at least 10 percent cover, and no more than 20 percent cover of non-native species; (h) a requirement to obtain plantings from local sources (including seed and/or cuttings collected from the project site when possible); (i) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas; and (j) contingency measures in case performance criteria are not achieved.

Within 30 days of completion of pipeline and equipment removal and decommissioning activities, ARCO shall implement the approved Restoration and Monitoring Plan. Compliance with this plan shall include annual monitoring and reporting to the Executive Director for three years. If at the completion of the three year monitoring and reporting period (dated from the completion of planting activities), the Executive Director determines that the performance criteria described within the plan have not been met, ARCO shall submit, within 60 days of the Executive Director's determination, a new Restoration and Monitoring Plan for Executive Director review and approval.

**2.** **Minimize Project Disturbance Footprint.** To the maximum extent feasible, project activities at pipeline tap site #22, the hydrogen sulfide alarm panel site and the triplex pump removal site, including soil storage, equipment staging, site access, and the placement and operation of machinery and equipment, shall occur on the unpaved access road. Impacts to native vegetation shall be minimized. Prior to the initiation of pipeline infrastructure removal or excavation activities, a construction fence and silt screen shall be placed around the perimeter of project disturbance footprint at pipeline tap site #22 and the area from which the pump skid and associated piping will be removed. Openings shall be provided to allow access of personnel and equipment to this area.

# 4 FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

## 4.1 Project Description and Background

Starting in the 1930's, oil well drilling and extraction began at the Ellwood Field on what is now the Sandpiper Golf Course in northern Goleta. On-shore support facilities were placed in service during this time, including an oil pipeline connecting the former site of the Dos Pueblos oil processing facility (west of the Goleta city limit) with the existing Ellwood onshore oil processing facility (within Goleta City limits and currently owned by Venoco, Inc.). From 1996 to 1998, Atlantic Richfield Company (ARCO) decommissioned the Dos Pueblos facility and plugged its associated oil wells and pipelines.

Within the Goleta city limits, most of the six-inch diameter oil pipeline that connected the Dos Pueblos and the Ellwood onshore facilities was removed during construction of the Bacara Resort and Spa. However, segments of this pipeline were left in place. The abandoned pipeline segments include: (a) a section that lies across the Tecolote Creek creekbed; (b) a section that is suspended over Bell Creek; and (c) a third section that is buried underground along the western property line of the Ellwood onshore facility. Several above-ground pieces of mechanical and electrical pipeline equipment were also abandoned in place near the south and west sides of the Ellwood onshore facility.

In this application, ARCO proposes to:

- Remove an approximately 15-foot long portion of the pipeline from the bed of Tecolote Creek and two five-foot long segments from the east and west creek banks;
- Remove a triplex pump skid and associated piping near the south side of the Ellwood onshore facility;
- Remove a hydrogen sulfide alarm panel immediately west of the Ellwood onshore facility and near the edge of the Bell Creek riparian corridor; and
- Tap, drain, flush and grout an approximately 800-foot long section of buried pipeline that is to remain abandoned in place and excavate and remove two fifteen-foot long segments from each end of this pipeline.

These activities would be carried out at two distinct project areas, one area within and adjacent to Tecolote Creek and another area along the edge of the Bell Creek riparian corridor near the edge of the Ellwood onshore facility. The pipeline section suspended over Bell Creek is co-located with an active high pressure natural gas line and would not be affected by the proposed project due to safety considerations associated with carrying out removal activities in close proximity to the active line.

The two proposed pipeline excavation locations – one at each end of the 800-foot pipeline - are labeled as pipeline tap site #21 and pipeline tap site #22 on Exhibit 1. Tap site #21 is located within the gravel access road adjacent to the Ellwood onshore facility and tap site #22 is located adjacent to the triplex pump skid removal site.

All of the proposed project sites are within the coastal zone of the City of Goleta. Since the City of Goleta does not yet have a Commission-certified Local Coastal Program (LCP), the

Commission retains coastal development permitting authority within the coastal zone in Goleta and the Coastal Act is the standard of review. In March of 2010, the City of Goleta and County of Santa Barbara certified a Mitigated Negative Declaration for the project.

### 4.2 Wetlands

Coastal Act § 30233 states:

> *(a) The diking, filling, or dredging of open coastal waters, 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:*
>
> …
> *(6) Restoration purposes.*
>
> …
> *(b)…*
> *(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.*

The proposed project would result in disturbance (filling and/or dredging) to approximately 3,305 square feet of wetland vegetation within the Tecolote Creek riparian corridor and approximately 200 square feet of wetland vegetation within the Bell Creek riparian corridor.

*Tecolote Creek*

The project activities proposed for the Tecolote Creek area would unavoidably affect wetlands within the creek and its associated riparian corridor near the Hollister Avenue Bridge. Tecolote Creek passes under this bridge and terminates at Haskell's Beach approximately 600 feet downstream of the project site proposed for this area.

The proposed work area within the Tecolote Creek riparian corridor includes a pedestrian and mini-excavator access trail on each side of the creek, two temporary creek overcrossings, an equipment set-down/staging area and the pipeline removal work site itself. In total, ARCO anticipates that about 3,305 square feet of wetlands would be temporarily filled or removed as project equipment and materials are staged, transported and brought into service during the proposed activities within and alongside Tecolote Creek. This 3,305 square foot area includes a five-foot wide by 15-foot long section of creek bed surrounding the pipeline that may be temporarily disturbed if ARCO determines that the pipeline needs to be dredged or exposed prior to extraction. The proposed wetland disturbance area also includes a five-foot long by two-foot wide section of each of the two creek banks that would be excavated to expose the pipeline for cutting and grouting.

The pipeline removal site access path is proposed to begin on the inland side of the Hollister Avenue Bridge. The path would leave Hollister Avenue and enter a wetland area within the

creek corridor that is relatively open and devoid of large trees. The access path would then cross under and continue beneath the Hollister Avenue Bridge in an area that has minimal large vegetation due to shading effects from the bridge. In addition to the removal of some wetland vegetation from within the route of this access path, ARCO also proposes to place construction mats, pads, fencing, silt screens and other materials within this wetland area. The placement of these materials would result in the temporary fill of wetlands. The first of the two proposed temporary gangway creek crossings would also be installed beneath the bridge to reduce the likelihood that vegetation on the creek banks would need to be cleared during installation. This temporary bridge, as well as the other one proposed for further downstream, would cause the temporary fill of wetland habitat.

ARCO also proposes a 625 square foot staging area on the seaward side of the bridge, near the pipeline removal site but also near enough to the bridge to allow a crane to be used from Hollister Avenue to lower material and equipment into the creek corridor. The use of this crane would allow ARCO to minimize the size of the access trail since it would not be necessary to drive the excavation equipment to the staging area. Although the proposed staging area is wetland habitat, it also supports a small stand of non-native London plane maple trees. The proposed removal of six of these trees would decrease the amount of native vegetation that would need to be removed to make space for the staging area and would provide an opportunity for the eventual re-colonization of this site with native riparian plant species. The storage of project equipment and materials at this staging area would result in the temporary fill of the wetland habitat.

Depending on the condition and location of the pipeline in the creek, ARCO may use the crane from Hollister Avenue to lift out the entire 15-foot long pipeline section or use the mini-excavator (a miniature "Bobcat" type construction vehicle) to drag out the pipeline by attaching lifting slings to it. If neither of these methods is feasible, ARCO would move the mini-excavator into the creek and use its front bucket to expose and loosen the pipeline from the sediment and vegetation debris that may be covering it in the creek. Removal of sediment, vegetation and debris from the creek in this way would be considered dredging within wetlands. At maximum, this activity would disturb a five-foot wide by fifteen-foot long portion of the creek bed.

ARCO also proposes to use hand tools to excavate an approximately five-foot long by two-foot wide trench from each bank of Tecolote Creek. These trenches would expose buried sections at each end of the pipeline segment and allow ARCO to cut the pipeline in preparation for its removal. These proposed excavations, to be carried out within wetland areas, also constitute dredging. ARCO proposes to preserve all excavated soil onsite and use it to backfill these trenches once pipeline removal activities are completed.

*Bell Creek*
Disturbances to approximately 200 square feet of wetlands along the outer edge of the Bell Creek riparian corridor would also occur during the pipeline decommissioning activities at pipeline tap site #22 and the removal of the triplex pump skid and ancillary piping from the adjacent area.

ARCO proposes to excavate roughly 15 feet of the buried pipeline at tap site #22 with a trench measuring 20 feet long, four feet deep and four feet wide. A backhoe or small excavator would be used to dig this trench and once established, a small sheet metal trench box would be installed in the trench as a safety precaution and to stabilize the loose soil. Once the pipeline has been exposed, ARCO would install a tap device to allow the pipeline to be drained and flushed in a controlled manner before the 15 foot pipeline section is cut and removed to facilitate grout injection. Although the pipeline and pump skid are not currently within wetlands, these activities would require the removal of wetland vegetation from the adjacent Bell Creek riparian corridor as well as the temporary placement of machinery, equipment and materials in areas that support wetland vegetation and habitat. Similarly, the proposed removal of the triplex pump skid, footing, and ancillary piping would require excavation activities and temporary placement of equipment and materials within wetland areas adjacent to the site of the pump skid and its concrete footing pad. All project staging, soil storage and most access to these sites would occur on the gravel access road located roughly six feet away.

The activities described above constitute "filling" and/or "dredging" of wetlands and are only allowable under the Coastal Act if three tests are met: (1) filling and/or dredging must constitute an allowable use under Section 30233(a); (2) there is no feasible less environmentally damaging alternative; and (3) feasible mitigation measures will be provided to minimize any adverse effects.

*Restoration Purposes*
The purpose of placing the temporary fill and removing small areas of wetland vegetation is to remove old oil pipeline segments and other oil infrastructure that were originally constructed in wetland areas. Removal of this infrastructure will result in the restoration of these wetland areas and therefore is an allowed use under Coastal Act Section 30233(a)(6).

Currently, the abandoned oil pipeline that is exposed in Tecolote Creek is slowly corroding. This pipeline was installed several decades ago and may not be properly abandoned in place. The pipeline has the potential to leak, spill or deposit potentially hazardous materials into the surrounding environment as it breaks down due to weathering and corrosion. In addition, the site occupied by this pipeline segment does not provide the same habitat value and ecological benefits as surrounding areas that are in a more undisturbed condition and do not contain oil transport infrastructure. Wetland areas in coastal Goleta near the proposed project site are known to support a variety of rare and sensitive habitats, plants and animal species, including the red-legged frog and tidewater goby. The wetland area in Tecolote Creek that is currently occupied by abandoned oil transport infrastructure is likely to provide more valuable habitat once this infrastructure is removed.

In addition, this pipeline segment acts as a partial dam, trapping sediment and vegetative debris on the pipeline's upstream side. Water typically continues to move over the top of the pipeline but its presence interferes with the natural rate of creek flow and potentially obstructs the movement of aquatic animal species, especially during times when there is a small volume of water in the creek. As noted in the project Mitigated Negative Declaration, "this project serves as a restoration and enhancement project as removal of the pipeline in Tecolote Creek will

improve creek flow and…prevent any potential spills of residual hydrocarbons from the lines…".

Although the activities proposed for the wetlands in and around both Tecolote Creek and the pump skid/tap site #22 would result in the temporary disturbance and removal of wetland vegetation and habitat, once the abandoned pipeline is removed and these sites are re-vegetated and allowed to recover, they each would attain a condition similar to that which existed prior to the initial installation of the pipeline. With the removal of the pipeline and its equipment, the value of these sites as functional wetland habitats would be increased; the hydrology of the Tecolote Creek would be improved; and the potential for hazardous or foreign materials to be released from the corroding pipeline or pump equipment into Tecolote and Bell Creeks and their surrounding wetlands would be eliminated. The pipeline removal activities proposed for the Tecolote Creek and Bell Creek wetlands would therefore contribute to the restoration of these sites.

The Commission therefore finds that the proposed project is for "restoration purposes" and is allowable under the first test of Coastal Act Section 30233(a).

*Alternatives*
The second test of Coastal Act Section 302233(a) requires there to be "no feasible less environmentally damaging alternative."

ARCO and Commission staff considered a number of potential options for the pipeline removal activities proposed for Tecolote Creek. These alternatives included several options for providing construction personnel and equipment access to the site, a variety of equipment configurations, and different methods for the disconnection and extraction of the pipeline. For example, the original pipeline removal concept for Tecolote Creek was for ARCO contractors to install a temporary cofferdam, dewater the creek in the location of the pipeline and use hand labor in the creek to expose and cut the pipe into small pieces that could be carried out of the creek by hand. Because a six inch steel pipe filled with concrete grout weighs roughly 61 pounds per foot, in order for this process to work with hand labor, the pipe would have to have been cut into approximately one foot sections. ARCO rejected this concept because it would have required substantial work within the sensitive creek bed and likely safety issues (associated with workers in slippery conditions trying to cut and carry heavy pipe sections).

Another cut and lift alternative that was considered by ARCO was to use hydraulic or pneumatic jacks to lift the pipe out of the creek so that it could be dragged/pulled to the creek bank for cutting. ARCO also identified significant environmental and safety issues associated with this approach:

> *Any type of jacking operation requires a firm level surface. The Tecolote Creek bank is neither a firm or level surface so significant ground disturbance in the area of the creek bank(s) would have to be completed in order to make a firm and level surface for the jacking equipment. In addition, the amount of sediment, dead tree branches, etc. that may be covering the pipe at the time of removal is unpredictable. In order to safely lift the pipe with a jacking system in this environmentally sensitive area, any sediment, dead*

> *tree branches, etc. covering the pipe would have to be removed by hand labor with workers tromping all around in the creek bed.*

The Commission agrees that the proposal for the Tecolote Creek area is the least environmentally damaging alternative because it: (1) includes the use of the shortest possible personnel and equipment access corridor to reduce the amount of habitat disturbance; (2) would make use of a crane located on the Hollister Avenue Bridge to place and remove the larger and more unwieldy pieces of equipment from the site and staging area so that ARCO can minimize the size and width of access routes; (3) includes the use of temporary gangway overcrossings to allow project personnel and equipment to remain out of Tecolote Creek during all project phases except removal of the pipeline itself; (4) has been designed to avoid use of the most densely vegetated areas along the stream banks; (5) includes the placement of the staging area within a stand of non-native London plane maple trees to avoid the need to remove additional native willow trees; (6) would make use of the crane at the Hollister Avenue Bridge to extract the pipeline segment and debris once they have been removed to avoid the need to bring a vehicle to the project site; (7) would avoid dewatering or diversion of Tecolote Creek; and (8) would make use of hand tools and human labor whenever possible to reduce the overall project footprint and allow for more delicate procedures that would reduce habitat and vegetation disturbance.

ARCO also considered various alternatives for the equipment removal and pipeline decommissioning activities proposed adjacent to the Bell Creek riparian corridor. These alternatives included different techniques for the extraction and removal of the pump skid as well as different sized excavations to facilitate cleaning and grouting the 800-foot pipeline segment. Although it may be possible to accomplish the draining, cleaning and grouting of the buried pipeline with a smaller excavation footprint, the larger sized trench would provide project personnel with the additional space necessary to install and more safely operate both the decommissioning machinery and spill prevention and containment equipment. The proposed technique to be used for the removal of the pump skid – pulling it from the ground with a crane operated from the nearby gravel access road – requires less excavation, ground disturbance, risk of spill and loss of wetland vegetation than alternative removal options such as excavation and piecemeal breakdown and extraction.

ARCO's proposal for the Bell Creek area is the least environmentally damaging alternative because it would restrict activities to the gravel access road whenever possible; would include the minimum sized pipeline trench necessary to achieve safety and spill prevention/containment priorities; and would only include the removal of the equipment and infrastructure most likely to result in continuing adverse impacts to nearby biological resources.

Commission staff also considered the "no project" alternative, in which the abandoned pipeline would remain in place in the Tecolote Creek, the pump skid would remain adjacent to the Bell Creek riparian corridor and the 800-foot long pipeline section would not be cleaned and decommissioned. While the proposed project results in short-term impacts, the Commission believes this alternative would not be less environmentally damaging than the proposed pipeline and equipment removal and decommissioning activities because the presence of the pipeline across the bed of Tecolote Creek has the potential to result in lasting adverse impacts to the hydrology of the creek and the movement and behavior of aquatic life within it. Further, the

continued corrosion and decay of the both the buried and exposed pipeline segments and the pump skid would be likely to result in the release of materials and substances into wetlands, creeks and downstream coastal areas that may be hazardous or harmful to aquatic and marine life and their habitats.

The Commission therefore finds that the proposed project meets the second test of Coastal Act Section 302233(a) and that there is "no feasible less environmentally damaging alternative."

*Mitigation Measures*
The third and final test for a proposed project involving filling and dredging is that "feasible mitigation measures have been provided to minimize adverse environmental effects." The proposed project, which incorporates mitigation measures identified in the project Mitigated Negative Declaration, includes a variety of measures to avoid and minimize potential and anticipated adverse environmental impacts to wetlands. As discussed below in the descriptions of Special Conditions 1 and 2, additional measures have also been developed that would further mitigate adverse impacts.

Approximately 3,305 square feet of the proposed project's disturbance footprint is within the Tecolote Creek wetland and approximately 200 square feet is within the Bell Creek wetland. Based on six separate botanical surveys carried out in 2006 and 2007, these wetland areas are comprised of plant species representing a southern mixed riparian forest - predominantly native western sycamore, arroyo willow, shining willow, red willow, white alder, cattail, and bulrush. No federally or state listed endangered or threatened plant species were observed at either project site during these surveys but the federally endangered tidewater goby (*Eucycloglobius newberryi*) and threatened red-legged frog (*Rana aurora draytonii*) are both known to be present near the proposed Tecolote Creek work site. In addition, Tecolote Creek is designated critical habitat for the federally endangered Southern California District Population Segment of steelhead (*Oncorhynchus mykiss*). Standing or running water can be found in Tecolote Creek during most of the year, but water levels typically decline throughout the summer months and reach a minimum in late summer/early fall.

During all of the proposed activities, ARCO has committed to limiting the removal and disturbance of vegetation and underlying soil by routing access trails and equipment lay-down areas around densely vegetated areas and avoiding trees whenever possible. In addition, ARCO has also proposed to use construction mats or plywood planking to ensure that the size of the access corridor in the Tecolote Creek riparian corridor is kept to a maximum of six feet wide. This would reduce the amount of soil disturbed during ingress and egress and disperse the weight of passing personnel and equipment so that damage to underlying vegetation and soil is minimized. Plastic construction fencing would also be used in the Tecolote Creek area to additionally demarcate access paths and keep sensitive wildlife, such as red-legged frogs, from active project areas. Silt fencing would be used around all staging areas, access paths and project sites to reduce the potential for silt and loose soil to enter Tecolote Creek and Bell Creek. If it becomes necessary for project personnel to enter Tecolote Creek to expose the pipeline prior to extraction, ARCO would install silt curtains on both sides of the pipeline corridor to contain any turbidity or sediment that may be disturbed during this activity. No activities would occur in

Bell Creek and personnel and equipment would be maintained at a maximum distance from this creek at all times.

ARCO proposes to carry out the project between September 1st and October 31st (anticipated in 2011), outside of the steelhead migration season and typical tidewater goby and red-legged frog breeding seasons. This is also the time of year when stream flow is lowest and water quality conditions (salinity, dissolved oxygen levels, temperature, etc.) in the section of Tecolote Creek that passes through the project area are less than optimal for these species. Based on input and consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the project would occur when steelhead are not expected to be present in the project area and when tidewater gobies and red-legged frogs are not undergoing sensitive life stages. ARCO also does not propose to dam, divert or pump water from Tecolote Creek and the water level would not be intentionally lowered during project activities.

Although the pipeline segment in Tecolote Creek was reportedly filled with grout upon abandonment, ARCO also proposes to use non-destructive techniques to ensure that the pipeline does not contain residual oil or other fluids prior to its cutting and removal. Collection pans and absorbent containment materials would be strategically placed at each pipeline cut site prior to cutting to further protect against the accidental release of hazardous materials and pipeline debris into wetland areas. Debris and contaminants that may be captured by this containment system would be immediately removed from the site and disposed in an appropriate offsite facility. Each open pipe end would also be grouted and capped after a cut is made and ARCO would adhere to the Oil Spill Prevention and Contingency Plan developed with the project work plan. These protocols would also be in effect during the cleaning and decommissioning of the buried pipeline section and the removal of the pump skid.

As noted above, ARCO has also incorporated into its project mitigation measures identified in the project Mitigated Negative Declaration. These measures establish clear wetland habitat and sensitive species protection and impact avoidance/minimization protocols that would be followed during the proposed project. For reference, an excerpt of the Mitigated Negative Declaration biological resource protection measures is included in Exhibit 3. Some of these key mitigation measures include: (1) establishing an employee environmental awareness and mitigation monitoring plan to train employees and contractors prior to the initiation of the project; (2) pre-construction surveys for nesting birds and the establishment of a 300-foot buffer area around active nests; (3) provisions for onsite biological monitors to ensure that project personnel adhere to mitigation and avoidance measures and to address any biological issues that may arise; (4) establishment of equipment washing sites outside of wetlands and sensitive resource and habitat areas; (5) protocols for the unanticipated and incidental take of protected species; (6) waste management protocols and disposal requirements; (7) requirements for the use of sediment fencing, silt curtains and other materials to isolate project work areas; (8) strict limitations on the presence of project personnel and equipment within Tecolote Creek; (9) equipment storage protocols and refueling measures; (10) precautionary measures to ensure that red-legged frogs are excluded from the work areas and access paths; (11) habitat restoration provisions; (12) requirements to carry out the project during the local dry season to minimize in stream work and downstream siltation/disturbance; and (13) adherence to the Declining Amphibian Population

Task Force's Code of Practice to avoid transferring disease or pathogens between aquatic habitats during the project.

Finally, the March 13, 2009, Biological Opinion developed by the U.S. Fish and Wildlife Service for this project establishes a variety of specific terms and conditions for the protection of the federally endangered tidewater goby and threatened red-legged frog. These 23 conditions are required to be incorporated into the U.S. Army Corps of Engineers authorization for this project. Some of these relevant conditions include requirements to use environmental monitors, carry out activities outside of the typical tidewater goby breeding season (April and May), avoid refueling activities within 20 feet of aquatic habitat, limit the number and size of staging areas and access routes, control erosion, manage waste, and remove and control exotic plant and animal species.

Despite these measures, the proposed project would still result in the disturbance (filling and/or dredging) of approximately 3,305 square feet of riparian wetlands around Tecolote Creek and 200 square feet around Bell Creek. Proposed project activities within the Tecolote Creek riparian corridor would require approximately 30 days to complete, during which time wetland areas would be occupied by project equipment and materials, including planking, creek crossing gangways and temporary plastic fencing.

To further ensure that these activities do not result in long term adverse impacts to Tecolote Creek, Bell Creek, their riparian wetland corridors, or nearby coastal resources, the Commission is requiring in **Special Condition 1** that the Habitat Restoration and Monitoring Plan required by the City of Goleta in mitigation measure CITY BIO-16 of the MND also be submitted to the Executive Director for review and approval. ARCO has committed to include in this plan the restoration and native plant re-vegetation of all upland vegetation and riparian wetland habitat areas within the project's disturbance footprints. Additionally, the Commission is requiring in **Special Condition 1** that this restoration plan include performance criteria, monitoring requirements and contingency measures to ensure that wetland areas within the project's disturbance limits recover in a timely manner. Specifically, the plan shall provide for: (a) the removal of non-native and invasive plant species from within the project disturbance footprints; (b) the salvage, preservation and replacement of excavated soil; (c) the use of container stock in place of seed whenever possible; (d) measures to minimize soil disturbance during site preparation and planting; (e) the installation of different plant species in different zones that reflect the habitat present in or adjacent to those zones; (f) the restoration of native plant communities in areas from which non-native or invasive plants are removed; (g) the establishment of performance criteria for each of the three years of post-planting site monitoring that reflect an ultimate goal of achieving a minimum of 75 percent native shrub cover of the project disturbance footprints with no invasive species, at least three species of shrubs from a list of appropriate species, each of which must be present with at least 10 percent cover, and no more than 20 percent cover of non-native species; (h) a requirement to obtain plantings from local sources (including seed and/or cuttings collected from the project site when possible); (i) a primary focus on the restoration of areas directly adjacent to and/or contiguous with existing native habitat areas; and (j) contingency measures in case performance criteria are not achieved.

Similarly, the Commission is requiring in **Special Condition 2** that all feasible measures are taken to minimize the size and scope of the project disturbance footprint at pipeline tap site #22,

the hydrogen sulfide alarm panel site and the pump skid removal site. **Special Condition 2** also requires that both construction fencing and silt fencing be installed around the perimeter of these work sites prior to initiation of excavation and equipment removal activities and that these fences remain in place until equipment removal, excavation and backfill activities have been completed at this location. The use of this fencing would limit the potential for debris and sediments to enter adjacent habitat areas during project activities and would reduce the likelihood that project activities would occur outside of the project disturbance footprint at this site.

For the reasons described above and with the addition of **Special Conditions 1 and 2**, the Commission believes that all feasible measures will be undertaken to minimize adverse environmental impacts and that wetland areas unavoidably disturbed by project activities will be restored in a timely manner. The Commission therefore finds the project, as conditioned, consistent with the final test of Coastal Act Section 30233.

### 4.3 Hazardous Substance Spills and Water Quality

Coastal Act § 30231 states:

> *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.*

Coastal Act § 30232 states:

> *Protection against spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Although the purpose of this project is to remove an old oil pipeline and several associated pieces of equipment to prevent spills, leaks and debris from adversely impacting surrounding habitat areas, nevertheless, the conduct of the proposed removal activities presents a variety of opportunities for spills of potentially hazardous materials. In addition, the close proximity of the project site to the open waters of Tecolote Creek presents a potential water quality risk. Further, cutting and exposing the pipeline in this area, although it is expected to be grouted and free of oil, poses some risk that contaminated liquids could be spilled. Similar risks would also be present during the proposed tapping, draining, flushing and grouting of the 800-foot long buried pipeline section adjacent to the Ellwood onshore facility.

To address these potential spill risks, ARCO has developed an Oil Spill Prevention and Contingency Plan that would be implemented and followed during all phases of the proposed project. This plan identifies all potential oil spill sources and provides an overview of the

measures incorporated into the project design to minimize the potential for a spill to occur and the procedures and protocols that would be used in the event an oil spill does occur. For example, ARCO's spill plan notes that spill containment and clean-up equipment would be present at each work site, including absorbent booms, sorbent pads, waste storage drums, personal protective equipment, and clean-up tools and bags. The plan also notes that ARCO would maintain a spill response team onsite to handle all minor spills and would establish a partnership with a professional oil spill response organization that would be able to immediately respond in case a larger spill occurs. ARCO's Oil Spill Prevention and Response plan also describes the emergency notification procedures that would be followed during and after a spill to ensure that proper oversight, containment and safety priorities are met. In addition to considering possible spills from the abandoned pipelines, the plan also establishes protocols to minimize and contain potential spills from project equipment and from active oil, gas and water pipelines that are located in the project area.

The County of Santa Barbara and City of Goleta have also developed a variety of oil spill prevention, clean-up and contingency protocols for the proposed project. These protocols are included in the project MND as mitigation measures and have been included by ARCO in the project description submitted as part of the coastal development permit application. These mitigation measures include requirements to tap and drain all project pipelines prior to cutting, implement the project Oil Spill Prevention and Contingency Plan, adhere to local health and safety policies, establish alternative emergency site access provisions, and notify appropriate regulatory agencies if contaminated soils are discovered on site during project work.

In addition, ARCO has incorporated a variety of spill prevention measures into its pipeline removal and abandonment work plans. In Tecolole Creek, the pipeline would be evaluated prior to cutting to confirm that it has been filled with concrete or "grouted" in the past (such testing would not occur on the 800-foot pipeline proposed for decommissioning because this pipeline is known to be ungrouted). If this non-destructive test reveals an absence of grout in the pipeline, ARCO would tap the pipeline and drain it into an appropriately sized storage drum that could be safely removed from the site. If the pipeline is grouted, spill containment pans and sorbent pads would nevertheless be strategically positioned below the cut site to capture any residual liquids or grout debris from within the pipeline. Similar containment techniques would also be used during pipeline tapping and draining activities. All open pipeline segments would also be capped prior to removal or abandonment/reburial.

Pipeline tapping, draining and flushing is also proposed to be carried out on the 800-foot buried pipeline prior to its abandonment in place. Spill prevention and containment measures would be carried out throughout this process and once completed, the 800-foot buried pipeline segment would be cut open at tap site #21 and tap site #22 to facilitate the grouting process. Containment materials would remain onsite during this process as well and the injection of concrete grout slurry into the pipeline would also be carried out in conformance with all relevant spill containment protocols.

With the implementation of ARCO's Oil Spill Prevention and Contingency Plan and the relevant Santa Barbara County and City of Goleta mitigation measures detailed in the project Mitigated Negative Declaration, the Commission finds that protection against adverse water quality

impacts and the spillage of hazardous substances will be provided and effective containment and cleanup facilities and procedures shall be available. The Commission therefore finds that the project is consistent with Coastal Act Sections 30231 and 30232.

### 4.4 Environmentally Sensitive Habitat Areas

Coastal Act § 30240(b) states:

> *(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.*

Coastal Act § 30107.5 defines "environmentally sensitive area" to mean:

> *…any area in which plant or animal life or their habitats area either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The proposed upland project area is comprised of two primary work sites, as shown on the site plan in Exhibit 1 and the site photographs in Exhibit 2. One site currently supports an above-ground hydrogen sulfide alarm panel and buried electrical conduit. The other site supports a triplex pump skid and associated piping infrastructure and is adjacent to pipeline tap site #22, the site from which one end of the 800-foot long buried pipeline segment is proposed to be excavated to facilitate draining, flushing, and grouting activities. An additional work site, pipeline tap site #21, is located within the footprint of an unpaved access road.

*Hydrogen Sulfide Alarm Panel Site*

The hydrogen sulfide alarm panel and associated electrical conduit are located roughly fifty feet from a gravel access road, in a previously disturbed area dominated by invasive ruderal vegetation and non-native grasses, as shown in Exhibit 2. Biological surveys of this site have noted that a variety of plant species representing the Venturan sage scrub and oak woodland habitat communities can be found adjacent to this site. Additionally, the hydrogen sulfide alarm panel is located approximately 15 feet from the base of a mature coast live oak tree and within its drip line (the area located directly under the outer circumference of the tree's branches). Both coastal sage scrub and oak woodland habitat communities are typically considered to be environmentally sensitive habitat areas (ESHA) by the Commission. The City of Goleta General Plan/Coastal Land Use Plan Conservation Element also designates Venturan coastal sage scrub as ESHA. The alarm panel instruments are mounted on a piece of plywood supported off the ground by two wooden four-inch by four-inch support posts set into the ground.

ARCO has proposed to remove both the alarm panel and conduit in a minimally disruptive manner that is not anticipated to adversely affect adjacent ESHA. Specifically, ARCO proposes to use hand tools to expose the conduit to a depth of one foot and cut the depowered conduit with cable cutters. Once the conduit has been cut, the excavation would be refilled with the removed soil and a small crane would be used to extract the alarm panel from afar. The crane would be

sited on the nearby gravel access road and would lift and pull the alarm panel away from the trunk of the tree and place it on the access roadway for subsequent breakdown and removal.

Removal of the alarm panel will require soil disturbance/digging and vegetation removal within an approximately ten square foot area. This is the area in which the two four-inch by four-inch posts and their footings would be removed and from which the electrical conduit would be excavated. Although currently dominated by non-native vegetation (primarily non-native grasses), this area is on the edge of both oak woodland and coastal sage scrub habitat areas and also has the potential to support the community of plant and animal species that make up these habitats. However, the proposed disturbance and removal of soil and vegetation from this area is likely to facilitate both the spread and re-colonization of invasive and non-native plant species. Many of the non-native plant species that are currently found in this area are ruderal species that specialize in quickly colonizing recently disturbed soils. The growth and expansion of these plants in an area adjacent to ESHA has the potential to adversely affect ESHA due to the increased potential for competition between native and non-native vegetation and edge effects on the margins of ESHA habitat. As part of the proposed project, ARCO has committed to including the re-vegetation of this approximately ten square foot area with native plants in the scope of the Habitat Restoration and Monitoring Plan that is required by **Special Condition 1** of this permit.

Restoration of this disturbed area shall include the removal of invasive vegetation from within the project's disturbance limits and the planting of both native coastal sage scrub and oak woodland species where appropriate. Invasive plant species would be removed to help ensure that these species do not immediately colonize areas disturbed during project activities and to remove competition from existing and planted native plants in and adjacent to the restoration area. It is anticipated that upon the completion of habitat restoration activities at this site, it will provide a contiguous expansion of adjacent coastal sage scrub and/or oak woodland ESHA.

*Pump Skid Site and Tap Site #22*
The proposed excavation area at pipeline tap site #22 is adjacent to the site from which the triplex pump skid, electric motor and ancillary piping would be removed. The total project footprint at this site is approximately 340 square feet. On one side, this area is adjacent to the gravel access roadway that passes along the edge of the Ellwood onshore facility.

Roughly half of this project site is dominated by a mix of non-native ruderal plant species while the other half supports riparian wetland vegetation at the outer edge of the Bell Creek riparian corridor. The buried pipeline corridor and above-ground pump skid intersperse both vegetation communities and biological surveys have estimated that project activities would require the temporary filling of roughly 200 square feet of wetlands. Activities proposed to occur within this wetland area are discussed in the previous section of this report on wetlands. A portion of the remaining 140 square foot area within the project's disturbance limits is located adjacent to coastal sage scrub habitat.

As noted above, the City of Goleta and Commission typically consider locations that support coastal sage scrub to be ESHA. Although coastal sage scrub ESHA exists adjacent to the project footprint at this site, ESHA does not exist within the project disturbance limits. This is primarily

due to the proximity of the access road to the project site, the dominance of invasive ruderal vegetation, the lasting effects of previous disturbance from grading, vegetation removal and excavation during the installation and maintenance of the existing oil transport infrastructure, and the continuing disturbance caused by the presence of this infrastructure.

Activities proposed for this area include the excavation of an approximately 15-foot long by four-foot wide by four-foot deep trench along the buried oil transport pipeline corridor. This excavation would be carried out both by hand and machine and would ultimately expose the final 15 feet of the six-inch oil pipeline, its connection to the pump skid and entrance into the wooden pipeline vault box that is located adjacent to the pump skid. Once exposed, the pipeline would be tapped, drained and flushed prior to the cut and removal of its final 15 feet. Once this section has been removed, concrete grout would be injected into the pipeline to complete its decommissioning and prepare it to be abandoned in place. Spill prevention and contingency protocols would be used during these activities. In addition, the abandoned triplex pump skid and associated piping would also be removed from this area. ARCO has proposed to carry out this activity through the use of a crane placed on the nearby gravel access road. This crane would lift the pump skid from the ground and place it on the gravel road for break-down and removal. Because the pump skid is attached to a concrete footing, some minor excavation may be required around the edge of the footing to facilitate its removal.

Due to the presence of sensitive habitats adjacent to the project site, the Commission is requiring in **Special Condition 2** that all feasible measures are taken to minimize the size and scope of the project disturbance footprint at pipeline tap site #22 and the pump skid removal site and that the removal of native vegetation is minimized. **Special Condition 2** also requires that both construction fencing and silt fencing be installed around the perimeter of the work sites prior to initiation of excavation and equipment removal activities and that these fences remain in place until equipment removal, excavation and backfill activities have been completed at this location. The use of this fencing would limit the potential for debris and sediments to enter adjacent habitat areas during project activities and would reduce the likelihood that project activities would occur outside of the project disturbance footprint at this site.

As part of the project, ARCO has also committed to including the re-vegetation and restoration of the pump skid removal site and tap site #22 in the scope of the Habitat Restoration and Monitoring Plan that is required by **Special Condition 1** of this permit.

With implementation of **Special Conditions 1 and 2** the Commission believes that all feasible measures will be undertaken to prevent impacts to ESHA located adjacent to the project sites and that the project is compatible with the continuance of those habitats. The Commission therefore finds the project, as conditioned, consistent with Coastal Act Section 30240(b).

### 4.5 Public Access

Coastal Act § 30211 states:

> *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.*

Although no project activities are proposed to occur on or adjacent to the beach, both proposed project sites would make use of Hollister Avenue, a public road that serves coastal access resources in the project area - a public parking lot and pedestrian trails at the Bacara Resort that provide access to Haskell's Beach. In addition to using Hollister Avenue to provide access to the project sites for project personnel and equipment, ARCO also proposes to operate a crane from the Hollister Avenue Bridge to facilitate the placement and removal of equipment from the Tecolote Creek work site and staging area.

Hollister Avenue near the bridge over Tecolote Creek consists of two vehicular traffic lanes separated by a center median, two bicycle lanes, and one pedestrian sidewalk. One vehicular traffic lane provides travel in the eastbound direction and the other lane provides for westbound travel. Each vehicular traffic lane measures 16 feet in width. The width of the center median varies from 16 feet on the eastern side of the bridge to three feet on the western side of the bridge. Each bicycle lane measures seven feet wide and the sidewalk measures five feet wide. The total length of the bridge is 172 feet.

Positioning a crane on Hollister Avenue would require temporary closure of one of the two existing traffic lanes and a temporary restriction of pedestrian and bicycle traffic. The crane would be positioned just to the east of the bridge in the eastbound traffic lane of Hollister Avenue. The eastbound traffic lane and associated pedestrian and bicycle lanes on Hollister Avenue would be temporarily closed during mobilization and operation of the crane. These temporary lane closures would be short-term and stationary. ARCO anticipates that lane closures would be needed several times over the September 1st to October 31st (anticipated to be carried out in 2011) project timeline but that each closure would last for no more than several hours. During all project activities, the westbound traffic lane would remain open and would be adjusted to allow vehicle traffic to bypass the construction zone in alternating directions. The shoulder of the bypass lane would also provide continuous opportunities for pedestrian and bicycle traffic to safely transit through the construction zone. To limit the size of the construction zone, construction equipment not actively engaged in work activities would not be parked in the immediate work vicinity.

Adequate parking areas exist nearby to accommodate construction vehicles and equipment. In order to minimize traffic congestion and to avoid the loss of limited public beach parking off of Hollister Avenue, most workers would park off site at a designated location (Sandpiper Golf Course) and be brought to the work areas by van pool operated by a professional driver. ARCO would not make use of any public beach parking areas for project activities, staging or vehicle storage.

With the implementation of the proposed measures to ensure that public beach parking in the area is not adversely affected and vehicle, pedestrian and bicycle traffic would be able to proceed on Hollister Avenue in a safe manner during the proposed project, the Commission finds the project would not interfere with the public's right of access to the sea and would be therefore be consistent with Coastal Act Section 30211.

## 5 CALIFORNIA ENVIRONMENTAL QUALITY ACT

In March 2010, the City of Goleta and the County of Santa Barbara, acting as "co-leads" under the California Environmental Quality Act (CEQA), certified a Mitigated Negative Declaration (MND) for the proposed project. The MND includes a variety of mitigation measures that ARCO has incorporated fully as part of the project proposed in this coastal development permit application. Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the Commission finds that the proposed project is consistent with CEQA.

## APPENDIX A

Substantive File Documents

SECOR International Incorporated, Project Work Plan – Atlantic Richfield Company Dos Pueblos Pipeline Removal Project, September 2007.

County of Santa Barbara and City of Goleta, Final Mitigated Negative Declaration – ARCO Pipeline Removal Combined Project, February 2010.

County of Santa Barbara, Coastal Development Permit 09CDP-00000-00039, March 10, 2010.

City of Goleta, Partial Planning Commission Meeting Minutes, March 8, 2010.

U.S. Fish and Wildlife Service, Biological Opinion for the Dos Pueblos Pipeline Removal Project, Santa Barbara County, California (1-8-08-F-26), March 13, 2009.

National Oceanic and Atmospheric Administration, consultation letter to U.S. Army Corps of Engineers, May 12, 2009.

California Regional Water Quality Control Board, Water Quality Certification Number 34209WQ03 for the Dos Pueblos Pipeline Removal Project, Santa Barbara County, May 4, 2010.

California Department of Fish and Game, Letter to Santa Barbara County Planning re: Notice of Completion of a Draft Mitigated Negative Declaration for the ARCO Pipeline Removal Project SCH #2010011008, February 8, 2010.

Exhibit 1 – Project Site


**EXHIBIT 1**

Site Map

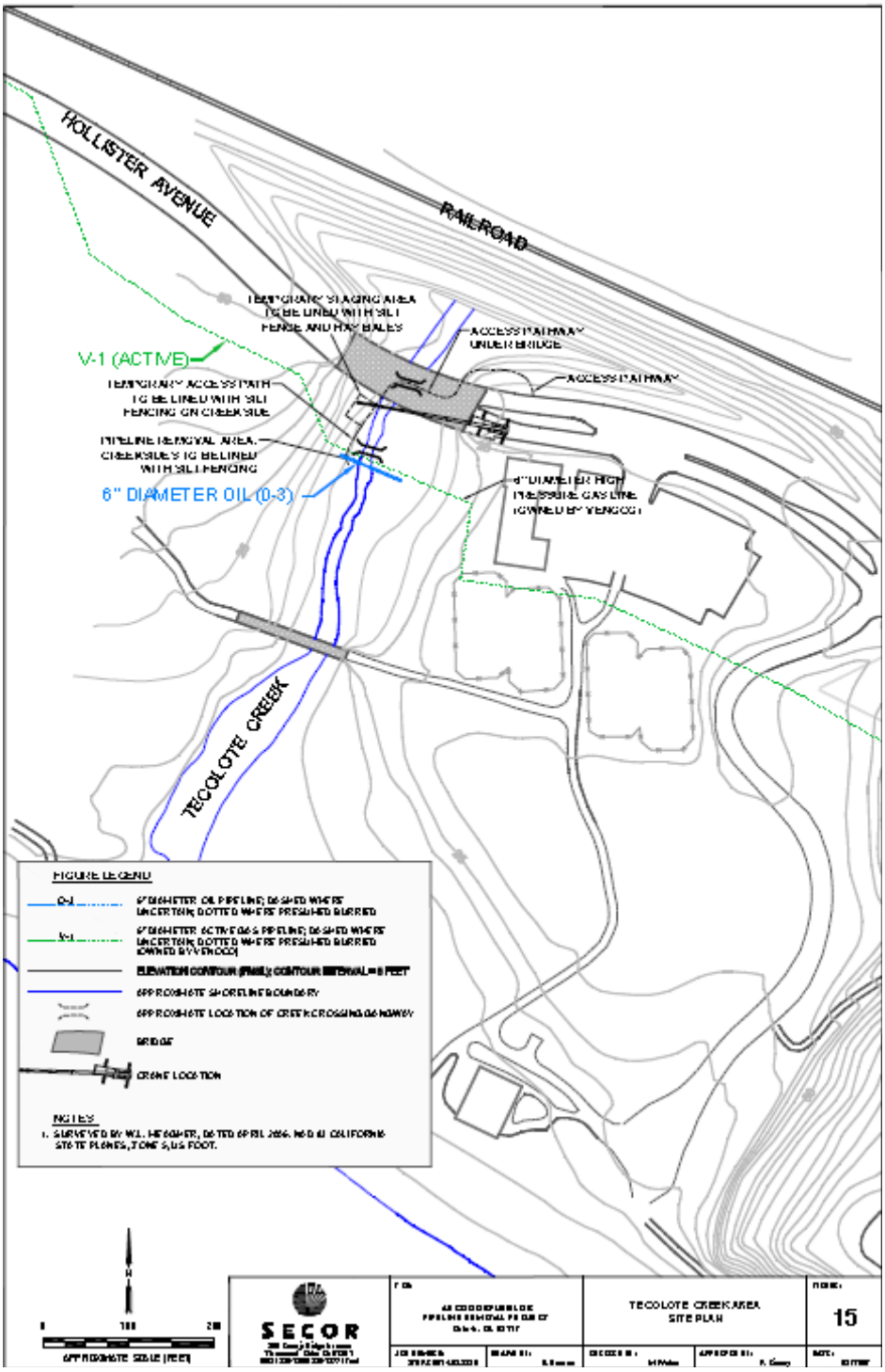



**EXHIBIT 1**

Site Map

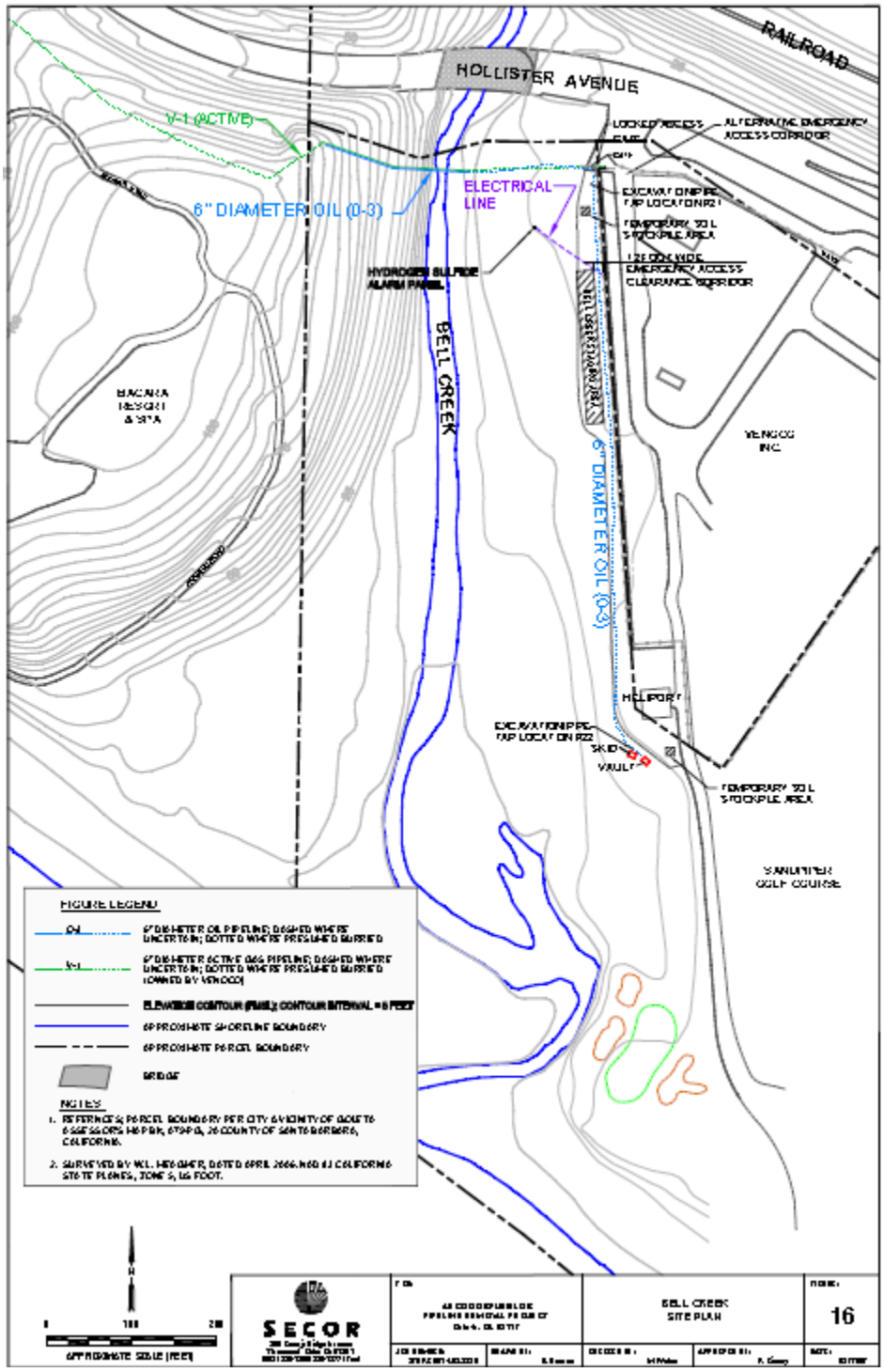
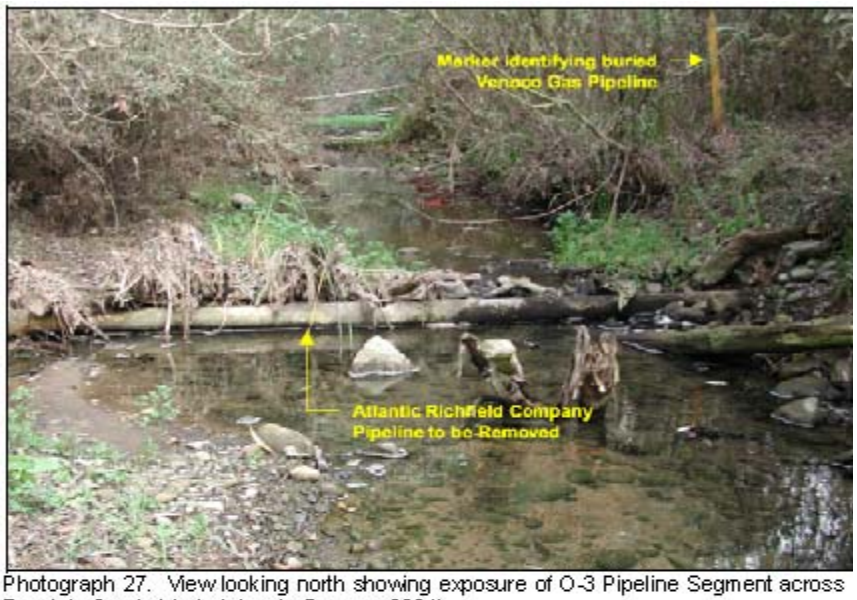



**EXHIBIT 1**

Site Map

Exhibit 2 – Site Photographs

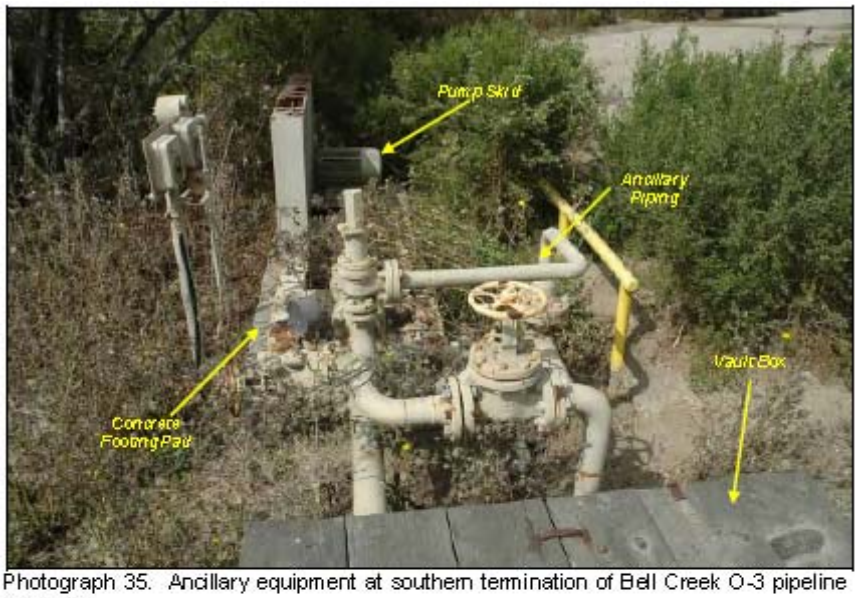



Photograph 27. View looking north showing exposure of O-3 Pipeline Segment across Tecolote Creek (photo taken in Summer 2004).

Photograph 28. Viewof same area shown in Photograph 27 (photo taken in April 2007).

**EXHIBIT 2**

Site
Photographs




Photograph 35. Ancillary equipment at southern termination of Bell Creek O-3 pipeline segment.


Photograph 36. Ancillary equipment and wooden valve box at southern termination of Bell Creek O-3 pipeline segment.

**EXHIBIT 2**

Site Photographs


Photograph 37. $H_2S$ alarm panel in proximity to the unpaved access roadway paralleling the western boundary of the Venoco Ellwood Onshore Facility.


Photograph 38. $H_2S$ alarm panel and electrical line/conduit.

**EXHIBIT 2**

Site Photographs

## Exhibit 3 – Project Mitigated Negative Declaration Mitigation Measures

***City of Goleta Biological Resources Mitigation Measures***

CITY BIO-1) To ensure the implementation of the mitigation and take-avoidance measures, prior to the initiation of the project, an employee environmental awareness and mitigation monitoring plan shall be used to train employees and contractors relative to the environmental protection measures of the project. **Plan Requirements and Timing:** The plan shall be approved by the City prior to issuance of any LUP for the project and prior to the training. **Monitoring:** City staff or their designated biological monitor shall ensure that the plan is followed during field work and shall have authority to stop work if appropriate measures are not being implemented. A final report shall also be prepared by Atlantic Richfield detailing the implementation and efficacy of the mitigation and take avoidance measures. This report shall be submitted to all interested agencies involved in the project.

CITY BIO-2) Atlantic Richfield shall schedule a pre-construction meeting at the project site with City staff or their designee. The pre-construction meeting shall be attended by the permittee and/or its agent, key construction personnel and other pertinent agency representatives. The construction conference shall include a review of all resource protection and other mitigation measures and project conditions. **Plan Requirements and Timing:** Atlantic Richfield shall schedule this meeting 10-days in advance of the start of construction. **Monitoring:** City staff shall verify compliance during field inspections.

CITY BIO-3) Preconstruction surveys will be conducted by a City-qualified biologist no more than 30 days prior to initiation of the project, and said surveys shall be compared to the original survey. The biologist shall recommend if any additional mitigation is necessary to address changes since the original survey was done. **Plan Requirements and Timing:** During this time, areas to be protected and cordoned off will be flagged to alert equipment operators of areas to be protected. This shall include any plant habitat or locations of plant and wildlife species of concern listed in the above analysis. All personnel and equipment shall be directed to remain within the surveyed project areas. All equipment and vehicles shall remain on existing roadways or trails with the exception of special access areas. The preconstruction survey shall be submitted to the City, CDFG and any other applicable agencies prior to removal activities. **Monitoring:** City staff shall verify compliance prior to the beginning of construction.

CITY BIO-4) Surveys for nesting birds, in particular nesting raptors, shall be conducted in the early spring (February/March) prior to Project implementation to verify the presence or absence of nesting activity. If an active raptor nest or other sensitive bird species is found and work is proposed while the nest is active, a construction buffer of 300 feet for raptors, and a buffer to be determined by the City approved biologist and City staff for other sensitive bird species, shall be maintained until August 15th or until the young have fledged, whichever occurs later. As noted previously, the size of the buffer may be adjusted by a qualified ornithologist with approval of the City Biologist based on the proposed activity, the species nesting, and the status of the nest, but shall be large enough to prevent disturbance. **Plan Requirements and Timing:** The survey shall be submitted to the City, CDFG and any other applicable agencies within 30 days of completion and prior to removal activities. **Monitoring**: City staff shall verify compliance prior to construction activities.

CITY BIO-5) Atlantic Richfield will have a City-qualified biological monitor onsite during all construction activities to minimize impacts to the streams and upland areas, as well as, sensitive species that could potentially inhabit the area. **Plan Requirements and Timing:** Within each riparian area the City monitor will delineate and survey a construction corridor for project personnel. Staging areas and pipeline access routes will be flagged or fenced prior to project commencement. **Monitoring:** The biological monitor will ensure that personnel are adhering to mitigation and avoidance measures as well as address any biological issues that may arise on a day to day basis. The biological monitor will interact directly with Atlantic Richfield's site supervisor and the site health and safety office to ensure that biological issues and mitigation measures are followed per the conditions of the various permits and the area-specific work plan. Should a change in conditions or requirements become necessary, the City biological monitor has complete "stop-work authority" to shut down construction activities while the issue is resolved and documented. The safety of the workers and property will be considered before any changes to mitigation and avoidance measures are implemented.

CITY BIO-6) Washing of any project equipment shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on the plans submitted prior to issuance of any LUP for the

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project. The wash off area shall be in place throughout construction. **Plan Requirements and Timing:** The wash off area shall be designated on all plans and shall be reviewed and approved by City staff prior to LUP issuance. **Monitoring:** City staff shall site inspect throughout the construction period to ensure compliance and proper use.

CITY BIO-7) Although not anticipated, if an incidental take of a protected species should occur, the City-qualified biological monitor will immediately provide verbal and written notification of the incident to the City, County, US Fish and Wildlife Service and the California Department of Fish and Game. Within three (3) working days of the incident, a report shall be submitted to all agencies including the date, time, location of the carcass, a photograph, cause of death, if known, and any other pertinent information. Care shall be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. Should any injured tidewater gobies or California red-legged frogs survive, the Fish and Wildlife Service shall be contacted regarding their final disposition. The remains of tidewater gobies or California red-legged frogs shall be placed with the University of California, EEMB Department, Santa Barbara, CA 93106, Attn: Mark Holmgren (805-893-4098) or an equivalent facility. Arrangements regarding proper disposition of potential museum specimens shall be made with the University of California by Atlantic Richfield prior to implementation of any actions. In addition, the biological monitor will conduct an evaluation of the incident (in consultation with the City, County, US Fish and Wildlife Service and the California Department of Fish and Game), impacts to the environment, and any necessary changes in project plans to avoid a repeat of the incident. **Plan Requirements and Timing:** This requirement will be noted in the Land Use Permit for the project. **Monitoring:** City staff shall confer with the project biologist throughout the construction period to ensure compliance.

CITY BIO-8) All waste, garbage, and trash created during the projects will be kept in covered containers and will be removed from the project sites and disposed of in accordance with local and state regulations. Staging areas shall be cleaned-up and restored to pre-project conditions within 30-days of project completion. If any damage to City streets or city street landscaping occurs, the applicant shall submit a plan to the Planning and Environmental Services Department for restoration (vegetation restoration for the riparian corridors is described separately under mitigation measure CITY BIO-16).**Plan Requirements and Timing:** This requirement shall be submitted to, and approved by the Planning and Environmental Services Department prior to issuance of any LUP for the project. **Monitoring**: City staff shall monitor for completion of clean up and restoration pursuant to the approved plan.

CITY BIO-9) Feeding or harassment of wildlife will not be allowed. Pets will not be allowed onsite. **Plan Requirements and Timing:** This requirement will be noted in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect throughout the construction period to ensure compliance.

CITY BIO-10) To minimize the potential for a temporary increase in sediment loading, sediment fencing will be installed temporarily below the pipeline excavation sites to protect the drainages in case of rain during the project, and prior to site stabilization following completion of the work. If instream removal of sediment needs to occur in Tecolote Creek to remove the pipeline, nonpermeable silt curtains or Visquene sheets must be positioned vertically in the water column to isolate the instream area. **Plan Requirements and Timing:** This requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO-11) Except as identified otherwise in the project description, the construction work shall be performed from creek banks. No heavy equipment, including mini excavators, shall be operated from within the creek. Personnel will not be allowed to walk in the creeks except for biological surveys and activities associated with pipeline tapping/cutting activities. Creek crossings for workers and equipment will only be allowed at the designated areas described in the project description. A survey shall be conducted immediately prior to a commencement of construction work to assess the presence of the California red-legged frogs, tidewater goby, steelhead trout and least Bell's vireo. **Plan Requirements and Timing:** This requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO–12) The mini excavator used at Tecolote Creek shall be stored only within the staging area on an impervious liner (or off site entirely). Refueling of the mini excavator shall only occur when the mini excavator is parked on the impervious surface. Fuel shall not be stored onsite. **Plan Requirements and Timing:** This

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requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO-13) The Project's Oil Spill Prevention and Contingency Plan included in the September, 2007 work plan shall be implemented during Project execution and strictly adhered to. **Plan Requirements and Timing:** This requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO-14) If the excavation at pipe tap location #22 (shown on Figure 4) exceeds four feet in depth, a trench box will be used to minimize potential impacts to surrounding sensitive botanical resources. **Plan Requirements and Timing:** This requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO-15) The following measures shall be employed for pipeline removal within Tecolote and Bell Creek project areas. The following measures apply to pipeline removal whether or not there is any stream flow.

a) The construction zone shall be flagged and fenced through the riparian corridor using silt fencing at least 2 feet tall subject to the approval of the City approved biologist. The fencing shall be installed at least one week prior to any construction activities. It shall have no gaps, it shall be keyed into the substrate, and it shall be regularly inspected and maintained.

b) Once the construction zones have been fenced and cleared they shall then be surveyed daily prior to any construction activities and periodically throughout the day for any red legged frogs. If found the animals shall be relocated outside of the construction zone with approval from USFWS.

**Plan Requirements and Timing:** This requirement will be specified in the Land Use Permit for the project. **Monitoring:** City staff shall site inspect prior to, and throughout, the construction period to ensure compliance.

CITY BIO-16) The applicant shall submit a Habitat Restoration Plan to address project generated impacts on wetland resources. The Mitigation Plan shall be prepared by a City, California Department of Fish and Game, Army Corps of Engineers and Fish and Wildlife Service approved biologist or restoration ecologist. The Mitigation Plan shall include a Plan to restore and revegetate all wetland areas disturbed by construction activities. The plan shall include provisions for the enhancement (restoration and/or revegetation) of wetlands within the coastal zone (or adjacent to it if necessary as determined by the City Biologist) in the City of Goleta to achieve a minimum 3:1 replacement ratio to mitigate all permanent impacts to wetland habitat resulting from the proposed project. A map shall be included to show the existing and proposed habitat polygons to ensure that the restoration (a) shall connect with existing wetland resources; (b) shall replace existing disturbed upland habitat; and (c) is feasibly located for long term success. Additionally, the Habitat Restoration Plan shall include, but not be limited to, the following:

a. The date prepared, author, and any revision dates.
b. The project description.
c. The site description and past use.
d. Discussion of vegetation and any special status plant and tree species in the vicinity of disturbance sites.
e. Discussion of the amount of vegetation and trees lost, and recommendations by the City approved biologist for restoration, and recommended native species to use in such restoration and at what replacement ratios.
f. Measures to protect trees from potential inadvertent damage through the following measures:

1) Work areas shall be surveyed for trees, including re-vegetated oak saplings and seedlings any other native trees by a City qualified biologist no more than 30 days prior to project initiation in that work area.

2) Trees that can not be avoided will be flagged for removal. Trees adjacent to the work area will be protected with the use of a tree guard or fencing. Fencing shall be located at our outside of the critical root zone and be at least three feet in height consisting of a material acceptable to the City. Workers will be instructed to stay outside of the fenced areas.

3) In the event that any native trees are inadvertently lost they will be replaced at a ratio of 10:1.

g. Objectives.
h. Measures for protection of resources during construction.
i. Site preparation methods.
j. Identification of suitable locations for wetland and buffer restoration/enhancement including planting native trees to be replaced at a 10:1 ratio within the same watershed within the Coastal Zone of the City

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Goleta if feasible as determined by the City Biologist, and hydroseeding methods. Restoration of transitional areas shall utilize native creek/wetland-upland transitional coastal sage shrubs and plants that occur on the margins of Tecolote and Bell Creeks.

k. A provision that the management and maintenance activities within ESHA and the buffer zones shall be performed in accordance with GP/CLUP Conservation Element Policy CE 1.10, which restricts the use of insecticides, herbicides, and artificial fertilizers within these areas and requires use of low-impact weed abatement and brush clearing methods.

l. A list and number of plants and seed mixtures (lbs/acre) to be used shall be provided. The seed stock used should be collected from the Tecolote and Bell Creek watersheds if feasible. If seed quantities are not available, seed collection shall be conducted within the local region limited to the South Coast area.

m. Provisions to minimize disturbances to native grassland habitats that cannot be avoided, including, but not limited to, placing wooden planking or equivalent over the grasses to allow equipment and personnel to pass over such areas. The width, length, and time the planking is present will be minimized to the maximum extent feasible and placed in consultation with the onsite biologist / City monitor.

n. Provisions to trim back vegetation whenever possible rather than removing vegetation during site preparation and access activities. The trimming back or clearing of vegetation necessary for personnel and equipment access shall be done by hand, to the maximum extent feasible under the direction of the City-qualified biologist.

o. Provisions for a post construction survey of native grasslands avoided through use of the cover plates to ensure that impact avoidance measures are a success. Provisions for restoration shall be included in the case that there is a measurable impact.

p. Irrigation requirements.

q. Weeding requirements and list of non-native species to be removed and methods for removal.

r. Provisions for short-term and long-term maintenance with performance criteria to be implemented by a qualified biologist or restoration ecologist.

s. Establishment of performance securities and a monitoring period of a least (5) years.

t. Detailed maps illustrating restoration areas and conservation easements, if applicable.

u. Cost estimate to implement all planning, construction, and other phases of the restoration efforts, including maintenance and monitoring periods.

**Plan Requirements and Timing:** The Habitat Restoration Plan shall be consistent with these requirements and the GP/CLUP. The plan shall be reviewed and approved by the City of Goleta prior to issuance of the LUP. The approved plan shall be incorporated into the approved development plan. **Monitoring:** City of Goleta staff shall inspect periodically throughout the construction phase. The quantification (acreage) of final impacts to be restored in accordance with the restoration plan shall be determined upon completion of the work. The approved monitoring plan shall be implemented, and annual reports submitted to City of Goleta staff for review. Corrective actions identified in the monitoring reports and by City of Goleta staff shall be implemented to the satisfaction of the City of Goleta prior to the termination of monitoring and release of performance securities.

CITY-BIO 17) Two types of performance securities will be employed to ensure installation and maintenance of the required revegetation and restoration plans, including but not limited to:

a. the native tree replacement and mitigation, and;

b. wetland restoration

Performance Securities shall be posted prior to issuance of any Land Use Permit for the project. One type shall be equal to the value of installation and/or replacement of all required items; the other shall be equal to the value of maintenance of the items for the required maintenance period of (3) years. The amounts shall be agreed to by the City of Goleta. The installation security shall be released upon satisfactory installation of planted and/or seeded stock. If performance standards are achieved, the City of Goleta may release the maintenance security after (3) years. If the applicant fails to either install or maintain according to plans, the City of Goleta may collect security and complete work on the property. **Plan Requirements and Timing:** Prior to any Land Use Permit issuance, the applicant shall enter into an agreement with the City to install, and maintain required vegetation for the life of the project. **Monitoring:** City of Goleta staff shall field check for restoration and maintenance, and site inspect prior to sign-off release of both installation and maintenance securities. City of Goleta staff signature is required for performance security release.

CITY BIO-18) The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15th to November 1st) unless a City approved erosion control plan, incorporating appropriate BMPs identified in the EPA

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guidelines for construction site runoff control (EPA Fact Sheet 2.6, Construction Site Runoff Minimum Control Measures, 01/00), is in place and all measures therein are in effect. All exposed graded surfaces shall be stabilized or reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on the Land Use Permit for the project. **Timing:** Graded surfaces shall be stabilized or reseeded within four (4) weeks of grading completion in compliance with the Habitat Restoration Plan required under mitigation measure CITY BIO-19. **Monitoring:** City staff shall site inspect during grading to monitor dust generation and four (4) weeks after grading to verify compliance.

CITY BIO-19) The applicant shall obtain proof of exemption or proof that a Section 401 water quality certification from the California Regional Water Quality Control Board as well as a Coastal Zone Management consistency certification from the California Coastal Commission, has been received by the respective agencies. **Plan Requirements & Timing:** The applicant shall submit written verification of compliance with this requirement and City staff shall review and approve documentation prior to LUP issuance. **Monitoring:** City staff shall review the documentation prior to LUP issuance.

CITY BIO-20) Fencing installed around the riparian habitat must be removed as soon as project activities are finished, or when determined appropriate by the City, U.S. Fish and Wildlife Service and Army Corps of Engineers approved project biologist, to prevent creating barriers to California red-legged frogs. **Plan Requirements and Timing:** This requirement shall be included in the project LUP. **Monitoring:** City staff shall verify compliance during field inspections.

CITY BIO-21) To avoid transferring disease or pathogens between aquatic habitats during the course of red-legged frog surveys, the biologist must follow the Declining Amphibian Population Task Force's Code of Practice. **Plan Requirements and Timing:** This requirement shall be included in the project LUP. **Monitoring:** City staff shall verify compliance during field inspections.

CITY BIO-22) Any non-native predators of the tidewater goby or California red-legged frog shall be permanently removed from the wild if they can be captured while monitoring project activities in compliance with the California Fish and Game code. **Plan Requirements and Timing:** This requirement shall be included in the project LUP. **Monitoring:** City staff shall confer with the project biologist during pre-construction and construction activities to ensure compliance.

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