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Date Filed:	5-13-10
49th Day:	6-30-10
Staff:	C. Teufel - SF
Staff Report:	5-25-10
Hearing Date:	6-11-10

STAFF REPORT
COASTAL DEVELOPMENT PERMIT APPLICATION

CDP Application No.:	**E-10-006**
Applicant:	**Southern California Gas Company**
Project Location:	Goleta Slough, Santa Barbara County.
Project Description:	Inspect and maintain 3,400 feet of above-ground and subterranean natural gas pipeline.
Substantive File Documents:	See Appendix A

Southern California Gas Company ("SCG") proposes to (a) internally inspect a 300-foot long segment of an above-ground natural gas pipeline located in the Goleta Slough, on an embankment adjacent to Tecolotito Creek; (b) paint this segment of pipeline and trim vegetation that has grown in the pipeline corridor; and (c) clean, flush and internally inspect a 3,100-foot long section of buried pipeline that connects the above-ground segment to a well site adjacent to the University of California, Santa Barbara campus. SCG is not proposing to excavate, repair or replace any portion of the pipeline.

The proposed project would result in the temporary disturbance of approximately 0.2 acres of salt marsh and adjacent upland habitat. The salt marsh area is dominated by pickleweed while the adjacent upland areas include a mix of sage scrub and non-native plant species. The salt

marsh is within roughly 300-feet of similar habitat observed to be occupied by the Belding's savannah sparrow, a state listed endangered species. The Commission staff recommends a number of biological surveys, monitoring and reporting requirements to assess the extent of project-related disturbance to wetlands and to minimize the potential for the proposed project to result in adverse impacts to this habitat and to the Belding's savannah sparrow (Special Conditions 1 and 2). The Commission staff also recommends in Special Condition 3 that SCG carry out a re-vegetation and restoration plan to ensure that the project site is cleared of invasive plant species and restored to native salt marsh and sage scrub habitat. The Commission staff further recommends in Special Condition 4 that vehicle and equipment refueling activities occur outside of the Goleta Slough area.

The Commission staff recommends the Commission approve coastal development permit application E-10-006, 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-10-006 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. **Belding's Savannah Sparrow Monitoring.** No more than one week prior to the initiation of project activities, a qualified biologist with experience identifying and observing the Belding's savannah sparrow and approved by the Executive Director shall conduct at least two early morning surveys (1/2 hour before sunrise to 10 am) of the salt marsh in and around the project site to determine the presence of potentially breeding or nesting Belding's savannah sparrows in these areas. If one or more Belding's savannah sparrows displaying breeding or nesting behavior (territory calls, carrying nesting material or food items, etc.) are not encountered during these pre-project surveys, the project may commence. A qualified biologist approved by the Executive Director shall remain on site during all project activities within the Goleta Slough to monitor for the presence of the Belding's savannah sparrow. If one or more Belding's savannah sparrows displaying breeding or nesting behavior are observed within 300 feet of the project's disturbance footprint, all work shall cease and SCG shall immediately notify the Executive Director. SCG shall not recommence work until SCG can demonstrate, to the Executive Director's satisfaction, that no breeding or nesting Belding's savannah sparrows are located within 300 feet of the project's disturbance footprint.

2. **Belding's Savannah Sparrow Precautions.** All project activities shall be confined to project areas outside of the Goleta Slough until July 11 to minimize disturbance of salt marsh habitat within the Goleta Slough during the Belding's savannah sparrow breeding season. No project activities shall occur within or adjacent to the Goleta Slough or Tecolotito Creek from March 1 through July 10. Vegetation trimming shall be limited to upland and/or ruderal species and shall not include pickleweed or other native salt marsh vegetation. All project activities in the Goleta Slough shall be designed to minimize the amount of area required and shall be sited to avoid disturbing, crushing, removing or covering existing native vegetation to the maximum extent feasible. All project equipment, machinery and vehicles used within the Goleta Slough shall make use of mufflers and available sound dampening devices, and project activities that require elevated sound levels shall be prohibited before 10 am.

3. **Re-Vegetation of Project Site.** Prior to issuance of this permit, SCG shall submit, for Executive Director review and approval, a revised version of the Restoration and Monitoring Plan included as Exhibit 2 to this staff report. This plan shall be modified to include: (a) the removal of non-native and invasive plant species from within the pipeline corridor and project work area; (b) the salvage, preservation and replanting of pickleweed from within the project's disturbance footprint; (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 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 reflect a goal of achieving 80 percent vegetative cover of the project site with native species; (h) a requirement to obtain plantings from local sources (including seed and sprigs collected from the project site when possible); and (i) contingency measures in case performance criteria are not achieved. Within 30 days of completion of pipeline inspection and maintenance activities, SCG shall implement the revised Restoration and Monitoring Plan. Compliance with this plan shall include 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, SCG shall submit, within 60 days of the Executive Director's determination, a new Restoration and Monitoring Plan for Executive Director review and approval.

4. **Hazardous Substances and Refueling.** All equipment, materials and vehicles to be used at the Goleta Slough project site shall be inspected for oil, fuel, and hazardous substance leaks prior to their transport to this site. The addition of fuel, oil or lubricants to these vehicles, equipment and materials shall not occur within the Goleta Slough project site.

4 FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1 Project Description and Background

In the summer of 2003, Southern California Gas Company ("SCG") carried out a series of internal tests and maintenance activities on a portion of natural gas pipeline number 80. As shown in Exhibit 1, the subject pipeline segment runs underground for 3,100-feet from a well site adjacent to the University of Santa Barbara to the Goleta Slough as an eight-inch diameter pipeline before emerging from the ground as a 12-inch diameter above-ground pipeline that terminates 300-feet later a pipeline connection, the Main Line Valve ("MLV"). These tests were carried out as part of a baseline integrity assessment designed to provide an indication of pipeline stress and corrosion, as required by federal safety standards. These same federal standards, CFR 49 Section 192.937(a), also require a follow-up pipeline integrity assessment to be carried out no later than seven years after the initial baseline evaluation.

In this application, SCG proposes to inspect a 300-foot long above ground segment of Line 80 and a 3,100-foot underground segment of Line 80. SCG proposes the following:

> *1) We will begin by trimming the vegetation to access the pipeline, at MLV 80.00-60.0, at a width of 5 feet from pipeline center line for the entire 300–foot length of 12-in diameter section of Line 80.*
>
> *2) Remove the pipeline support U-clamps, flange bolts at MLV and reducing flange. Separate and raise both ends of pipeline, install temporary supports, install* [internal inspection] *launching and receiving equipment to perform internal and external inspection operations at both the Goleta Slough site and the UCSB site.*
>
> *3) Perform internal cleaning and inspection operations of the 300-foot and 3,100 –foot sections of Line 80, from UCSB site to the Goleta Slough site. The pipeline will be cleaned by flushing the pipe with water. The water will be removed and stored in Baker Tanks located north of the State Hwy 217 and properly disposed of after the completion of the project.*
>
> *4) Perform hydrostatic testing operations involving Line 80 well lines within the UCSB well site facility.*
>
> *5) Following inspections operations, SCG will reassemble the pipeline, purge, paint, and return Line 80 back to normal operations. In addition, SCG will re-vegetate the area to preexisting conditions.*
>
> *Construction equipment that will be used during pipeline inspection will include the following: boom truck, backhoe, service gang truck, air compressor, Baker Tanks, welding truck, and pick-ups.*

Proposed inspection activities would require the placement of internal sensor launching and receiving equipment at either end of the above-ground pipeline segment and within the two industrial well site facilities. In the Goleta Slough, this equipment would be contained within a 50-foot by 60-foot area at one end of the pipeline and a 30-foot by 50-foot area at the other end. During the internal inspection, a backhoe or boom truck would drive along the above-ground pipeline and both ends would be raised from their support structures.

SCG also proposes to flush and clean these pipeline segments. Staging and equipment storage would be contained within the Miller well site located north-west of the inland end of the above-ground pipeline and the UCSB well site located at the beginning of the underground section of line 80. Approximately 10,000 gallons of water would be required for these activities and would be obtained from a municipal tap located at the UCSB well site. At the completion of flushing and cleaning, all project water would be removed from the pipeline at the two well sites and would be stored in Baker tanks before being transferred to a vacuum truck for transport and disposal at an approved facility outside of the coastal zone. Both well sites are located on industrial facilities and no access road installation or vegetation disturbance would be required during the proposed activities in these areas.

SCG also proposes to paint the 300-foot above-ground section of pipeline. This requires the pipeline to be temporarily raised from its support structures so that existing paint may be removed and new paint applied to its external surface. Paint removal may require sandblasting and/or scraping and SCG proposes to install a temporary containment system with shrouds and removable berms to prevent paint chips, sand or liquid paint from entering the surface waters of Tecolotito Creek and the Goleta Slough and from being dispersed into the air.

4.2 Permit Authority, Extraordinary Methods of Repair and Maintenance.

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission's regulations.

Section 30610 of the Coastal Act provides, in relevant part:

> *Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: …*
>
> *(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that <u>if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter</u>.* [EMPHASIS ADDED]

Section 13252 of the regulations (14 CCR 13000 *et seq*.) provides, in relevant part:

> *(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:…*
>
> *(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*
>
> *(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*
>
> *(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.*
>
> *All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits...*[EMPHASIS ADDED]

The proposed project is a maintenance activity only because repairs are not proposed and the work does not involve an addition to or enlargement of the subject pipeline. Although certain types of maintenance projects are exempt from coastal development permit requirements, Section 13252 of the regulations requires a coastal development permit for maintenance activities that are located in environmentally sensitive habitat areas or in close proximity to coastal waters or streams and include the placement or removal of solid material and/or the presence of mechanized equipment. The proposed pipeline inspection, maintenance and associated equipment access activities would be located adjacent to the Tecolotito Creek, within coastal salt marsh habitat and within 300-feet of similar contiguous habitat occupied by the Belding's savannah sparrow, a state listed endangered species. These activities would require the disturbance and destruction of vegetation and the use of construction vehicles and mechanized equipment within wetlands. Thus, these project elements require a coastal development permit under Section 13252(a)(3) of the regulations.

Although Section 13252(a)(3)(B) of the regulations states that repair and maintenance activities that are specifically described in the document entitled "Repair, Maintenance and Utility Hookups," adopted by the Commission on September 5, 1978, shall not be subject to coastal development permit requirements described above, this section goes on to state that this exemption shall not apply if such activities "will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean." Since proposed activities will unavoidably affect wetland habitat and will occur in close

proximity to areas occupied by special status species, the exemption from coastal development permit requirements described under Section 13252(a)(3)(B) of the regulations does not apply to the proposed project.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. In other words, the Commission's authority over repair and maintenance activities applies only to the methods by which a repair and maintenance activity is carried out, not the repair and maintenance activity itself.

4.3 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:*
>
> > *(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
> >
> > *(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
> >
> > *(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
> >
> > *(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
> >
> > *(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
> >
> > *(6) Restoration purposes.*
> >
> > *(7) Nature study, aquaculture, or similar resource dependent activities.*
>
> …

> *(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.*

Proposed activities will unavoidably affect a portion of the Goleta Slough salt marsh adjacent to one of the main slough channels and Tecolotito Creek, a waterway that splits from the rest of the slough near its mouth at Goleta Beach County Park.

Specifically, 0.2 acres of salt marsh and adjacent upland habitat within the slough will be affected during the proposed project. This area is located at and around the 300-foot long above-ground section of line 80 within the Goleta Slough. Roughly 1,650 square feet of this 0.2 acre disturbance footprint would be within native vegetation dominated salt marsh habitat and the remaining 7,050 square feet would be within adjacent upland habitat.

SCG proposes three main activities for these areas that would involve the placement of solid material in wetlands for up to 29 days. The first of the activities SCG proposes for the salt marsh wetland is the installation of an access corridor for project vehicles, equipment and personnel between the Atascadero Creek Bike Lane and the pipeline. Installation of the access corridor would include the placement of flexible construction mats and/or plywood sheets within the salt marsh as well as the removal of vegetation and the transit of heavy machinery, vehicles and equipment. In total, the proposed access corridor would be approximately 20-feet wide and 25-feet long between the pipeline and bike lane and would also continue for the entire 300-foot length of the above-ground pipeline at width of approximately 15-feet, directly adjacent to the pipeline itself. Approximately half of the route along the pipeline would be located within salt marsh habitat and the other half would be in adjacent upland habitat that is currently dominated by non-native and invasive plant species.

The second activity SCG proposes for the salt marsh wetland is the installation of pipeline inspection equipment at the end of the above-ground pipeline closest to the Goleta Slough's main channel. This equipment includes internal sensor launching and receiving machinery, a small liquid containment basin, and vehicles and support structures required to raise the pipeline from the ground. The equipment would be contained within a 30-foot by 50-foot area of salt marsh wetland.

The final set of activities SCG proposes to site within the wetland is associated with the maintenance of the above-ground pipeline. Specifically, SCG proposes to raise the pipeline, sandblast or scrape off its existing paint and apply a new coat of paint. These activities would require the placement of plastic sheeting or tenting along the pipeline, the placement of temporary support structures, and the parking and transit of heavy equipment and vehicles – all of which would occur within the salt marsh wetland.

The proposed placement of materials and equipment in wetlands described above is considered "filling" these wetlands and is only allowable under the Coastal Act if three separate tests are met, each of which is described in Section 30233(a) of the Coastal Act.

Incidental Public Service
The first test for a proposed project involving fill is whether the fill is for one of the seven allowable uses under Section 30233(a). Among the allowable uses involving dredging, diking, and filling in wetlands which most closely matches the project objectives is "*incidental public service purposes, including but not limited to, burying cables, pipes or inspection of piers and maintenance of existing intake and outfall lines*" enumerated as Section 30233(a)(4).

In order for a project to be for an "incidental public service purpose," it must satisfy two criteria: (1) the fill must have a "public service purpose," and (2) the purpose must be "incidental" within the meaning of that term as it is used in Section 30233(a)(4). Because the project involves an existing pipeline and will be carried out by a public utility company as a support service to the public – essentially to ensure that natural gas transport and supply infrastructure remains effective and reliable, the fill is for a public service purpose. Thus, the project satisfies the first criterion under Section 30233(a)(4).

With respect to the second criterion, Section 30233(a)(4) notes that fill is allowed for activities "including but not limited to, burying cables, pipes or inspection of piers and maintenance of existing intake and outfall lines." The maintenance work proposed by SCG on the natural gas pipeline is similar to the types of activities required to maintain existing intake and outfall lines. The Commission therefore finds that the proposed project serves an "incidental public service purpose" and is allowable under the first test of Section 30233(a) and the Coastal Act.

Alternatives
The second test for a proposed project involving fill is that "there is no feasible less environmentally damaging alternative."

While alternatives that meet the goals and requirements of the proposed project do not exist for several of the key project elements – specifically, the pipeline inspection and maintenance activities that are required in conformance with federal natural gas transport safety standards – SCG and Commission staff nevertheless evaluated a number of alternative project configurations. These alternatives included several options for locating the above-ground pipeline vehicle access corridor, project staging areas and pipeline cleaning and flushing activities. The proposed project is the least environmentally damaging alternative because it (1) includes the use of the Atascadero Creek Bike Lane and the shortest possible vehicle and equipment access corridor to reduce the amount of habitat disturbance that would occur during vehicle, equipment and personnel passage to and from the above-ground pipeline; (2) would make use of the UCSB and Miller industrial well site facilities for pipeline flushing, cleaning and hydrostatic testing activities to reduce the amount of equipment that would need to be transported to the above-ground pipeline site and protect against the potential spill or discharge of contaminated water in sensitive habitat areas; and (3) includes commitments by SCG to employ Best Management Practices and spill prevention and clean-up provisions during pipeline painting and paint removal activities that would limit potential adverse impacts to habitat areas and water quality that could result from the release of hazardous materials.

Mitigation Measures
The third and final test for a proposed project involving fill is that "feasible mitigation measures have been provided to minimize adverse environmental effects." The proposed project, including the four Special Conditions required by the Commission, includes a variety of mitigation measures to minimize potential and anticipated adverse environmental effects.

As noted above, approximately 1,650 square feet of the proposed project's disturbance footprint is within a wetland. This wetland is comprised of a salt marsh that supports wetland vegetation, predominantly pickleweed, as well as a small open salt flat. Standing or ponded water is likely found in this area during winter storms and high spring tides.

SCG proposes to use a portion of this wetland area to provide access to the above-ground natural gas pipeline for project personnel and equipment. Additional salt marsh areas adjacent to the pipeline itself would also be used for the placement of inspection and maintenance equipment and the transit of vehicles along the pipeline corridor during pipeline inspection. As a first step to reduce the amount of salt marsh habitat disturbed during project activities, SCG evaluated several locations for the proposed vehicle and equipment access corridor. Ultimately, SCG chose an alternative that would involve the removal of the lowest number of large native upland plants and the smallest amount of adverse impacts to wetlands. The access corridor has therefore been proposed near a break in the native scrub vegetation that is found adjacent to the bike path and within the area that the pipeline and bike lane are closest. In addition, SCG has also proposed to use construction mats or plywood in this area to ensure that the size of the access corridor is minimized, to reduce the amount of soil disturbed during vehicle ingress and egress and to disperse the weight to transiting vehicles, personnel and equipment so that damage to underlying vegetation is minimized.

Despite these measures, however, the proposed project would result in the disturbance and likely destruction of vegetation within approximately 1,650 square feet of salt marsh wetland. Additionally, the proposed project would require approximately 29 days to complete, during which time wetland areas would be occupied by project equipment, vehicles and materials, including construction mats and/or plywood sheets.

Based on the pre-project biological surveys carried out by SCG's biological consultants on April 19 and 20 of 2010, vegetation within the proposed project site is comprised primarily of native salt marsh species and is "dominated by pickleweed with scattered patches of saltbush and coyote brush shrubs, along with alkali heath, brass buttons, and rabbit's foot grass." While this area is outside the Goleta Slough's zone of tidal influence and flooding, the high water table and slight topographical depression between the bike lane and berm that abuts Tecolotito Creek is thought to contribute to the presence of this salt marsh wetland. Non-native upland and ruderal species such as mustard, sweet clover, poison hemlock, common sow thistle and thistle occur within other portions of the project area, including the approximately 15-foot wide berm that separates the pipeline from the edge of Tecolotito Creek. SCG's biological consultants also carried out sensitive species surveys during their visits to the site in mid-April and were able to determine that there are currently no rare, federal or state listed plant species within the project's proposed disturbance footprint.

During the early morning hours of April 19 and 20, SCG's biological consultants also carried out avian surveys to determine the presence or absence of special-status bird species around the project site in the Goleta Slough. On the morning of April 20, two male Belding's savannah sparrows were observed making breeding territory display calls within salt marsh areas approximately 300 and 375 feet to the west of the proposed pipeline work area – on both the east and west sides of the Sandspit Road Bridge.

The Belding's savannah sparrow is listed as endangered under the California Endangered Species Act and the Goleta Slough is known to support the northernmost breeding population of this sensitive bird species. The Belding's savannah sparrow is endemic to salt marsh areas and is known to inhabit these areas on a year-round basis, foraging, nesting and establishing breeding territories exclusively in areas dominated by pickleweed vegetation. The small size, light-brown color and tendency to remain close to the ground among low-lying pickleweed makes the Belding's savannah sparrow difficult to observe and survey, especially outside of its mid-March to July breeding season. Female birds can be especially hard to find, even during the breeding season, because they do not engage in the easily observed territory calls and demarcation behavior of male birds.

While no Belding's savannah sparrows were found within the project's proposed disturbance footprint during the April 20 survey, the pickleweed areas in which the two male birds were observed making territory calls are part of a larger stretch of contiguous salt marsh habitat that connects these areas to the salt marsh that extends across much of the above-ground pipeline site. The secretive nature of the Belding's savannah sparrow and the limited survey effort dedicated to determining the presence and absence of these birds in the project area, as well as the fact that the surveys were carried out relatively early in the breeding season, does not guarantee that these birds are not present at the site of proposed pipeline inspection and maintenance activities. In addition, the relatively close proximity of occupied breeding territories to the project area suggests that portions of the project site or adjacent areas may be used by foraging Belding's savannah sparrows. There is also the possibility that additional breeding territories closer to the project site may be established later in the breeding season or that nests exist or could be developed within these territories.

To ensure that potential and anticipated impacts to the Belding's savannah sparrow and its salt marsh wetland habitat are minimized and appropriately mitigated, the Commission is requiring in **Special Condition 1** that a pre-construction avian survey be conducted in the area of potential disturbance surrounding and including the pipeline access corridors and equipment installation areas to determine the presence of breeding Belding's savannah sparrows within these areas. Special Condition 1 also requires that routine monitoring for the presence of this species be carried out during the project and that project activities cease if breeding or nesting Belding's savannah sparrows are observed within 300 feet of the project's disturbance footprint either prior to or during pipeline maintenance and/or inspection. In addition, the Commission is requiring in **Special Condition 2** that all project activities be carried out after July 11, to minimize the possibility of adverse impacts to breeding Belding's savannah sparrows; that the disturbance or removal or salt marsh vegetation be avoided or minimized to the maximum extent feasible; that measures are employed to minimize project noise; and that project activities requiring high

sound levels do not occur in the morning hours when the Belding's savannah sparrow is most active and vocal.

In addition, the Commission is also requiring in **Special Condition 3** that a post-construction re-vegetation/site restoration project be undertaken to provide for the return and recovery of disturbed vegetation and salt marsh habitat. This restoration work will include the removal of invasive vegetation from within the project site and the planting of both native salt marsh and upland 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 the restoration area. The restoration project would be a revised version of the Restoration and Monitoring Plan included in Exhibit 2 and would include performance criteria, monitoring requirements and contingency measures to ensure that disturbed native habitat within the project site is able to recover in a timely manner. Additionally, the restoration plan will also facilitate the conversion of invasive species dominated ruderal habitat to productive native coastal sage scrub and salt marsh. Upon completion of these restoration activities, it is anticipated that the project site will support more productive native habitat than it does currently and that the ongoing threat to this area from invasive plant species will be reduced.

SCG has also committed to use the smallest possible access corridor for project vehicles, equipment and personnel, to avoid existing native vegetation to the extent possible during project activities within the Goleta Slough and to install construction matting or similar material within this access corridor to minimize lasting impacts to vegetation and soil.

Finally, SCG has committed to employ Best Management Practices to prevent the accidental release of hazardous substances or materials during all project activities and would make use of a containment tent and shroud during pipeline painting and paint removal to minimize potential discharges of paint or paint chips into the Goleta Slough, Tecolotito Creek or adjacent upland habitat areas. Further, the Commission is requiring in **Special Condition 4** that all project vehicles and equipment be inspected for leaks prior to transport to the Goleta Slough and that fueling activities are prohibited from occurring at this site.

With these commitments and the implementation of Special Conditions 1 through 4, the Commission believes that all feasible measures will be undertaken to minimize adverse environmental impacts and that wetlands that are unavoidably disturbed by the pipeline inspection and maintenance activities will be restored in a timely manner. The Commission therefore finds the project, as conditioned, consistent with Coastal Act Section 30233.

4.4 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 inspect and maintain the natural gas pipeline to prevent spills or leaks from occurring, nevertheless, the conduct of these inspection, maintenance and hydrostatic testing activities presents a variety of opportunities for spills of potentially hazardous materials. In addition, the close proximity of the project site to the open riparian and estuarine waters of Tecolotito Creek and the Goleta Slough channel present a potential risk to the water quality of these waterways. The use of mechanized equipment within several feet of the above-ground pipeline location and the high pressure hydrostatic pipeline tests could result in the accidental puncture or rupture of the pipeline. In addition, the proposed disconnection and elevation of the pipeline ends could potentially result in a release of remnant hazardous materials or flushing or cleaning water from within the pipeline, if improperly carried out.

To address these potential spill risks, SCG has proposed to empty the pipeline of gas prior to the initiation of inspections and to carry out the injection and capture of all flush, cleaning and test waters from within the industrial facilities at the UCSB and Miller well sites, which are located substantially farther from open waters than the pipeline itself. The well sites would also be provided with equipment to capture and recover spilled liquids. SCG would maintain a 110 barrel capacity vacuum truck onsite during all pipeline flushing, cleaning and testing activities, and a spill kit including absorbent materials, protective clothing and clean-up equipment would also be present and available onsite at both well locations. Project personnel would be instructed in clean-up and emergency response protocols and a contact list of spill response contractors and agencies would be compiled and kept at the project location.

Inspection and maintenance of SCG's natural gas pipeline would necessitate the shut down and flushing of this pipeline. Proposed pipeline shut down operations would commence by injecting inert gas or water into the pipeline at one end of the pipeline to force the natural gas that is contained within the pipeline towards the well site storage facility at the other end where it will be collected and stored in accordance with SCG procedures and existing state and federal regulations. Once emptied, the pipeline will be closed at both ends so that the pipeline section to be inspected and evaluated is isolated from both well sites and storage facilities. Any inert gas or flush water remaining in the pipeline after these isolation procedures would be allowed to settle in the pipeline before the pipeline is flushed with internal inspection equipment from the UCSB well site facility. This water would pass through the entire pipeline section and would be collected at the other end in containment basins before being transported by fire hoses to Baker tanks for storage and the separation of solids. The water would be stored in the Baker tanks until

separation is achieved and later transferred into the vacuum truck for transport and disposal at an appropriate facility outside of the coastal zone.

There is a possibility that these activities may result in accidental pipeline rupture and/or release of hazardous materials. To address this potentially significant threat, SCG proposes to adhere to the same protocols and spill contingency requirements that were followed during the successful 2003 project. These protocols include requirements to maintain a vacuum truck with 110 barrel capacity at the ready during project activities, install catchment tanks at the pipeline ends and internal sensor array launching and receiving stations and install impermeable tarps around work areas to capture fugitive materials. In addition, all proposed pipeline inspection and maintenance work will be performed in accordance with SCG's Best Management Practices for water quality protection, spill prevention and clean-up response. As noted by SCG in its application materials,

> *Specifically, BMP 3-08 Overwater Protection management will be used to prevent spills and contamination of the nearby water bodies. SoCalGas will follow the following measures: 1) Containment systems must be properly designed and installed prior to the beginning of any operation that may impact a water body to prevent discharge of pollutants to surface water; 2) Shrouds should be used to prevent overspray, welding slag, and other pollutants from entering surface water and being dispersed into the air; 3) Shrouds should be large enough to adequately enclose or segregate the working area from surface waters. This may include a plywood barrier, visqueen, and scaffolding to help prevent fugitive materials from entering surface water; 4) the work area should be kept clean of all trash and potential pollutants.*
>
> *Possible containment systems to be installed prior to any operation include the use of 10-foot by 12-foot slops pit containers at each launcher and receiver assembly, placing visqueen under each flange assembly and setting-up portable containment equipment under and around each Baker Tank during the entire operation.*

In addition to the spill contingency and response requirements that SCG must adhere to, the project itself is being proposed in conformance with Coastal Act Section 30232, which states that protection against spillage of hazardous substances shall be provided in relation to transportation of such materials. By carrying out internal and external pipeline inspections and conducting maintenance activities, SCG is taking precautionary steps to ensure that the pipeline's structural integrity is maintained and its continued use will not result in the spillage of hazardous materials. Failure to carry out the inspection and maintenance work proposed by the applicant could directly increase the likelihood and severity of an accidental spill or leak from the natural gas pipeline segment in the Goleta Slough. Given the sensitive biological resources and wetlands that exist in the immediate vicinity of the pipeline in this area, such a spill (and its resulting clean-up activities) could lead to substantial adverse biological impacts above and beyond those likely to result from the proposed project itself.

To further minimize the project's potential to result in hazardous substance spills and/or water quality impacts, SCG has proposed several measures to ensure that pipeline maintenance activities do not result in the discharge of paint, paint chips or contaminated materials into habitat areas or the open waterways adjacent to the project site. SCG has committed to use tarps,

sheeting and tenting during pipeline paint removal and application processes so that accidental spills are immediately contained and contaminated materials do not enter sensitive habitat areas. Further, the Commission is requiring in **Special Condition 4** that all project vehicles and equipment be inspected for leaks prior to transport to the Goleta Slough and that fueling activities be prohibited from occurring at this site.

With implementation of SCG's Best Management Practices, Special Condition 4 and the use of measures to minimize the potential occurrence of a spill or leak, 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.

4.5 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.*

The proposed inspection and maintenance activities would require the temporary use of approximately 400-feet of the Atascadero Creek Bike Trail, a class one paved bicycle lane located between Moffett Place road and the Goleta Slough, as shown on Exhibit 1. This bike lane provides access from inland areas to the ocean, Goleta Beach County Park and Goleta Beach. SCG proposes to use a portion of the bike lane to provide temporary access for project personnel, equipment and vehicles from the intersection of Moffett Place and Sandspit Road to the above-ground pipeline location.

The County of Santa Barbara Department of Public Works has granted a road encroachment permit to SCG for this activity. This permit includes several measures to ensure that public access and use of the Atascadero Creek Bike Trail would be allowed to continue in a safe manner during the proposed project. These conditions specify that SCG shall employ the use of a flagger to walk in front of vehicles and equipment when on the bike lane, install warning signage prior to equipment movement, and place cones near the edge of the bike lane closest to the work area. The permit also states that SCG would be liable for any damage to the bike lane that occurs during equipment and vehicle use associated with the project. Closure of the bike lane would not be required, and the proposed use would occur for a short period of time during several of the 29 days that SCG anticipates would be necessary to complete the project.

With the implementation of the proposed measures to ensure that use of the bike lane would proceed 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

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 proposed project is consistent with CEQA.

APPENDIX A

Substantive File Documents

California Coastal Commission. Staff Report for permit appeal number A-1-DNC-09-048, May 12, 2010.

California Coastal Commission. Letter to Southern California Gas Company re: Request for exemption for gas pipeline Line 80 pigging and inspection project, April 22, 2010.

California Coastal Commission. Letter to Southern California Gas Company re: Request for Coastal Development Permit Exemption No. 4-10-006-X, March 16, 2010.

Southern California Gas Company, Coastal Development Permit Application, May 13, 2010.

Southern California Gas Company. Letter to California Coastal Commission re: Request for Coastal Development Permit Exemption No. 4-10-006-X, April 1, 2010.

Southern California Gas Company. Letter to California Coastal Commission re: Southern California Gas Company Request for Exemption to Conduct Integrity Reassessment of Line 80, unincorporated area of Santa Barbara County, California near the Goleta Slough (with attachments), January 22, 2010.

Southern California Gas Company. Line 80 Reassessment, Goleta Slough, Unincorporated Santa Barbara County, CA – Restoration and Monitoring Plan, April 2010.

County of Santa Barbara, Department of Public Works – Transportation. Road Encroachment Permit No. 10U10201, February 24, 2010.

Sage Institute, Inc. Letter to Southern California Gas Company re: Southern California Gas Company (SCG) Line 80 Pipeline Integrity Reassessment, Coastal Development Permit Exemption No. 4-10-006-X, Goleta Slough Biological Evaluation Letter of Findings (with attachments), April 27, 2010.

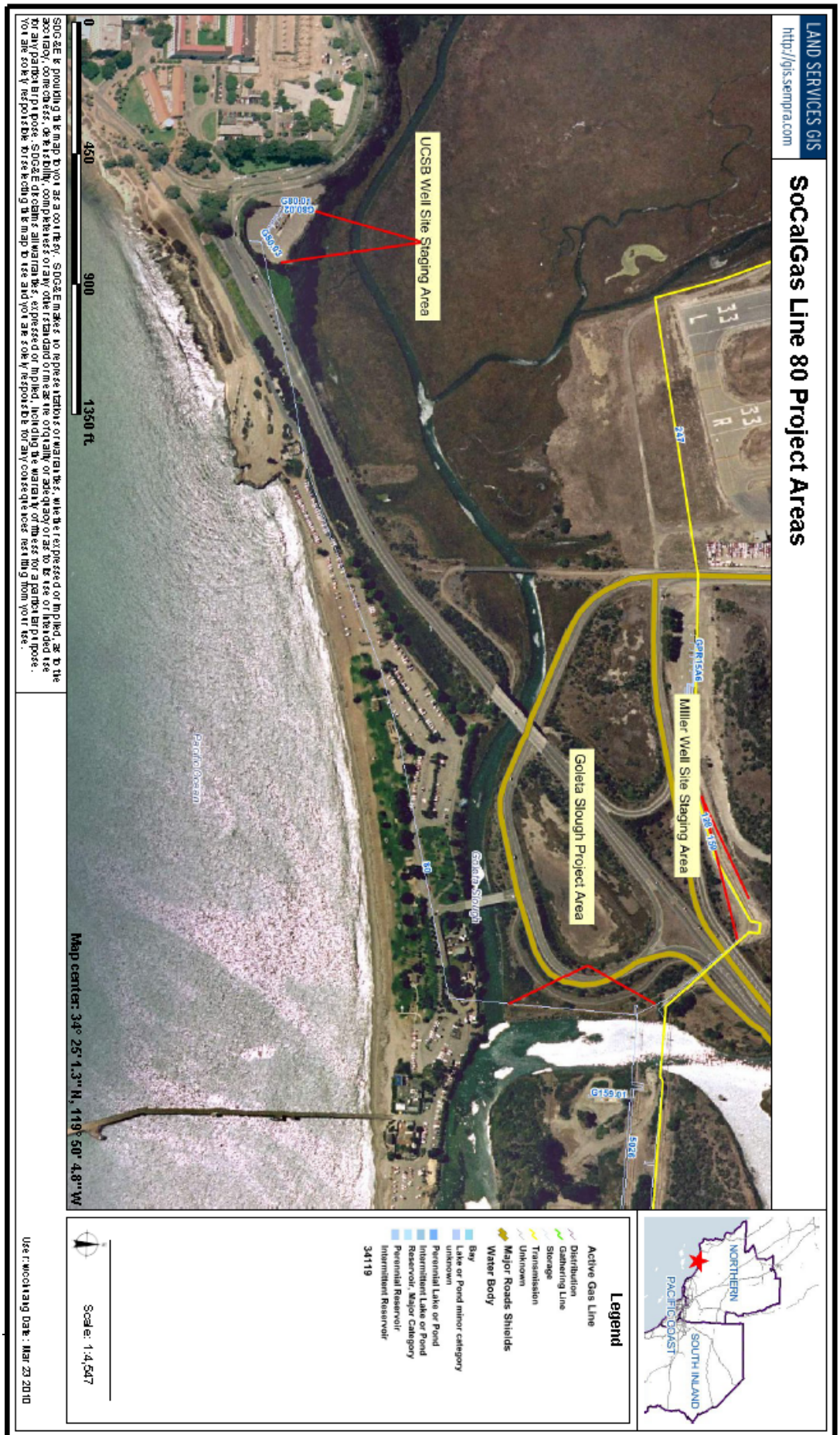

Exhibit 1

Project Vicinity – Goleta

Line 80 Reassessment, Goleta Slough, Unincorporated Santa Barbara County, CA

Restoration and Monitoring Plan

April 2010

Prepared By
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Southern California Gas Company
Environmental Management - North
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Exhibit 2

Restoration and Monitoring Plan

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1.0 INTRODUCTION

This document is a restoration and monitoring plan for the expected disturbance associated with the Southern California Gas Company's project involving the reassessment and in-line inspection of natural gas pipeline No. 80 location near Goleta Slough. This plan will describe the methods and considerations for restoration, maintenance, and monitoring of the wetland and upland habitats.

The project is divided into three (3) distinct areas within unincorporated Santa Barbara County, CA; the UCSB Well site staging area, Miller well site staging area, Goleta Slough project area. The Goleta Slough project area is located at the corner of land where Tecolotito Creek meets the main Goleta Slough tributary. Restoration and monitoring will take place within the Goleta Slough project area, where approximately 0.2 acres of temporary impacts (trimming and crushing) are anticipated as a result of vegetation trimming and use of plywood sheeting/construction matting to create a temporary access way for construction equipment. No vegetation or ground disturbance is proposed within the other two staging areas.

The dominant vegetation along the approximately 300-foot above ground section of Line 80 is ruderal non-native weedy species along the northern half of its length composed mostly of mustard, sweet clover, poison hemlock, common sow thistle, and thistles. The southern half occurs in salt marsh habitat dominated by pickleweed with scattered patches of saltbush and coyote brush shrubs, along with alkali heath, brass buttons, and rabbit's foot grass. A berm covered in the ruderal vegetation and a steep bank down to the open water of Tecolotito Creek occurs along the east of the above ground pipeline segment.

Exhibit 2

Restoration and Monitoring Plan

2.0 IMPLEMENTATION PLAN

2.1 Goals and Objectives

The goal of this plan is to ensure the restoration of areas disturbed by the project to prior-to-project conditions through restoration and monitoring efforts. Restoration and monitoring will include new planting and weeding treatment within the area impacted by the project.

2.2 Rationale for Expected Success

Restoration efforts undertaken in connection with prior activities within and near the project site have been successful. Upland and wetland vegetation currently thrives within and near the project site as stated in the 2006 Annual Monitoring Report for Sempra Energy Line 80 Repair Re-vegetation (final report). Based upon these prior results, we expect the hydrologic and edaphic conditions of the site will support the installed plant material.

3.0 PLANTING PLAN

The following planting plan discusses the tasks necessary to ensure success of this restoration and monitoring plan.

3.1 Site Preparation

Areas to be planted will be prepped by removing non-native plants. If needed, the top 12 inches of soil shall be loosened and made suitable for planting by disking, ripping, or other appropriate means.

3.2 Propagule and Seed Source

Commercial quantities of local and regional ecotypes will be used for all restoration applications. Propagules and seeds will be procured from a specialized native plant nursery and/or seed company, utilizing the selected species identified in Table 1. Additionally, propagules and spriggings from the project vicinity may be collected where feasible to be used during planting activities. The quality of the propagules and seeds to be provided will be inspected and approved by the project restoration biologist; this will either be a SoCalGas biologist or a consultant, prior to installation into the mitigation area.

Table 1: Planting palette for restoration

Common Name	Botanic Name	Planting Method	Habitat
Pickleweed	*Salicornia virginica*	Sprigs and plugs	Salt marsh

Exhibit 2

Restoration and Monitoring Plan

Coyote Bush	*Baccharis pilularis*	Seed or container stock (1-gallon)	Salt marsh transition and Uplands
Quail Bush	*Atriplex lentiformis*	Seed or container stock (1-gallon)	Salt marsh transition and Uplands
The species listed below commonly occur in the salt marsh and transitional habitats in the project vicinity and may be used to supplement the existing vegetation if local sources can be identified.			
California Sagebrush	*Artemisia californica*	Seed or container stock (1-gallon)	Uplands
Saltgrass	*Distichlis spicata*	Seed or container stock (4-inch pots)	Salt marsh transition and Uplands
Alkali Heath	*Frankenia salina*	Seed	Salt marsh transition
Alkali Rye	*Leymus triticodes*	Seed	Salt marsh transition and Uplands

3.3 Propagule and Seed Handling

Species procured from native plant nurseries where necessary will be directly installed into the planting zones under the supervision of the project restoration biologist.

3.4 Planting Methods

The following methods, planting of container stock and broadcast seeding, used to install the propagules and seeds are described below.

Planting of Container Stock

The following specifications shall be used for planting container stock.

- Actual planting shall be performed during periods when weather and soil conditions are suitable, and in accordance with locally accepted practices.
- Only as many plants as can be planted and watered on the same day shall be distributed in a planting area.
- The plants will be placed on site by the restoration biologist. Planting locations shall be spotted in natural configurations so that each species is distributed throughout each associated plating zone or habitat area and plants are not crowded together care shall be taken to avoid regular geometric patterns.

- Containers shall be opened and plants shall be removed in such a manner that the ball of earth surrounding the roots is not broken and they shall be planted and watered immediately after removal from the container. Containers shall be opened prior to placing the plants in the planting area.
- Irrigate immediately after installation to settle soil.

Broadcast Seeding

Hand broadcasting shall be conducted as follows:

- Verify in the field the dimensions and locations of each area to be seeded. Each area to be seeded will be marked in the field in a manner that clearly designates each seeding area and appropriate seed/seed mixture.
- Prior to seeding, the soil shall be scarified by ripping or other appropriate method.
- Seed shall be applied in two passes at the rate of half of the seed total required for each area per pass. Each pass shall be in opposite directions to one another.
- Lightly rake after seed application or use other methods to incorporate seed into soil and prevent it from floating or blowing away. Seed shall not be planted more that 2 inches deep.
- Water as conditions require to maintain moisture content necessary for proper germinations and establishment of seed
- The amount of seed for this site will be approximately 4 lbs/acre.

Most of this planting treatment will occur in the areas where we will have the most weed and invasive removals. This is mainly the northern section of the 300-ft above ground segment of Line 80. The main focus of this planting method is to maximize native re-growth and limiting invasive encroachment.

3.5 Maintenance and Irrigation of Restoration Site

Weed Control

All non-native, invasive weeds shall be removed from the re-vegetation site with hand tools during the quarterly inspection and monitoring sessions. Weed removal shall cause minimal disruption to the root systems of the installed plants and the soil surface. All material removed during weed control operations shall be hauled off the site.

Irrigation

To help establish the new plantings and seeds, the restoration biologist will hand water the restoration site. Watering will occur as necessary to ensure establishment of plants. There shall be no permanent irrigations installed at the site. Watering will stop during the raining season. After the raining season has ended, the project restoration biologist will evaluate if further supplemental water will be need for the spring and summer months.

4.0 MONITORING AND REPORTING

Once planting is completed, maintenance monitoring will be conducted once a month for the first 6months, and then quarterly through the second year, Maintenance, including water, will be conducted as needed at the same time as monitoring. Monitoring will be conducted quarterly for the third year with no maintenance. This will ensure that the re-vegetated areas are established and self-sustaining.

Performance monitoring will be conducted at least once annually for 3 years but may be conducted more frequently. It is anticipated that vegetation in the different plant communities will show sufficient development and stability for acceptance within 3 years after initiation of restorations activities. However, should the site meet the above performance criteria sooner than anticipated, the project will be considered successfully completed and no further maintenance or monitoring required. If the planting and seeding is not successful, SCG will re-attempt to restore the area in the same manner as described above and continue monitoring for the amount of time deemed necessary by the project restoration biologist.

Performance criteria to be met at the end of the Maintenance/Monitoring Period are:

- For pickleweed dominated areas – a minimum 80 percent total vegetative cover of which 80 percent cover is native species and maximum 20 percent is attributed to non-native species.
- For transition/upland areas – a minimum 50 percent total vegetative cover of which 60 percent is native species and a maximum 40 percent cover and/or 10 percent frequency of non-native species.

Annual monitoring reports will be prepared and shall include a discussion of success of the restoration, number of and size of plants installed during the year will be quantified , any maintenance performed during the year, a determination of whether the project will meet the performance criteria, photos taken from photo points, and identification of remedial actions, if needed.