

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



Page: 1 of 10

Date: December 20, 1996

ADMINISTRATIVE PERMIT

W-3a

Application No.: E-96-20

Applicant: Chevron Pipe Line Company

Agent: Fugro West, Inc.

Project Location: On the beach at the mouth of Toro Creek, west of Chevron Estero Marine Terminal and U.S. Highway 1 and adjacent to the City of Morro Bay, San Luis Obispo County (Exhibits 1-4).

Project Description: Project activities to involve: (1) install 2 metal pilings connected with a metal crossbar to provide support for a 20-inch-diameter crude oil loading pipeline, (2) repair an existing wood retaining wall on the south side of Toro Creek, (3) remove an abandoned, concrete pipeline anchor from the beach, and (4) temporarily divert the mouth of Toro Creek if necessary.

Other Approvals: Local approval waived by executive director pursuant to 14 C.C.R. § 13053(4) in response to request by San Luis Obispo County. San Luis Obispo County Minor Use Permit Application D960007P pending.

California Department of Fish and Game Streambed Alteration Agreement (August 28, 1996).

U.S. Army Corps of Engineers Permit No. 95-50387-TW, amended August 1996.

**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

**NOTE:** Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Date: Wednesday, January 8, 1997  
Time: Meeting begins at 10:00 A.M., Item 3a  
Place: Crown Plaza - Holiday Inn - LAX  
5985 West Century Blvd.  
Los Angeles, California  
(310) 642-7500

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS

Executive Director

By: 

Title: Coastal Program Analyst  
Energy and Ocean Resources Unit

**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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

**SPECIAL CONDITIONS:**

1. No project work in the vicinity of the mouth of Toro Creek shall be conducted after January 31, 1997 unless otherwise revised by the Department of Fish and Game pursuant to its Streambed Alteration Agreement (August 28, 1996). All project work shall be completed and demobilization shall occur prior to February 27, 1997.
2. Should trenching become necessary to divert the flow of Toro Creek away from the pipeline support installation area, the following actions shall occur.
  - a) Chevron shall provide written notification to the executive director, the County of San Luis Obispo, the Department of Fish and Game, and the U.S. Army Corps of Engineers before commencing trenching activities.
  - b) Chevron shall retain a biological monitor, approved by the executive director in consultation with the County of San Luis Obispo, to conduct a pre-construction visual inspection of Toro Creek to confirm the absence of tidewater goby. (For the purposes of this condition, the same monitor approved by the County of San Luis Obispo can be used.) Prior to commencement of work entailing disturbance of Toro Creek, the biological monitor shall report the results of the inspection to the executive director. If goby are present in the creek, work shall not commence.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The executive director hereby determines that the proposed development is an improvement to an existing structure, and thus is a category of development which, pursuant to P.R.C. Section 30624, qualifies for approval by the executive director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:****1. Project Description and Location.**

The proposed project site is located above mean high tide on Atascadero Beach at the mouth of Toro Creek, west of Chevron Estero Marine Terminal and U.S. Highway 1, and adjacent to the City of Morro Bay, San Luis Obispo County (Exhibits 1-2). The community of Cayucos is located approximately 1.5 miles north of the site. Two crude oil loading pipelines (Nos. 1 and 2), which cross under the beach before emerging onto the sea floor, connect the marine terminal's onshore storage tanks to two tanker berths that are located approximately 3,000 feet offshore. The No. 2 loading line was installed in 1983 and consists of a 20-inch-diameter, 0.5-inch wall Grade B pipe.

Typically, Toro Creek's outlet to the Pacific Ocean is north of the No. 2 loading line, and the loading lines are buried a minimum of three feet below the top of the beach sand. However, during the winter storm season, the beach profile in the area is dynamic, and moving sands have caused Toro Creek to shift its course along the beach by as much as 75 feet. For example, during the winter of 1995-96, heavy rains and wave action altered the flow of Toro Creek to the south, eroded the sand covering the loading lines, and caused minor damage to the external coatings of the pipelines. Chevron Pipeline Co. ("Chevron") repaired and reburied the loading lines in January 1996 pursuant to CDP No. E-95-03 and a San Luis Obispo County minor use permit.

Because exposure of the pipelines to river, wave, and tidal actions has potential, adverse impacts to safe tanker-loading operations, Special Condition 6c of CDP No. E-95-03 required Chevron to develop a long-term solution for pipeline protection should the pipelines again become exposed, and their integrity compromised. Since completion of the repair work in January 1996, the pipelines have been uncovered and re-covered several times by riverine, wave and tidal actions. In 1996, a free-span of the No. 2 loading line occurred when Toro Creek changed course and eroded beach material under the pipeline. Although Chevron states that the integrity of the pipeline was not compromised during this event, the company is taking precautions to protect the loading line during all beach conditions. The installation of the pipe supports as proposed is intended to provide both vertical and lateral support, and thus improve the integrity of the No. 2 loading line.

Chevron proposes to conduct project activities as follows (see Exhibits 3-4):

1. Install two pipeline support structures, approximately 40 feet apart, under the No. 2 loading line to provide intermediate support for the pipeline between the upper beach embankment and the surf zone.
  - Each pipe support will consist of two piles, one on each side of the loading line. The piles will be connected with a crossbar on which the loading line will be supported.
  - The loading line will be located and exposed on the beach and the pile locations surveyed.
  - The piles will be driven into the sand and the area between the piles and under the loading line will be excavated to allow installation of the crossbars. For each pipeline support, (1) the excavation volume will be about 235 cubic yards and (2) the surface area of the excavation will be approximately 46 feet by 34 feet (about 1,560 square feet).
  - After each crossbar is installed, the excavations will be backfilled with native beach sand material. The top of the pipe supports will not extend above the top of the pipe and the entire support will be fully covered with sand when sand covers the top of the pipe.
2. Repair an existing wooden retaining wall on the south side of Toro Creek. The retaining wall protects the upper beach embankment from erosion from Toro Creek. The repair work as proposed will only involve the replacement of missing or damaged boards. Work will be done manually with hand tools.
3. Remove an existing, unused concrete pipeline anchor from the beach. The dimensions of the anchor are 10 feet by 13 feet by 5 feet (height). The anchor—which was abandoned in 1983 when the original No. 2 loading line was replaced—becomes exposed on the beach during periods of beach erosion. Removal of the anchor will eliminate the obstruction from the beach. The area around anchor will be excavated and the anchor will be broken into sections that can be easily removed from the beach. For this portion of the project, (1) the excavation volume will be approximately 76 cubic yards (assuming two feet of sand cover) and (2) the surface area of the excavation will be approximately 24 feet by 27 feet (648 square feet).
4. Temporarily divert the mouth of Toro Creek if necessary. If Toro Creek is flowing where the pipe supports are to be located, Chevron proposes to excavate a channel to divert the creek to a more northerly outlet. This excavation will be about 150 feet long, 10 feet wide, and deep enough to have sufficient slope from the creek to the ocean. the depth of the channel is not expected to exceed three feet. For this portion of the project, (1) the volume of excavation will be approximately 110 cubic yards and (2) the surface area of the excavation will be approximately 1,500 square feet).

The project is estimated to require 10 working days. This includes one day each for mobilization and demobilization and eight days for installation of the pipe supports. The total excavation volume for all portions of the project is estimated to be 656 cubic yards. Equipment required to perform the work will consist of the following: a tracked excavator, a tracked bulldozer, a crane equipped with a pile driver, a tracked excavator with concrete breaker attachment, a flat-bed

truck, a 4-wheel-drive front-end loader, generators for electric power, air compressors, portable mud pumps, welding machine,, and miscellaneous hand and power tools. Access to the work site is from the south gate of the fenced-in equipment staging area, which is located adjacent to a paved pull-out area off of the Highway 1 right-of-way, and through a locked gate.

The project has been reviewed and/or approved by the following agencies:

- San Luis Obispo County Minor Use Permit Application No. D960007P [a hearing on this item is scheduled for December 20, 1996; as CEQA Lead Agency, the County approved Negative Declaration No. ED96-437 (SCH # 96111019) on December 9, 1996].
- California Department of Fish and Game (CDFG) Streambed Alteration Agreement (August 28, 1996).
- U.S. Army Corps of Engineers Permit No. 95-50387-TW, amended August 1996.

## 2. Marine Resources/Spills.

Coastal Act Section 30230 states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protections shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species or marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Coastal Act Section 30231 states in part:

*The biological productivity and the quality of coastal waters...appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored....*

Coastal Act Section 30232 states:

*Protection against the 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.*

Coastal Act Section 30240(a) states:

*Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

Project activities would be located on sandy beach within an area that encompasses the mouth of Toro Creek, a biologically sensitive area as designated by the City of Morro Bay. This site is a documented breeding and nesting habitat for the Western snowy plover (*Charadrius alexandrinus nivosus*), which is listed as federally threatened and a State Species of Special Concern. The site is within an area proposed as critical habitat for this species. The most critical time of year for this species is spring to fall (roughly March 1 through September 1) when nesting occurs on the beach. The U.S. Fish and Wildlife Service (U.S. FWS) has stated that impacts to snowy plovers can be mitigated by limiting the work to the non-nesting period of the year; this "window" period as determined by the U.S. FWS ends on March 1, 1997 (Negative Declaration No. ED96-437).

Steelhead trout (*Salmo gairdneri gairdneri*) inhabit Toro Creek during the months of February through April. The season begins with the upstream migration of adults, and encompasses the downstream migration of juveniles, which utilize the lagoon area. Since trout generally enter the stream after January 31st, the CDFG has restricted work in the area to the time before January 31, 1997. The lower reaches of Toro Creek also provide suitable habitat for the California red-legged frog (*Rana aurora draytonii*) and the Southwestern pond turtle (*Clemmys marmorata pallida*)—both State Species of Special Concern and candidates for federal listing—as well as the federally endangered tidewater goby (*Eucyclogobius newberryi*). The presence of the tidewater goby and the Southwestern pond turtle has been confirmed in Toro Creek upstream from the Highway 1 bridge, outside of the project area. The tidewater goby was found in Toro Creek about 525 feet upstream of the bridge (survey conducted by Ramona Swenson, Trihey & Associates, December 1995). An earlier survey conducted by the U.S. FWS did not detect tidewater gobies in the lower portion of Toro Creek (survey conducted by Norm Scott, U.S. Biological Survey, May, 1995).

The area for the proposed streambed diversion is entirely within an area of tidal influence that is devoid of vegetation. The following species of beach vegetation are present within the soft sand east of the work area and within the access area to the south: (1) coastal goldenbush, also commonly known as haplopappus (*Isocoma menziesii* var. *Vernonoides*), (2) hottentot fig, a variety of ice plant (*Carpobrotus edulis*), (3) New Zealand spinach (*Tetragonia tetragonioides*), (4) European sea rocket (*Cakile maritima*), summer mustard (*Hirschfeldia incana*), and coastal golden-yarrow (*Eriophyllum* sp.). The dominant plants are coastal goldenbush and hottentot fig.

To avoid potential impacts to marine and other sensitive resources, Chevron has incorporated several mitigation measures into its project description and will conduct all development activity in strict compliance with these measures.

1. The construction area, including all heavy equipment accessways onto and across the beach, will be restored to its pre-project condition upon completion of the project.
2. Chevron will conduct all activities outside the breeding and nesting season of the Western snowy plover and so as to lessen potential interference with steelhead trout. Pursuant to Special Condition No. 1, no project work in the vicinity of the mouth of Toro Creek shall be conducted after January 31, 1997 unless otherwise revised by the Department of Fish and Game pursuant to its Streambed Alteration Agreement (August 28, 1996). All project work shall be completed and demobilization shall occur prior to February 27, 1997.

3. Chevron will only trench to divert Toro Creek to an outlet north of the No. 2 loading line only if the flow of Toro Creek is directed across the line in such proximity as to make the proposed work infeasible. Pursuant to Special Condition No. 2, should trenching become necessary to divert the flow of Toro Creek away from the pipeline support installation area, Chevron shall notify the executive director, the County of San Luis Obispo, the Department of Fish and Game, and the U.S. Army Corps of Engineers before commencing trenching activities.
4. Chevron will implement the following measures to avoid spillage of any hazardous material on the beach during project activities:
  - The No. 2 loading line will remain out of service while construction activities occur in the project area. The No. 1 loading line will be shut down when heavy equipment crosses the pipeline. Both pipelines will be maintained under a continuous vacuum when they are idle. Steel plates will be placed over the top of both loading lines when heavy equipment crosses the pipelines.
  - Both the No. 1 and No. 2 lines will be clearly marked and pipeline repair material shall be kept onsite in case of a pipeline break.
  - All equipment used for this work shall be removed from the beach at the end of the working day. In addition, if high tides encroach into the construction area during the course of the work day, construction equipment shall be removed from the wetted beach area during the inundation period.
  - No fueling or scheduled maintenance of equipment shall occur on the beach. All equipment will be inspected daily for leakage of petroleum products (e.g., gasoline, diesel fuel, oil) and antifreeze/coolant. Equipment showing obvious signs of such leakage shall not be used for project activities.
  - All construction equipment shall access the site through designated area as shown on the site plan. Construction access corridors shall be delineated by establishing and maintaining stakes, flags or fences.

Marine resource issues examined in this permit application are the potential impacts of project operations on the beach and marine environments. The proposed project is designed to be consistent with the policies in Coastal Act Sections 30230, 30231, 30323, and 30240(a). Specifically, the proposed project conforms to the identified policies by providing enhanced protection for a crude oil pipeline that is located in an area exposed to river, wave, and tidal action and, by doing so (1) maintaining marine resources, (2) maintaining the biological productivity and quality of coastal waters, and (3) protecting human health and areas and species of special biological significance.

Providing support to the No. 2 loading line is necessary to reduce the potential threat that the pipeline will break—due to freespanning as a result of erosion of beach sands caused by wave, tidal, or river action—and hydrocarbons will subsequently be released to the marine environment. Given the relatively small area of beach potentially disturbed by excavation (656 cubic yards), the short duration of project activities (e.g., excavation and regrading will be completed within 10 days), and both special conditions and the applicant's proposed mitigation measures—including



(1) scheduling and monitoring to avoid impacts to the Western snowy plover, steelhead trout, and tidewater goby and their habitats and (2) restoration of beach contours—no adverse impact to sensitive species or their habitats should result from project implementation. The executive director therefore finds that the proposed project as conditioned is consistent with Coastal Act Sections 30230, 30231, 30232, and 30240(a).

### **3. Public Access, Recreation, and Safety**

Section 30211 of the Coastal Act 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.*

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Public access to the shoreline and along the coast is available near the site. Atascadero State Beach is accessible approximately 0.25 miles south of the site near the intersection of Yerba Buena Street and U.S. Highway 1; Morro Strand State Beach lies to the north and also provides access from Highway 1. Recreational use of the sand area in the immediate project vicinity currently exists. The dry sand portion of the property connects two state park beach units and provides a logical connection for low intensity uses such as beachcombing and fishing.

Project activities will require installation of metal piles and pipeline supports adjacent to and below the No. 2 loading line; the top of the pipe supports will not extend above the top of the pipe and the entire support will be fully covered with sand when sand covers the top of the pipe. In addition, project activities will require the use of heavy equipment on the beach, and the temporary presence of steel trench plates, other equipment, and a sand stockpile area. Chevron will place stakes, caution flagging, and/or other visual markers around the construction access way and work area to prevent the area from being a safety hazard to persons walking on the beach. The duration of project activities will be approximately 10 days.

Considering the duration of the project (approximately 10 days) and use of safety devices (e.g., stakes and caution flagging), the executive director finds that the project as proposed will not significantly impact access or public recreation and is, therefore, consistent with Coastal Act Sections 30211 and 30220.

### **4. Archaeological and Cultural Resources**

Section 30244 of the Coastal Act states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The project area is located in an archaeologically sensitive area and is highly significant to Chumash people. While no known archaeological site exists in the immediate vicinity of the well sites, a known archaeologically sensitive site is located to the south of the well sites.

The project site has been the site of previous construction activities conducted pursuant to a Commission-approved Cultural Resources Management Plan to ensure that the integrity of cultural and archaeological resources is preserved (see CDP Nos. E-94-18 & E-95-03). During these projects, a Chumash monitor and an archaeological monitor were on site to observe all ground-disturbing activities; no cultural and archaeological resources were discovered during these projects. For this project, an archaeologist approved by the County of San Luis Obispo shall monitor the project during trenching and excavation. If archaeological or cultural resources are discovered while performing any project-related activity, Chevron shall (1) immediately halt work, (2) notify the executive director and the County of San Luis Obispo, and (3) resume work only after these agencies have determined the appropriate course of action. The executive director, therefore, finds that the proposed project is consistent with Coastal Act section 30244.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONDITIONS:**

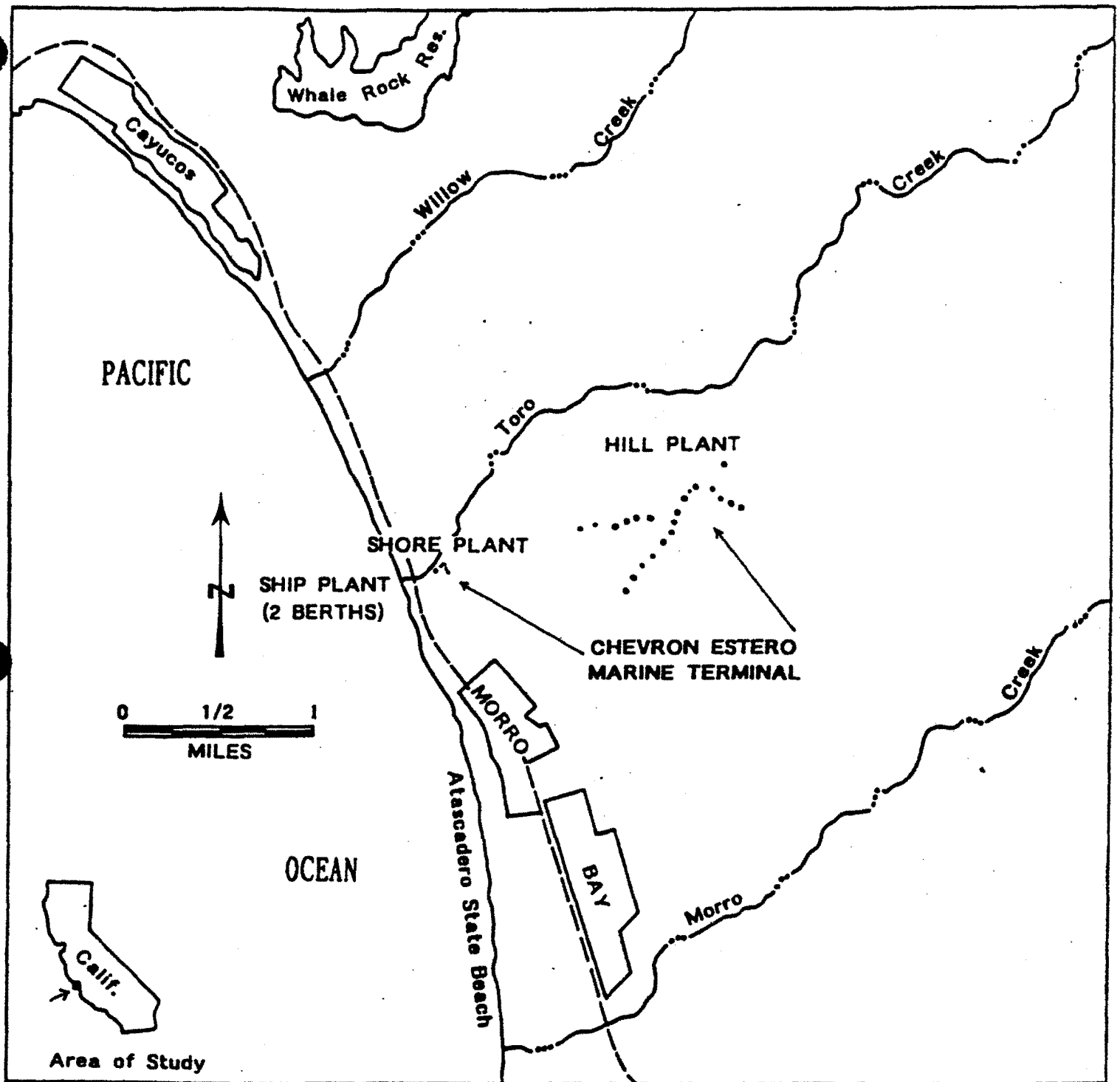
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's Signature

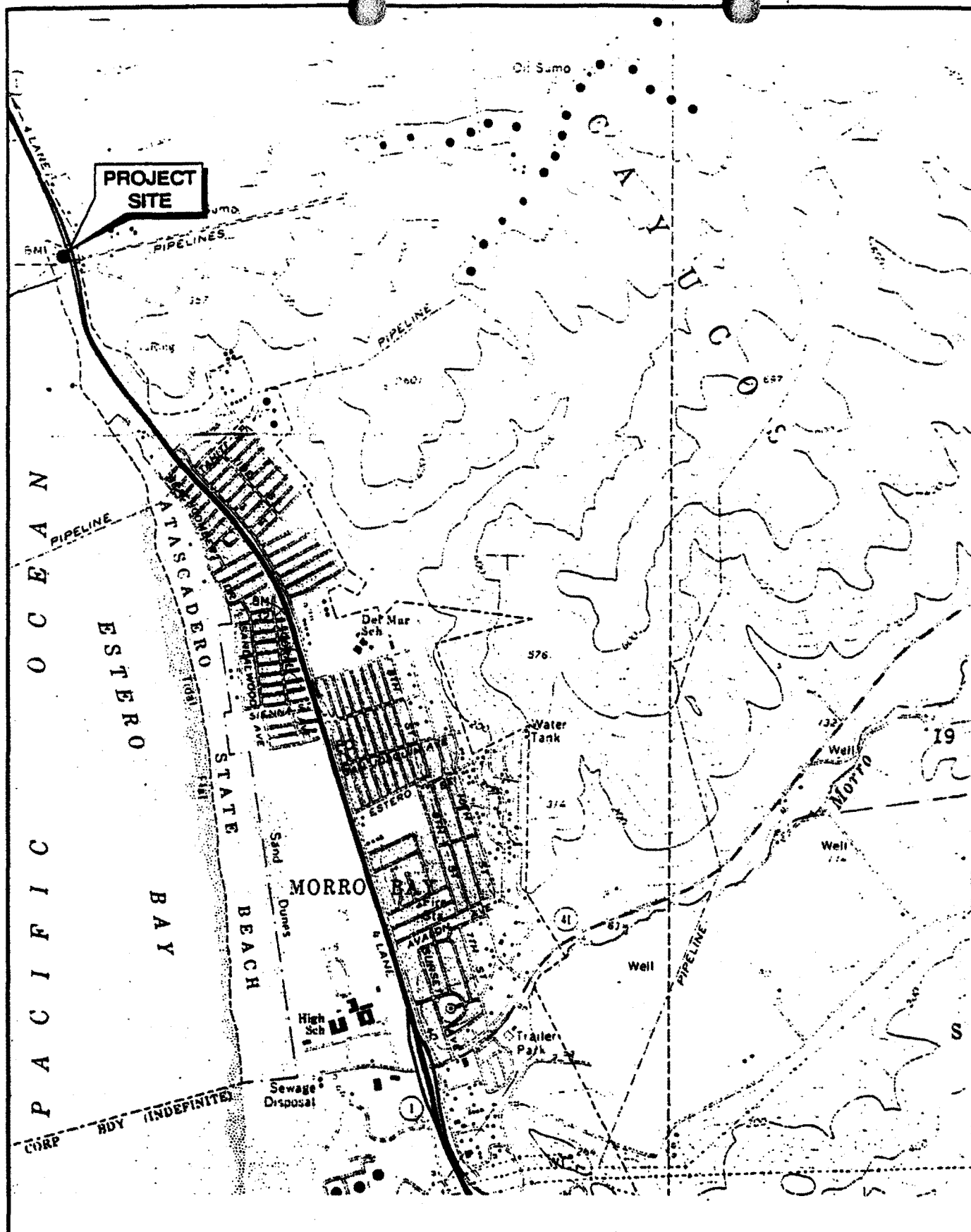
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Date of Signing



		ENTRIX, INC.
Chevron Estero Marine Terminal	SITE LOCATION MAP	LLLL LLLL LLLL LLLL Glendale CALIFORNIA

EXHIBIT NO. 1
APPLICATION NO. E-96-20
Chevron Estero



SOURCE: USGS 7.5' Quadrangle, Morro Bay North, California (1965)



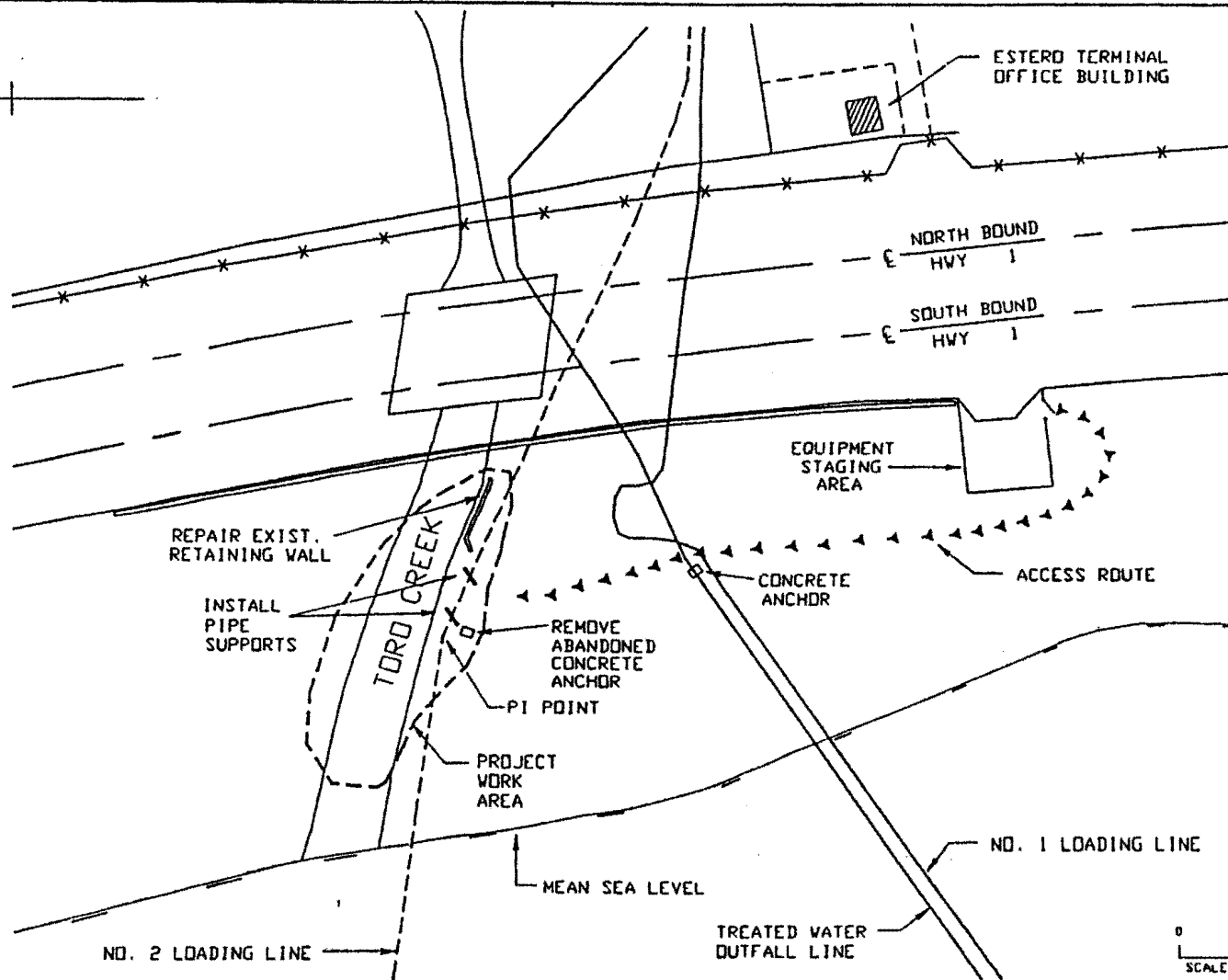
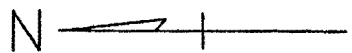
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EXHIBIT NO. 2

APPLICATION NO.  
E-96-20

Chevron Estero

**fuero**



0 100' 200'  
SCALE FOR REDUCED DRAWING  
1" = 100'

Chevron Estero

EXHIBIT NO. 3  
APPLICATION NO.  
E-96-20

REVISIONS	0	ISSUED FOR SIGNATURES	9/95	DR. JBJ. CH.
	1	CHANGED PROJECT WORK AREA ADDED PIPE SUPPS. EQUIP. STAGING AREA	2/8/96	DR. APP. JRP
	2	REMOVE ABND. CONC. ANCHOR CHD. PIPE SUPPS. & WORK AREA	6/25/96	ENGR. DEPT. APPROVED
				ENG'R. DEPT.



**Chevron Pipe Line Co.**  
West Coast Corridor

SCALE 1" = 100'

DATE 9/1/95

PERMIT DRAWING		
NO. 2 LOADING LINE PIPE SUPPORTS		
ESTERO SHORE PIPELINES		
ESTERO MARINE TERMINAL		
C.C.	CB-0143	2
S.O.		

FIGURE 2

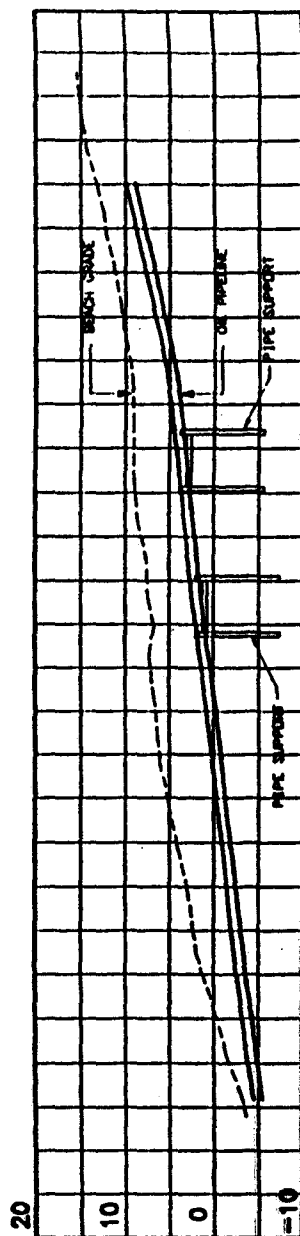
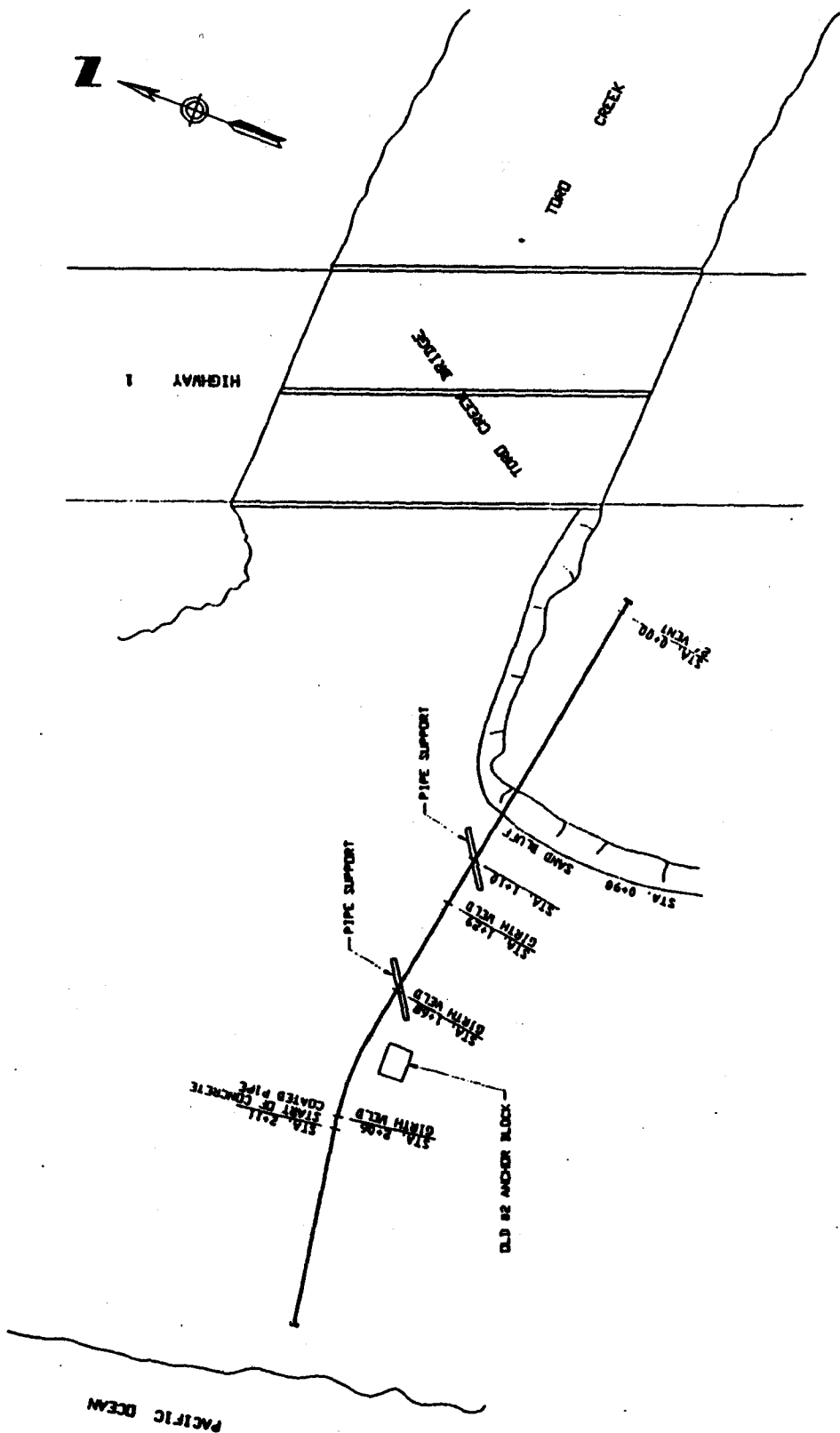


EXHIBIT NO. 4

APPLICATION NO.  
E-96-20

Chevron Estero