

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
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Page: 1 of 2

Date: December 22, 1997**M15a****ADMINISTRATIVE PERMIT**

Application No.: E-97-24

Applicant: Thriftway, Inc.

Agent: Thomas G. Dahlgren, Dahlgren Consulting Services (DCS)

Project Location: APN No. 113-020-012, located at the western terminus of Highway 166 (Main Street) as it turns into a parking lot at Guadalupe Beach, on the NW corner of Lot 161 Rancho Guadalupe, Santa Barbara County. (See Exhibits 1 and 2)

Project Description: Cleanup of the former Thriftway oil well site, including (1) removal of piles of broken concrete, an asphalt road, power poles, and sand that has encroached onto the former drillsite; (2) recovery of oilsand (asphalt-like chips of crude oil from production activities) and asphalt chips from surrounding dune areas; and (3) patching of the former drillsite with the recovered oilsand and asphalt, and subsequent re-sealing.

Local Approvals: County of Santa Barbara Department of Planning & Development. Conditional Use Permit No. 96-CP-035 (September 10, 1997).

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: January 12, 1998
Time: Meeting begins at 10:00 a.m.
Place: Embassy Suites - San Luis Obispo
333 Madonna Road
San Luis Obispo, CA 93405
(805) 549-0800

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
California Coastal Commission

By: Alison Dettmer
Alison Dettmer
Supervisor
Energy and Ocean Resources Unit

Acknowledgment:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance...of any permit..." applies to the issuance of this permit.

Date

Signature of Permittee or Representative

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:

Special conditions are as follows:

1. THRIFTWAY shall not conduct project activities on the sand dunes between March 15 and October 31 to avoid the nesting seasons of the Western Snowy Plover (*Charadrius alexandrinus nivosus*) and the California Least Tern (*Sterna antillarum browni*).

EXECUTIVE DIRECTOR'S DETERMINATION:

The executive director hereby determines that the proposed development will cost less than \$100,000 and that on this basis it is within a category of development that qualifies for approval by the executive director through the issuance of an administrative permit, pursuant to Public Resources Code 30624. Subject to Standard and Special Conditions 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. Because this development is located between the nearest public road and the sea, the Executive Director further finds it to be in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Background

A.1 Site Description

The Thriftway oil well site is located on an 80-acre lease that is part of a 488-acre parcel. The site is zoned RES-320 (Resource Management, 320-acre minimum parcel size), and the Coastal Plan Designation is Other Open Lands with an Environmentally Sensitive Habitat Overlay. The site is located within the Guadalupe Dunes, also known as Mussel Rock Dunes, and is included in the Guadalupe-Nipomo Dunes Preserves. To the north lies the mouth of the Santa Maria River, to the south is an access road/parking area, and to the west is the Pacific Ocean. (See Exhibits 1 and 2)

A.2 Project Background

Since the 1950s the site has accommodated oil production and storage facilities under Union Oil Company, then Natural Resources Equities, and finally Thriftway. The wells and oil facilities have been idle for more than two years. Thriftway has removed and sold all surface tanks, pumps, tank battery separation and loading equipment, and surface piping contained on the original drillsite. Thriftway has also abandoned the site's four oil wells (Thriftway Union Sugar Nos. 1, 2, 3, and 39A) per the requirements of the State Division of Oil, Gas, and Geothermal Resources, under permits granted in May 1996. Abandonment also included removal of concrete cellars that surrounded each wellhead, concrete pump unit pads, any pipelines found buried around the wells, and fencing that surrounded each well.

Structures still remaining at the site include an asphalt pavement area approximately 75' x' 200' (less than one acre) around the abandoned wells and former tank facility, a paved road that used to wrap around the tank battery, power poles, a wood fence and a concrete rip-rap barrier that protect the entire site along its western edge, and an access gate. Two piles of concrete from removal of the well cellars and pads also remain on site.

The entire paved portion of the drillsite is covered with migrating sand due to lack of maintenance over the last two years. In addition, sand dunes to the east of the site contain scattered oilsand and asphalt pieces. Finally, a small section of the concrete rip-rap sea wall at the northwest corner of the site has been washed away by recent storms.

A.3 Site Assessments for Contamination

Soils Investigation by Levine-Fricke

On March 31, 1995, a soils investigation was prepared by Levine-Fricke, registered geologist, at the request of Union Oil Company of California (Unocal) as part of an ongoing soils investigation of Unocal's Guadalupe oil field. The results of the subsurface tests did not detect hydrocarbons in the soil or groundwater.

Phase I and II Environmental Assessment by Dahlgren Consulting Services

On June 18, 1996, Dahlgren Consulting Services (DCS) conducted a Phase I and II Environmental Assessment (EA) as part of the abandonment application, which evaluated the location of the oil wells, oil facilities, the surface and down-hole condition of the oil wells, and the general condition of the property. The testing program included field observation of soil conditions, and field and laboratory testing for total petroleum hydrocarbons (TPH). On October 11, 1996, DCS prepared a Supplemental Phase II Environmental Assessment (SEA) to test for contamination of groundwater. Soil and groundwater samples were collected and analyzed for TPH and for benzene, toluene, ethylbenzene, and xylene (BTEX).

The EA and SEA found the presence of oilsand layers, chips, and boulders within the upper three feet of soil (although about 90% exists at the surface) which have mixed with the sand and gravel and hardened into a rock-type material. The EA indicated that this hardened material appeared to have no significant effect on the surrounding soil or vegetation, deemed it a non-hazardous nuisance material, and recommended scraping and raking it up for use in the future parking lot site.

Laboratory analysis for the EA detected concentrations of TPH in the soil in only one sample--results showed TPH as diesel for the sample taken in the center of the former diluent pump location at a concentration above the Santa Barbara County Action Level. The EA concluded, though, that the amount was very minor and indicated that natural bioremediation would occur and reduce this contaminant level to below the County Action Level in a manner that would be much less of an impact than excavating the soil.

Laboratory analysis for the SEA detected only trace levels of TPH as diesel, toluene, and xylene in one of the groundwater samples (from the former diluent pump location), but at levels below the Maximum Contaminant Level and Action Levels established by the State of California Office of Drinking Water. SEA results suggest that BTEX concentrations are not present in the subsurface soils at the site and that the detected TPH concentrations are limited in distribution. The results also suggest that the groundwater beneath the site does not appear to contain concentrations of BTEX exceeding the maximum containment level as established by the County and State, and does not appear to contain concentrations of TPH.

As such, the SEA concluded that the site does not present a threat to human health or to the environment and therefore does not recommend further investigation or remediation of the TPH concentrations detected adjacent to the former diluent pump.

Concurrence by the County Protection Services Division

On May 6, 1997, the Protection Services Division, Hazardous Materials Unit of the County of Santa Barbara (PSD) concluded that since the test results indicate that soil contamination is defined and limited and that the shallow groundwater has not been impacted, the site meets the current Regional Water Quality Control Board criteria of a low risk site. Therefore, the PSD concurs that further assessment of the soil or groundwater would not be required and that active remediation of the limited soil impacted by TPH would not be necessary.

A.4 Local Government Approvals

The County of Santa Barbara Planning Commission determined that the subject project does not have the potential to result in a significant impact on the environment and is therefore exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the provisions of CEQA Guidelines Section 15301.

The Planning Commission granted Thriftway a Conditional Use Permit (No. 96-CP-035) for the subject project on September 10, 1997. A Land Use Permit will be required after the applicant obtains a Coastal Development Permit.

B. Project Description

The applicant will complete the following activities:

1. Remove the sand that has encroached onto the former drillsite and place it west of the site in areas washed out by recent storms;
2. Incorporate the two piles of broken concrete from the well cellars and pads into the damaged section of the existing concrete rip-rap sea barrier per the direction of County Park Department staff who will be on-site during project activities;
3. Scrape up approximately 60 feet of asphalt road from around the former tank battery with a backhoe, screen the road material of sand, and pack the asphalt chips at the former drillsite in areas where well abandonment activities created 20 foot-wide holes in the asphalt;
4. Hand-rake around the sand dunes east of the former drillsite, collect the chips of oilsand and asphalt from around the vegetation, screen the collected material of sand, and pack the material into the areas of the former drillsite needing patchwork;
5. Remove and discard the three power poles and power lines within the former drillsite area; and
6. Re-coat the pavement with an asphalt seal to bind the recovered and re-compacted material.

The applicant expects to complete all project activities in one to two weeks. The applicant plans to turn the former drillsite over to the County of Santa Barbara Park Department for further work related to redesigning it as a parking lot.

C. Coastal Act Issues

I. *Environmentally Sensitive Habitat Area*

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.

The Santa Barbara County Local Coastal Program designates the Guadalupe Dunes habitat as Other Open Lands with an Environmentally Sensitive Habitat (ESH) overlay. Within the coastal zone, the Other Open Lands designation is reserved for specific areas that have extensive or outstanding natural resource values. The ESH overlay designation indicates locations where the presence of hazards or special resources place constraints on development. The ESH designation applies to sensitive ecological communities or significant natural habitats.

Project Intent

The proposed project seeks to clean up a former oil well site that is located within environmentally sensitive dune habitat. The project will remove above-ground structures, including a road, and oilsand and asphalt chips and larger pieces that are scattered in the dunes, thereby restoring a disrupted environmentally sensitive habitat area consistent with Coastal Act Section 30240(a).

Dune Vegetation

Vegetation indicative of dune habitat has been able to re-establish itself on the site since oil production and storage activities ceased approximately two years ago. DCS and The Nature Conservancy conducted a vegetation survey at the site in late 1997 which identified the presence of four plant species: Coastal Ice Plant (*Mesembryanthemum chilense*), Sea Rocket (*Brassicaceae cruciferae*), Sand Verbena (*Abronia maritima*), and Beach Morning Glory (*Calystegia soldanella*). Coyote Bush (*Baccharis pilularis*) was found within a short distance of the Gordon Sand Company facility. None of the plants identified in the survey are state or federally listed as threatened, endangered or of special concern.

The cleanup project does not propose to disturb any existing vegetation; in fact, removal of the oilsand and asphalt pieces will facilitate establishment of more vegetation. Backhoe use will be restricted to within the tank battery roadway corridor. All other activity in the dunes will be conducted using hand-held rakes. Furthermore, most of the vegetation has established on the knolls of each dune while the oilsand and asphalt pieces have settled in the lower unvegetated sand. Finally, all of the power poles can be accessed and removed from existing paved roadways. Only two poles have any vegetation near their locations, and no impacts to vegetation

are necessary for their removal. Thus all project activities can and will be conducted so as not to disturb any existing vegetation.

Avoidance of Western Snowy Plover and California Least Tern Nesting Season

Mussel Rock/Guadalupe Dunes is habitat for two protected species of shorebird, the federally listed threatened Western Snowy Plover (*Charadrius alexandrinus nivosus*) and the federally and state listed endangered California Least Tern (*Sterna antillarum browni*). The nesting season for the Western Snowy Plover occurs between mid-March and late September, and for the California Least Tern occurs between April and October. Therefore, **Special Condition No. 1** restricts Thriftway from conducting project activities on the dunes between March 15 and October 31 in order to avoid the nesting season of both species.

Conclusion

The proposed project intends to restore portions of the site to their natural condition. Project activities as proposed will be conducted so as to not to disturb any dune vegetation. Pursuant to Special Condition 1, all project activities will be conducted outside of the nesting season of the Western Snowy Plover and the California Least Tern. The Executive Director therefore finds that the project as proposed will not significantly disrupt environmentally sensitive habitat areas and thus is consistent with Coastal Act Section 30240(a).

2. *Public Access, Recreation, and Safety*

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 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.

Coastal Act Section 30220 states:

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

Rancho Guadalupe County Park is the only easily accessible beach in the Santa Maria Valley. The preliminary master plan for the Rancho Guadalupe Beach Park (PMP) designates the area

for the preservation and protection of the natural ecological, scenic, and recreational values of the Guadalupe Dunes.

The subject project activities will not interfere with the public's access to the beach. In addition, abandonment of the oil wells and appurtenant surface structures is in conformance with the PMP. Furthermore, the PMP proposes to relocate the existing parking lot to the paved area of the abandoned oil well site. The relocated parking lot will be protected by the existing concrete rip-rap barrier and allow for safer and more reliable access to parking. The relocated parking lot will provide day use and equestrian trailer parking facilities. The Santa Barbara County Park Department and The Nature Conservancy have reviewed Thriftway's proposal and concur with the recommendations contained the Environmental Assessment.

The Executive Director therefore finds that the project as proposed will improve beach access and will not have a significant adverse effect on public access, safety, or recreation, and thus is consistent with Coastal Act Sections 30210, 30211, and 30220.

C. California Environmental Quality Act (CEQA)

The California Coastal Commission's permit process has been designated by the State Resources Agency as the functional equivalent of the CEQA environmental review process. Pursuant to CEQA section 21080.5(d)(2)(i) and section 15252(b)(1) of Title 14, California Code of Regulations, the Commission may not approve a development project "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." Thus the CEQA requires the consideration of feasible alternatives to a proposed project, including those less environmentally damaging, and the consideration of mitigation measures to minimize or lessen any significant environmental impacts.

The "no project" alternative would result in the continued presence of oil production-related structures and debris in environmentally sensitive dune habitat areas and near estuarine and marine environments. Therefore, the no project alternative is not a less environmentally damaging alternative.

As discussed above, the proposed project activities are subject to mitigation measures that make them consistent with the Coastal Act and reduce their impacts to a level of insignificance.

The Executive Director finds no feasible less environmentally damaging alternatives or additional feasible mitigation measures, other than those identified herein, that would substantially lessen any significant adverse impact which the project activities may have on the environment. The Executive Director therefore finds the project is consistent with the provisions of the CEQA.

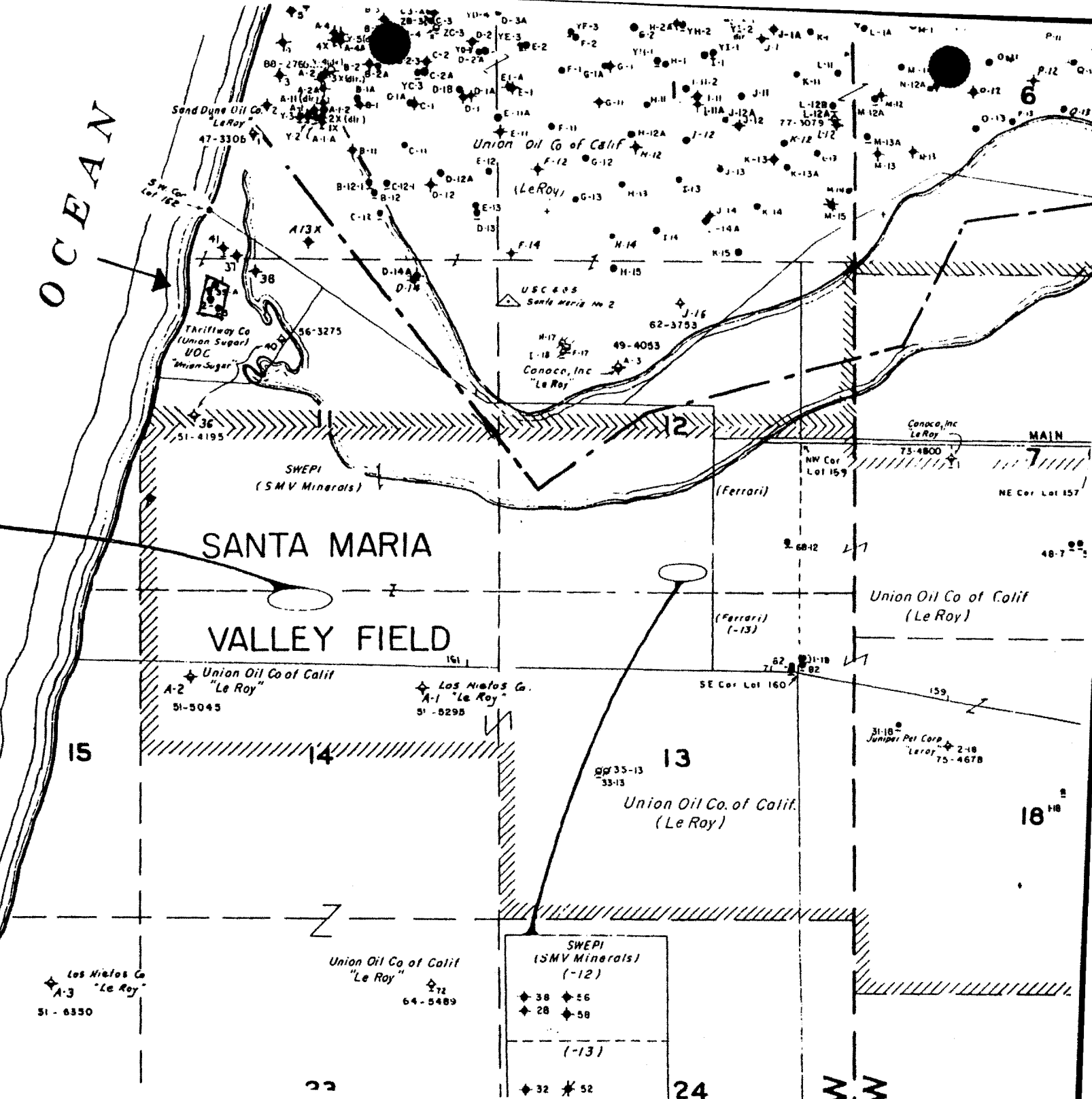
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EXHIBIT NO. 1
 APPLICATION NO.
 F-97-24
 TRIFWAY



SWEPI (SMV Minerals)

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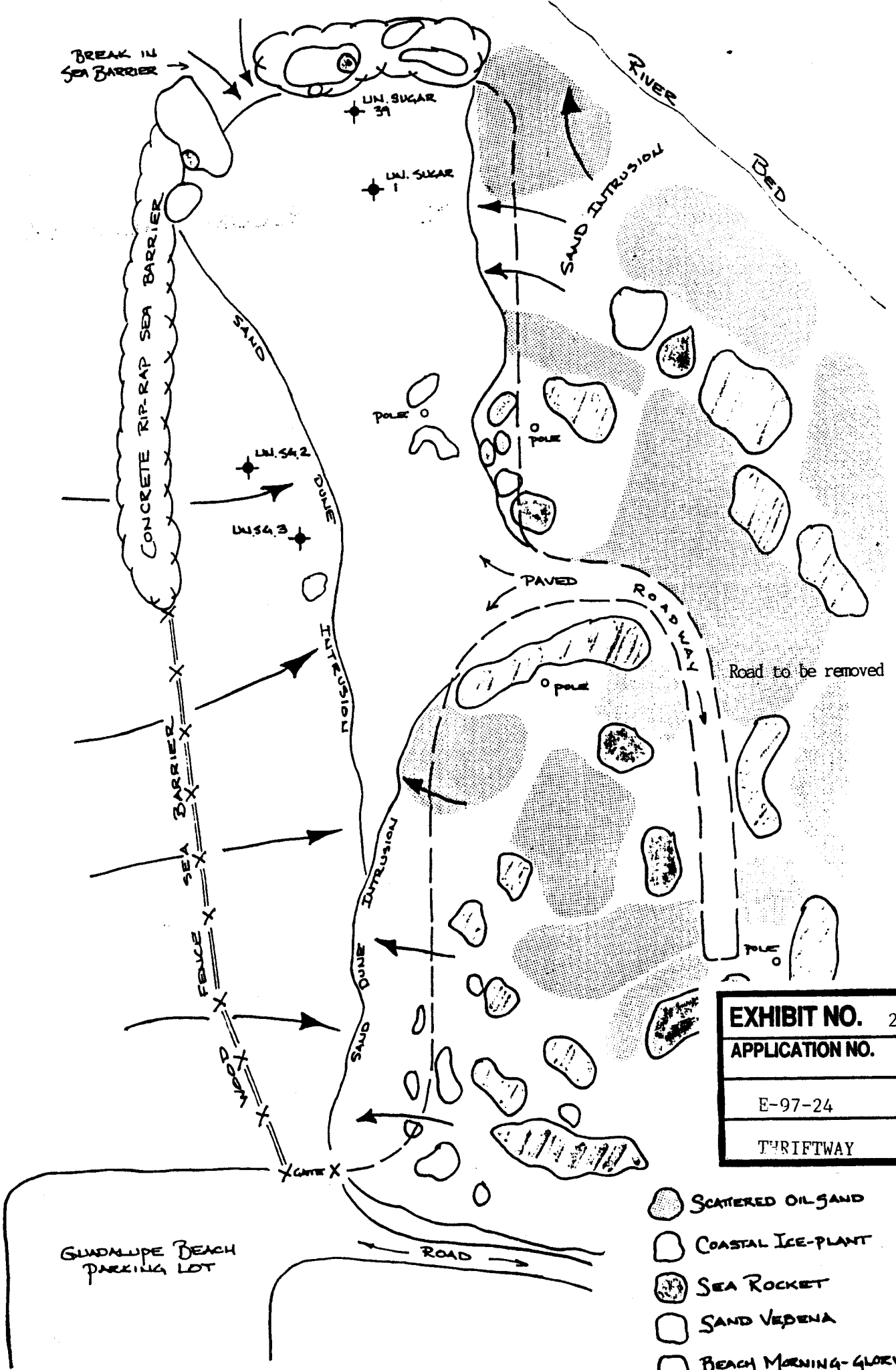







EXHIBIT NO.	2
APPLICATION NO.	
	E-97-24
	THRIFTWAY

-  SCATTERED OIL SAND
-  COASTAL ICE-PLANT
-  SEA ROCKET
-  SAND VEGETA
-  BEACH MORNING-GLORY