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**STAFF REPORT
REGULAR CALENDAR**

Application No.: E-00-029

Project Applicant: Southern California Edison

Project Location: Mandalay Beach, Oxnard, Ventura County

Project Description: Remove 4,950 feet of 24" subsurface marine pipeline at the Mandalay Marine Terminal and abandon in place two buried anchors. The pipeline will be removed using either a "drag ashore method" or, if surf conditions require it, a surf sled temporarily installed in the surf zone.

Substantive File Documents: Appendix B

SYNOPSIS

In this application, Southern California Edison ("SCE") proposes to decommission the Mandalay Marine Terminal by (1) removing a 24-inch, 4,950-foot long idle submarine crude oil pipeline, and (2) abandon in place the two remaining anchors of the former seven-point offshore mooring system at Mandalay Beach, Oxnard, Ventura County. (Exhibit 1, "Project Location"). The Mandalay Marine Terminal once served as a back-up crude oil fuel supply at the Reliant Energy Mandalay Electric Generating Station. The power plant now uses natural gas only.

The removal of the pipeline has 3 major steps: flushing of the pipeline, removal of the nearshore portion of the pipeline, and removal of the offshore portion of the pipeline.

The pipeline will be flushed to remove any remaining contaminants, including hydrocarbons, biocide and corrosion inhibitor, before the pipeline is opened to seawater. The pipeline will be flushed until the residual hydrocarbon level inside the pipeline is less than 15 parts per million and the corrosion inhibitor and biocide are non-detectable. One complete flush of the pipeline will produce approximately 107,000 gallons of water which will be sent to Baker tanks onshore.

The nearshore portion of the pipeline will be removed using one of two proposed methods: a "drag ashore" method, or use of a "surf sled. The drag ashore method entails excavation of the pipeline by divers using jetting equipment if the pipeline is not already exposed by winter scouring. Section of the pipeline will then be cut and dragged ashore as they are exposed. The pipeline will be removed as far out into the water as the tides will permit using conventional terrestrial equipment such as excavators and backhoes, working at low tide periods. Use of a surf sled option is an alternative back-up option to the drag ashore method if surf or pipeline burial conditions render the drag ashore method infeasible. A surf sled is a platform-like structure mounted on skids that are broad enough to support the weight of the structure; the bottoms of skids are fitted with a series of air jets that provide a cushion of air when moving the surf sled. The surf sled will support diving crews and equipment necessary to perform excavation and pipeline removal activities.

The offshore section of the pipeline will be removed using an offshore work vessel anchored in a 4-point configuration, which itself will be supported by a small anchor-handling tugboat. Cutting and removal operations will begin at the terminus of the pipeline and will then work shoreward. The pipeline will be exposed using airlifting or jetting equipment prior to cutting. Cut pipeline segments will be lifted or pulled to the surface and landed on the deck of the offshore support vessel, which will transport full loads of cut pipe to Port Hueneme.

Table 1 summarizes project-related issues, potential resource impacts, and the recommended conditions of approval to avoid or reduce potential adverse resource impacts.

The staff recommends approval of the project as conditioned.

Table 1. Issue Summary: Potential Impacts and Proposed Conditions and Measures

Significant Issue Area	Proposed Special Conditions and Mitigation Measures
<p>Marine Resources: Benthic Habitat</p>	<p>Issue: Disturbance to benthic habitat, in particular sand dollar beds, due to seafloor disturbance from pipeline excavation and removal activities.</p> <p>Mitigation Measure: Special Condition 5 requires that disturbance to sand dollar beds be avoided to the maximum extent feasible, and divers shall, to the maximum extent feasible, set work vessel anchors in locations away from sand dollar beds.</p>
<p>Marine Resources: Marine Mammals</p>	<p>Issue: Potential collision of work vessels with marine mammals during nearshore and offshore pipeline excavation and removal activities.</p> <p>Mitigation Measure: Special Condition 4 requires that the marine mammal monitor described in the applicant's Marine Wildlife Contingency Plan (dated August 7, 2001) be approved by the Executive Director, and that the marine mammal monitor immediately report to the Executive Director any impacts to or collisions with marine mammals.</p>
<p>Marine Resources: Birds</p>	<p>Issue: Disturbance to special status species, including the western snowy plover and California least tern, due to project equipment and personnel presence on Mandalay Beach.</p> <p>Mitigation Measures: Special Condition 1 requires that during all project activities conducted on the beach, the applicant shall have present a biological monitor approved by the Executive Director of the Coastal Commission (hereinafter "Executive Director"). If at any time during project operations the monitor observes special status species (e.g. snowy plovers, California least terns) within the construction corridor, all work shall stop or be redirected to another area as determined by the biological monitor.</p> <p>Special Condition 3 requires that if project activities occur during the Western snowy plover or California least tern nesting season (April through August), the applicant's biological monitor (approved under Special Condition 1) shall identify active nests and direct that all areas within a 500-foot radius of the nesting site shall be clearly marked and avoided. No disturbances shall occur within the protective area until all young birds have fledged, as confirmed by the biological monitor.</p>
<p>Marine Resources: Grunion</p>	<p>Issue: Potential for impacts to grunion during spawning season due to presence of project equipment and personnel on Mandalay Beach in potential grunion spawning habitat.</p> <p>Mitigation Measures: Special Condition 2 requires that if work is performed between March and September (the grunion spawning season), the applicant's biological monitor approved under Special Condition 1 shall conduct surveys to ensure that no spawning activities are impacted. The biological monitor and at least one additional monitor will observe the beach portion of the project area at night at the high tide during predicted spawning periods. The two monitors shall record the abundance of grunion, time observed, and spawning locations. If</p>

Significant Issue Area	Proposed Special Conditions and Mitigation Measures
<p>Marine Resources: Grunion (continued)</p>	<p>grunion eggs are found at the site, work will be delayed or redirected away from the area until the eggs hatch during the next high tide cycle. The biological monitor shall then conduct another survey and work shall recommence only after the site is clear of new grunion eggs.</p>
<p>Oil Spill</p>	<p>Issue: Potential risk of oil spill due to flushing of pipeline, presence of work vessels and equipment, project proximity to an active Torch oil pipeline, and need for revised project Oil Spill Response Plan to include two important prevention and response measures.</p> <p>Mitigation Measure: Special Condition 6 requires that prior to issuance of this permit, the applicant shall submit for Executive Director approval a revised Oil Spill Response Plan to include (a) the criteria or standards under which project operations will cease due to unsafe weather or rough sea conditions; and (b) a statement that in the case of an oil spill, the applicant will comply with the 2000 Los Angeles/ Long Beach Area Contingency Plan ("ACP") for the Ventura County area in the event of an oil spill.</p> <p>Special Condition 7 requires that prior to the commencement of project activities, the applicant shall notify Torch Operating Company (operator of Platform Gilda) of the proposed project and project schedule.</p>
<p>Public Access and Recreation</p>	<p>Issue: Potential long-term impacts to public access and recreation if navigational charts are not updated to reflect removal of pipeline and availability of project area and submerged public lands for public use. Two month closure of a small portion of Mandalay Beach temporarily impacting public access and recreation.</p> <p>Mitigation Measures: Special Condition 8 requires that within 30 days of removal of the pipeline, the applicant shall provide written verification to the Executive Director that it has submitted to the National Oceanographic and Atmospheric Administration ("NOAA") a letter confirming pipeline removal. The letter to NOAA shall address the following: (a) a description of the pipeline that was removed; (b) geographic coordinates of the location from which the pipeline was removed; and (c) the applicant's point of contact and telephone number.</p> <p>Special Condition 9 requires the applicant to post notice at the nearest public access and parking area regarding the timing and location of the project.</p>

1.0 STAFF RECOMMENDATION

Approval with Conditions

The staff recommends conditional approval of Coastal Development Permit Application No. E-00-029.

Motion:

I move that the Commission approve Coastal Development Permit Application No. E-00-029 subject to the conditions specified below.

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

Resolution:

The Coastal Commission hereby **grants** permit No. E-00-029, subject to the conditions below, for the proposed development on the grounds that (1) as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures, other than those specified in this permit, which would substantially lessen any significant adverse impact which the activity may have on the environment.

2.0 STANDARD CONDITIONS Appendix A

3.0 SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Biological Monitor.** During all project activities conducted on the beach, the applicant shall have present a biological monitor approved by the Executive Director of the Coastal Commission (hereinafter "Executive Director"). If at any time during project operations the monitor observes special status species (*e.g.*, snowy plovers, California least terns) within the construction corridor, all work shall stop or be redirected to another area as determined by the biological monitor.
2. **Grunion.** If work is performed between March and September (the grunion spawning season), the applicant's biological monitor approved under Special Condition 1 shall conduct surveys to ensure that no spawning activities are impacted. The biological monitor and at least one additional monitor will observe the beach portion of the project area at night at the high tide during predicted spawning periods. The two monitors shall record the abundance of grunion, time observed, and spawning locations. If grunion eggs are found at the site, work will be delayed or redirected away from the area until the eggs

- hatch during the next high tide cycle. The biological monitor shall then conduct another survey and work shall recommence only after the site is clear of new grunion eggs.
3. **Western Snowy Plover and California Least Tern.** If project activities occur during the Western snowy plover or California least tern nesting season (April through August), the applicant's biological monitor (approved under Special Condition 1) shall identify active nests and direct that all areas within a 500-foot radius of the nesting site be clearly marked and avoided. No disturbances shall occur within the protective area until all young birds have fledged, as confirmed by the biological monitor.
 4. **Marine Mammal Monitoring.** A marine mammal monitor approved by the Executive Director shall monitor all nearshore and offshore project-related work for the presence of marine mammals, as described in the applicant's Marine Wildlife Contingency Plan (dated August 7, 2001). The marine mammal monitor shall immediately report to the Executive Director any impacts to or collisions with marine mammals in the project area.
 5. **Sand Dollar Beds.** Disturbance to sand dollar beds shall be avoided to the maximum extent feasible. Divers shall, to the maximum extent feasible, set work vessel anchors in locations away from sand dollar beds.
 6. **Revised Oil Spill Response Plan.** Prior to issuance of this permit, the applicant shall submit for Executive Director review and approval a revision to the Oil Spill Response Plan (dated August 7, 2001) to include the following: (a) the criteria or standards under which project operations will cease due to unsafe weather or rough sea conditions; and (b) a statement that the applicant will comply with the 2000 Los Angeles/Long Beach Area Contingency Plan ("ACP") for the Ventura County area in the event of an oil spill.
 7. **Torch Operating Company Notification.** Prior to commencement of project activities, the applicant shall notify Torch Operating Company of the proposed project and project schedule.
 8. **Notification to Update Navigational Data.** Within 30 days of removal of the pipeline, the applicant shall provide written verification to the Executive Director that it has submitted to the National Oceanographic and Atmospheric Administration ("NOAA") a letter confirming pipeline removal. The letter to NOAA shall address: (a) a description of the pipeline that was removed; (b) geographic coordinates of the location from which the pipeline was removed; and (c) the applicant's point of contact and telephone number. The letter should be submitted to Ms. Lyn Preston, Chief, Nautical Date Branch, NOAA, N/CS26 Station 7350, 1315 East West Highway, Silver Springs, MD 20910.
 9. **Public Access.** The applicant shall post notice at the nearest public access and parking area of the timing and location of the project.

4.0 FINDINGS AND DECLARATIONS

4.1 Project Location

The proposed project site is located in state tidelands directly offshore the City of Oxnard in southwestern Ventura County at Mandalay Beach. Mandalay Beach is located 3 miles north of Channel Islands Harbor, 2.5 miles south of Ventura Harbor, and 2 miles south of the Santa Clarita River mouth.

The existing onshore components of the Mandalay Marine Terminal (primary valve box, vacuum tank box, wastewater line, and loading line) occupy two parcels totaling 52.11 acres (APNs 183-02-02 and 183-02-03). The submarine pipeline transects a 9.34 acre parcel and is subsurface down to the mean high tide line (APN 183-02-01). From the mean high tide line out to its western terminus, the submarine pipeline occupies State Lease PRC 2180.1. The onshore component of this project is located within the City of Oxnard's certified Local Coastal Program jurisdiction and will therefore require a separate CDP from the City.

Surrounding land uses consist mainly of other coastal energy facilities, including the Reliant Energy Mandalay L.L.C. Generating Station and the Torch Mandalay Oil Processing Facility. The majority of the project site is located adjacent to the Reliant Energy Mandalay L.L.C. Generating Station. The McGrath State Park and McGrath Lake are located north of Mandalay Beach. South of the project site is an open space dune habitat area frequently visited by the public and residents of the nearby Oxnard Shores coastal community.

4.2 Project Background and Description

Project Background

In 1958, Southern California Edison ("SCE") constructed the Mandalay Marine Terminal and submarine pipeline to facilitate the off-loading of fuel oil from marine tankers. Fuel oil was piped onshore to storage tanks located in the Reliant Energy Mandalay facility. SCE installed the offshore mooring system at the terminus of the pipeline as a five-point unit but later upgraded it to a seven-point mooring system to accommodate larger marine tankers. The last off-loading of fuel oil at the terminal occurred in 1991 and SCE placed the marine terminal under caretaker status in 1993. In 1992, SCE removed the ship-mooring buoys, anchor chains, and one of the anchors, and capped the pipeline with a blanking flange. At that time, the pipeline was hydrotested to 250 pounds per square inch gauge, flushed with seawater and freshwater to remove residual hydrocarbons, and flooded with a mixture of approximately 107,000 gallons of freshwater and between 20 to 55 gallons of an anti-corrosive solution consisting of an oxygen scavenger and an a biocide.

In 2000, SCE conducted an anchor location and recovery operation that removed four of the remaining six anchors (CDP E-00-012-W) and discovered that Anchor #4 and Anchor #1 are buried deeper than 12 feet beneath the seafloor. SCE proposes to abandon the two anchors in place due to the serious diver safety issues associated with a large scale excavation, the water depth at the anchor locations (approximately minus 45 feet of water), the depth of burial of the

anchors, and the depositional nature of the anchor location area. The burial depth of the pipeline was determined to be approximately 12 to 16 inches at a location 1,500 feet inshore from the terminus of the pipeline.

Project Description

SCE recently received notice from the California Independent System Operator Board that SCE need no longer maintain a back-up fuel supply at the Reliant Energy Mandalay Electric Generating Station. Therefore, SCE proposes to decommission the Mandalay Marine Terminal by (1) removing the entire 24-inch, 4,950-foot long welded submarine pipeline out to its offshore terminus, and (2) abandoning in place the two remaining anchors of the former seven-point offshore mooring system. The City of Oxnard will issue a CDP for the onshore (i.e. the area landward of the mean low low water line) component of the Mandalay Marine Terminal decommissioning, including the removal of onshore valve boxes, equipment and miscellaneous piping.

Total project duration including onshore work permitted in a separate City of Oxnard CDP will be between four and six months, depending on which method is used to excavate and remove the nearshore portion of the submarine pipeline. Project components located within the Commission's jurisdiction include:

Flushing. The pipeline will be flushed to remove any remaining contaminants, including hydrocarbons, biocide and corrosion inhibitor, before the pipeline is opened to seawater. The pipeline will be flushed from the offshore terminus to the onshore vacuum tank box. The flush water will be piped to Baker tanks within a designated onshore equipment staging area. The pipeline will be flushed until the residual hydrocarbon level inside the pipeline is less than 15 parts per million and the corrosion inhibitor and biocide are non-detectable. One complete flush of the pipeline will produce approximately 107,000 gallons of water which will be sent to Baker tanks onshore.

Nearshore pipeline removal. Once the onshore pipeline segment is removed (covered by the City of Oxnard's CDP), the nearshore (from mean low low water to minus 15 feet of water) and offshore (from minus 15 feet of water to the offshore terminus) pipeline segments will be removed. The applicant proposes to use one of two removal methods for the nearshore pipeline removal depending on site conditions and feasibility at the time of removal:

Plan A – "Drag ashore method." Part or all of the nearshore sections of the pipeline are likely to be exposed by winter surf conditions; those sections not exposed by winter surf can be exposed using divers and terrestrial excavation techniques. SCE proposes to cut and drag sections of the pipeline ashore as they are exposed. The pipeline will then be cut and removed as far out into the water as the tides will permit using conventional terrestrial equipment such as excavators and backhoes, working at low tide periods.

Plan B – "Surf sled option" As an alternative option to the drag ashore method if surf or pipeline burial conditions render the drag ashore method infeasible, SCE proposes to mobilize a surf sled to enable the marine contractor to access the surf zone and remove

the pipeline. SCE anticipates using a skid-mounted type of surf sled. The skids are designed to be broad enough to support the weight of the structure, and the bottoms of skids are fitted with a series of air jets that provide a cushion of air when moving the surf sled. Typical "skid tracks" that result from positioning of the surf sled are less than 2" deep, and typical maximum penetration of the skids into the seafloor during extended work periods is approximately 12". The surf sled will support diving crews and equipment necessary to perform excavation and pipeline removal activities. These operations consist of excavating a section of the pipeline, removing the coating at a cut point on the pipeline, cutting the pipe section, rigging it for removal and pulling the cut pipe section to the surface for recovery by the offshore support vessel. Excavation from the surf sled will be accomplished through airlifting or water-jetting techniques or by submersible pump. The cut pipeline sections will be stored on an offshore support vessel.

Offshore pipeline segment removal. The offshore section of the pipeline will be removed using an offshore work vessel anchored in a 4-point configuration, which itself will be supported by a small anchor-handling tugboat. Cutting and removal operations will begin at the terminus of the pipeline and will then work shoreward. The pipeline will be exposed using airlifting or jetting equipment prior to cutting. Once a segment of the pipeline has been exposed or freed from the seafloor, divers will remove the exterior weight coat and coal tar coating and then cut the pipeline using underwater cutting equipment. The pipeline will be cut into approximately 50-foot segments. Cut pipeline segments will be lifted or pulled to the surface and landed on the deck of the offshore support vessel. The support vessel will transport full loads of cut pipe to Port Hueneme.

Disposal. The cut pipe consisting of steel and weight-coat will be disposed of as construction waste material as appropriate landfill facilities, and the recovered wastewater from pipeline flushing will be transported to an appropriate wastewater treatment facility.

4.3 Other Agency Approvals

4.3.1 City of Oxnard

The City of Oxnard's Planning Commission is scheduled on October 4, 2001 to take action on SCE's coastal development permit application for the onshore work, including the removal of onshore valve boxes, equipment and miscellaneous piping.

4.3.2 Regional Water Quality Control Board

The Regional Water Quality Control Board has issued a preliminary Letter of Certification for the proposed project.

4.3.3 State Lands Commission

On October 17, 2001, the State Lands Commission approved the proposed project.

4.3.4 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers proposes to issue a Nationwide 12 permit for this project.

4.4 Coastal Act Issues

4.4.1 Marine Resources

Coastal Act § 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection 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 of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The proposed project has the potential to cause adverse impacts to benthic habitat, water quality, marine mammals, birds and grunion, as described below.

4.4.1.1 Benthic Habitat

The sandy intertidal habitat in the nearshore portion of the project area is devoid of hard substrate and as such contains only benthic organisms that bury themselves in the sand. Ecosystem complexity and species diversity in the sandy intertidal area are therefore low, although the sandy intertidal biological communities are an important aspect of coastal ecosystems. Organisms residing within the sandy intertidal area are typically highly mobile species that live on the surface of the sand or within the water column such as crabs and fish. Some species live entirely or in part within the substrate, and may be sessile, such as clams and tube worms, or free living, such as sand crabs and free living worms. Some species such as clams form communities that are long lived and slower to recover from disturbance than other species.

The offshore portion of the project area is sandy bottom habitat. An offshore geophysical survey for the project site found no hard or rocky substrate. Substrate type ranged from hard packed sand to soft clay, or mixtures of both. There are therefore no kelp forests or hard substrate communities in the project area. Organisms typically found in sandy subtidal environmental include tube worms, sand dollars, crabs, sea stars, snails, and bottom-dwelling fishes. The biological survey of the subtidal project area found Pacific sand dollars (*Dendraster excentricus*) in dense concentrations. The Coastal Commission's biologist considers sand dollar beds to be sensitive habitat.

The proposed project will cause a temporary disturbance to the seafloor due to excavation, cutting, and removal of the submarine pipeline. These activities will cause sand displacement leading to short-term turbidity in the surrounding water column. Certain procedures such as

flying of anchors for project-related vessels will be implemented in order to minimize seafloor turbidity. Due to the short duration of the project, the seafloor and benthic habitat are expected to recover quickly, as the project area experiences strong ocean currents and sand deposition to the location of nearby rivers. The nearshore beach area is expected to return to natural contours within a few hours. Most benthic organisms are likely to be temporarily displaced, and there may be some mortality of benthic organisms during the excavation, but the impact is not significant as all species will recolonize and recover quickly once the project is concluded.

Disturbance of Pacific sand dollar beds during pipeline excavation will likely result in mortality of some of the individual sand dollars within the beds. Sand dollars are abundant in the area and expected to recolonize rapidly. However, to minimize any adverse impacts, the Commission is requiring in **Special Condition 5** that disturbance to sand dollar beds be avoided to the maximum extent feasible and that divers shall, to the maximum extent feasible, set work vessel anchors in locations away from sand dollar beds.

4.4.1.2 Marine Mammals

Due to the nearshore location of the proposed project, the species with the greatest potential to be impacted due to their regular occurrence in nearshore areas include: common dolphin, California white-sided dolphin, bottlenose dolphin, sea lion, harbor seal, and migrating gray whales. Gray whales could go near or into the project area during northbound or southbound migrations, and the traffic caused by marine vessels could potentially divert whales on a shallow, inshore track or further offshore and away from the project site. Sea turtles also occur in southern California waters and could therefore be present in the project area.

The project is not expected to significantly impact marine wildlife, as they usually avoid areas of habitat disturbance. However, in order to minimize potential impacts to marine mammals, the applicant has submitted a National Marine Fisheries Service-approved Marine Wildlife Contingency Plan (dated August 7, 2001). The plan states that a marine wildlife monitor will be positioned on the offshore work barge with a clear view of the direction of travel and will be able to observe the waters surrounding the anchor assist tug boats. If the monitor sights marine wildlife, the monitor may order vessels to slow down or change course, and will have the authority to halt any operations or redirect any vessels that pose an immediate threat to marine wildlife. Support vessels will maintain a distance of at least 1000 feet from sighted whales and will not cross directly in front of migrating whales. If dolphins splash or jump near any work vessels while in transit, the boat will slow down and keep a steady course until the dolphins lose interest. Sea lions are usually shy and do not approach boats, but sometimes use manmade structures to haul out. If a sea lion hauls out in an area where it may be harmed due to project activities, the animal will be encouraged to leave the area using loud noises. If a collision with marine mammals or marine wildlife does occur, the guidelines and appropriate agency notification procedures outlined in the Contingency Plan will be followed.

The Commission is requiring in **Special Condition 4** that the marine mammal monitor responsible for implementing the Marine Wildlife Contingency Plan be approved by the Executive Director and that the marine mammal monitor must immediately report to the Executive Director any impacts to or collisions with marine mammals in the project area.

4.4.1.3 Birds

The primary birds of concern that could be impacted from project-related activities are the California brown pelican, California least tern, and western snowy plover.

California brown pelican. The California brown pelican (*Pelicanus Occidentalis*) is listed as "Federal Endangered," "California Endangered," and "California Fully Protected." This species forages within estuarine, subtidal, and pelagic waters and feeds almost entirely on fish that are caught by diving from a distance of 20-40 feet above the water surface. Brown pelicans are common along the southern California coast from June to October and can be regularly seen feeding from within the offshore and nearshore portions of the project area. The species breeds on the Channel Islands from March to early August.

California least tern. The California least tern (*Sterna antillarum browni*) is also designated "Federal Endangered," "California Endangered," and "California Fully Protected." In the project area, California least terns have been identified in nearby Mandalay State Beach Park, and individuals of this species likely use the project site as a foraging area. The California least tern is a migratory species and arrives in California breeding territories in late April. The species forages within estuaries, lagoons, and nearshore waters where small fish are abundant. They are present at nesting colonies from April through August in areas containing open, sandy or gravelly shores that are barren to sparsely vegetated, located near shallow-water feeding areas, and are relatively free of human or predatory disturbance. This species abandons nesting areas if disturbed.

Western snowy plover. The Western snowy plover (*Charadrius alexandrinus nivosus*) is classified as "State Species of Special Concern" and "Federal Threatened." This subspecies of snowy plover occurs at North American beaches along the Pacific Ocean and requires sandy, gravelly, or friable soil substrate for nesting and are present at nesting sites from April through August. Nesting at historic nesting sites (coastal sandy beaches) has declined due to human disturbance. The species is preyed upon by gulls, ravens, coyotes, and skunks, and therefore it relies on camouflage for cover. The species is known to nest at Mandalay State Beach and McGrath State Beach, with the closest nesting site (at the southern end of McGrath Lake) located one-quarter mile from the project site. A recent survey of Mandalay State Beach Park found 16 western snowy plover individuals, including some juveniles, which is evidence of nesting and a healthy population. During breeding season, adults generally do not wander far from the nest, and this population may forage within the project area.

The project is proposed to be conducted during the winter months (October through February) in order to reduce impacts to nesting California least terns and western snowy plovers. The brown pelican's winter foraging activities may be disturbed from project activities, but the impact is not significant given the abundant suitable foraging habitat in marine waters in nearby areas. However, due to the presence of wintering western snowy plovers in the area, the Commission is requiring in **Special Condition 1** that during all project activities on the beach, the applicant shall have present a biological monitor approved by the Executive Director.

If at any time during project operations the monitor observes special status species (e.g. snowy plovers, California least terns) within the construction corridor, all work shall be stopped or redirected to another area as determined by the biological monitor.

The Commission further requires in **Special Condition 3** that if project activities occur during the Western snowy plover or California least tern nesting season (April through August), the applicant's biological monitor (approved under Special Condition 1) shall identify active nests and direct that all areas within a 500-foot radius of the nesting site shall be clearly marked and avoided. No disturbances shall occur within the protective area until all young birds have fledged, as confirmed by the biological monitor.

4.4.1.4 Grunion

The project site is located within an area that contains habitat that may be used by California grunion for spawning purposes. Grunion spawn generally occurs immediately following the highest nighttime high tides during the lunar cycle from March through September. Grunion swim ashore and wash up on the beach during the high tide surge. The females deposit their eggs which are then fertilized by the male grunion. The eggs incubate over the next 10-14 days until the next set of high tides. The agitation of the high tide surge causes the eggs to hatch and the larval grunion to be washed out with the tide. A sandy beach with relatively low relief is required for successful grunion spawning.

The proposed project will be initiated in the winter and may be completed prior to grunion spawning season, avoiding all potential impacts to grunion from project operations. However, if the project continues into spawning season, the Commission requires in **Special Condition 2** that if work is performed between March and September (the grunion spawning season), the applicant's biological monitor approved under Special Condition 1 shall conduct surveys to ensure that no spawning activities are impacted. The biological monitor and at least one additional monitor will observe the beach portion of the project area at night at the high tide during predicted spawning periods. The two monitors shall record the abundance of grunion, time observed, and spawning locations. If grunion eggs are found at the site, work will be delayed or redirected away from the area until the eggs hatch during the next high tide cycle. The biological monitor shall then conduct another survey and work shall recommence only after the site is clear of new grunion eggs.

4.4.1.5 Conclusion – Marine Resources

The Commission finds for the reasons stated in sections 4.4.1.1 – 4.4.1.4 of this report, that the project as proposed and conditioned will be carried out in a manner that will maintain healthy populations of all species of marine organisms, as required by Coastal Act Section 30230. The proposed project, as conditioned, is therefore consistent with Coastal Act Section 30230.

4.4.2 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.

The project area is situated on the coastal plain of the Ventura Basin about 3 kilometers south of the mouth of the Santa Clara River. The Ventura Basin is defined by the Ventura River delta to the north and the barrier beaches at Point Mugu to the south. There are several point discharge sources in the Mandalay Beach area. Water temperatures, currents, and meteorological conditions vary throughout the year with the seasons.

Offshore and nearshore pipeline excavation activities will likely suspend sand and silt near the work area, thereby increasing local turbidity. Although the disturbance of sediments could disrupt the ecological balance of some benthic communities (e.g. sand dollar beds, tube worm beds, etc.), the short-term nature of the project will preclude long-term impacts. In addition to the sand and silt that would be stirred up, additional organic matter contained within the sand and sediments would be introduced into the water column. Although the amount of organic matter that would be introduced to the water column as a result of this project is expected to be minimal, it could cause a minor decrease in photosynthesis by phytoplankton and a decrease in dissolved oxygen levels. However, overall, any water quality impacts associated with increased turbidity or decreased oxygen levels due to the proposed project are expected to be less severe than those that commonly occur with winter storms.

The Commission thus finds that the biological productivity and quality of coastal waters will be maintained and therefore the project is consistent with Coastal Act Section 30231.

4.4.3 Oil Spills

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.

Potential Project-Related Spills

The proposed project could result in an accidental release of hydrocarbons from any of four different sources: (1) flushing and cutting of the submarine pipeline; (2) offshore support vessels; (3) an active Torch pipeline near the SCE submarine pipeline; and (4) the primary work vessel (or surf sled, if used) and deck equipment.

Flushing and cutting of the submarine pipeline. There is a very small risk of hydrocarbon release into marine waters due to the flushing of the submarine pipeline prior to the removal of the pipeline. However, the possibility for contamination of the environment from pipeline flushing is minimal due to the existing low concentrations of compounds currently contained in the water of the submarine pipeline, as TPH in the pipeline is already at a low concentration of 15 ppm.

Offshore support vessels. Another potential oil spill risk is presented by the offshore support vessels to be used during the removal of the nearshore and offshore pipeline segments. There is an oil spill risk if the hull of a vessel were breached in the area of the tankage, or if a vessel sinks. However, the possibility of these occurrences is low.

Torch pipeline. There is an active oil pipeline operated by Torch Operating Company (Platform Gilda's crude oil line) located approximately 1,500 feet south of the Mandalay Marine Terminal submarine pipeline that is proposed to be removed. An oil spill could result if this pipeline were damaged during work vessel placement and anchoring operations.

Primary work vessel and deck equipment. There is potential for hydrocarbon leakage or spillage of fuel or lubricants from deck equipment to be used on the primary work vessel (either a work barge or surf sled depending on which removal plan is used for the nearshore pipeline removal work). Deck equipment to be used on the primary work vessel include compressors, generators and cranes.

Oil Spill Prevention

Section 30232 of the Coastal Act first requires the applicant to provide "protection against the spillage of crude oil, gas, petroleum products, or hazardous substances...." As noted above, the proposed project could result in an accidental oil release. The applicant proposes the following preventive measures to minimize the risk of a spill occurring:

Flushing and cutting of submarine pipeline. Baker tanks receiving flushed water will be monitored during flushing by a tank monitor will ensure that tanks do not become overfilled. Once one tank is filled, the flushed wastewater will be routed to a second tank using valves on the pipe manifold, and vacuum trucks will be used to suction water out of the Baker tanks and transport the water offsite. During flushing, offshore support vessels will anchor only at pre-determined locations, at a minimum of 200 feet away from the pipeline in order to ensure that the work vessel anchors do not foul the pipeline. Soft marker floats will also be placed on the pipeline to provide visual reference as to the pipeline's location. As a further precaution, a seep

tent will be using during offshore pipeline cutting operations to ensure that any potential residual oil remaining in the pipeline post-flushing is captured.

Offshore support vessels. All vessels will contain fuel in integral tankage built into the vessels' hulls. Any support vessels greater than 300 gross tons are required to maintain an Oil Spill Contingency Plan approved by the Office of Oil Spill Prevention and Response.

Torch pipeline. The anchoring plan for the primary work vessel and support work vessels is designed to avoid the potential for any accident due to an anchor collision with the active Torch pipeline. Prior to setting work vessel anchors at the project site, the applicant will locate the Torch pipeline and attach to it soft surface marker buoys at a minimum of four locations approximately 400 feet apart. The surface marker buoys will serve as visual references to the work vessel crews when setting the work vessels' anchors.

Primary work vessel and deck equipment. To prevent leakage or spillage from any equipment, all deck equipment will have engine spill pans and no vessel-to-vessel fuel transfers will be permitted, all deck equipment will be welded or chained to the deck of the primary work vessel to prevent its movement or loss during rough seas, and offshore work crews will be directed to monitor deck equipment for leakage and will cease operation and correct any leakage that might occur.

To improve oil spill prevention efforts through coordination with the Torch Operating Company, which owns the active Platform Gilda crude oil pipeline, the Commission is requiring in **Special Condition 7** that prior to the commencement of project work, the applicant shall notify Torch Operating Company of the proposed project and project schedule so that Torch is aware of the activities occurring in the vicinity of its active crude line.

In order to avoid a spill due to unsafe weather or rough sea conditions, the Commission is requiring in **Special Condition 6** that, prior to permit issuance, the applicant submit for the Executive Director's approval a revision to the applicant's August 7, 2001 Oil Spill Response Plan that includes the criteria or standards under which project operations will cease due to unsafe weather or rough sea conditions.

Oil Spill Response

The second test of section 30232 requires the applicant to provide effective containment and cleanup equipment and procedures for accidental spills that do occur. Despite the precautions proposed by the applicant, the possibility remains that an oil release could occur during project activities. For example, when the Commission approved the removal of Platforms Helen and Herman (CDP No. E-87-6, January 1988), all indications led the Commission to conclude at the time that "the probability of a major oil spill is virtually impossible" due to the fact that the pipelines were pigged then flushed with seawater for several days. However, during pipeline removal, approximately 40 barrels (1680 gallons) of rust, iron sulfides and suspended tar/oil spilled from these pipelines. Therefore, despite the best prevention measures undertaken by the applicant, the possibility of an accidental hydrocarbon discharge during SCE's proposed project activities still exists.

The applicant has prepared a project-specific Oil Spill Response Plan (dated August 7, 2001) that details the equipment and procedures that will be in place in the event of an accidental oil spill. An onsite spill response team will be present and have access to sorbent pads, sorbent boom, and a containment boom. The anchor-handling tugboat will be used as a boom tender vessel, if necessary. In the event of a spill, the project manager will immediately cease project operations in order to deploy boom, which can be deployed within approximately 30 minutes. The minimum on-vessel spill equipment that will be present on the primary offshore support vessel for emergency response of miscellaneous spills include: one 500-foot absorbent boom; 200 sorbent pads; 4 55-gallon drums for waste storage; 100 plastic storage bags, and one 1000-foot containment boom.

The Oil Spill Response Plan does not, however, include reference to the 2000 Los Angeles/Long Beach Area Contingency Plan ("ACP") for the Ventura County area, an important regional oil spill response plan that identifies individual sensitive sites in the area, and provides specific oil spill response strategies, instructions, and appropriate contact information for each site. Because the information and procedures contained in the ACP are critical during spill response, the Commission is requiring in **Special Condition 6** that the applicant revise its proposed Oil Spill Response Plan to include a statement that, in the event of a spill, it will comply with the 2000 Los Angeles/Long Beach Area Contingency Plan ("ACP") for the Ventura County area.

Foss Environmental will also provide additional assistance in the mechanical containment and recovery of offshore or water-related oil spills. SCE has established a contractual agreement with Foss Environmental for the purpose of 24-hour on-call response. Foss Environmental is prepared to respond to minor or major spills. Response will initially involve a Foss subcontractor based out of Port Hueneme who can supply vessels equipped with 2,000 feet of containment boom and 2,500 barrel recovery capacity within one hour of notification of a spill. If necessary, Foss can also summon its own vessels equipped with up to 35,000 feet of boom and 42,000 barrel recovery capacity from their Long Beach location in approximately 3 hours.

Notwithstanding the extensive oil spill containment and clean-up equipment and services provided by SCE and Foss Environmental, and implementation of the requirements of the ACP, the Commission finds that the second requirement of Coastal Act Section 30232, which requires "effective" containment and clean-up equipment for spills that do occur, cannot be met at this time. The Commission interprets the word "effective" to mean that spill containment and recovery equipment must have the ability to keep spilled oil off the coastline. Unfortunately, the state-of-the-art is such that no equipment currently available has the capability to recover all oil from large spills and often even small spills in the open ocean.

There are multiple factors that determine the efficacy of a given oil spill response effort. EPA tests have demonstrated that oil skimmers can generally only recover about 50% of spilled oil in calm water conditions, with decreasing effectiveness if sea conditions are rougher.¹ Booms and skimmers are also limited in their effectiveness by wave height and wind speed. In wind wave conditions, the containment effectiveness of boom begins to lessen a wave height of two feet. Under conditions of significant wave heights above six feet, booms and skimmers are largely ineffective (i.e. no measurable amounts of hydrocarbons are recovered). High winds can cause

¹ Environmental Protection Agency, *Summary of U.S. EPA OHMSETT Testing 1974-1979*.

some types of boom to lay over, allowing oil to splash or flow over the boom. In addition to sea dynamics, weather conditions, characteristics of spilled oil, response time, amount of oil spilled, the availability of equipment and trained personnel all influence the degree to which a response to a spill is successful. According to the National Oceanic and Oceanographic Administration's Office of Response and Restoration, historical data indicates that only 10-30% of spilled oil can be recovered by mechanical means.² Even under good weather conditions and the best-trained oil spill response personnel providing a rapid response, experience has shown that shoreline contamination is probable with any major spill, and with many minor spills if located close to shore. For example, in September 1997, the Torch Operating Company's Platform Irene subsea crude oil pipeline, located approximately 2.5 miles offshore, ruptured and spilled approximately 163 barrels. The amount recovered was estimated by Torch to be 63 barrels, which would be a 39% efficiency in recovery efforts. Despite rapid response and recovery efforts, the spill still resulted in the oiling of approximately 17 miles of beach, and over 600 birds were oiled and died as a result of the spill.³

Therefore, notwithstanding the on-site spill response equipment provided by SCE and Foss Environmental, the ability to effectively contain and clean-up an oil spill does not exist at this time. The proposed project is thus inconsistent with the second requirement of Coastal Act Section 30232. However, the project may be approved under the coastal-dependent industrial "override" provision as described in section 4.5 of this report.

4.4.4 Public Access and Recreation

Coastal Act § 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 § 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 § 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.

² Michel, Christopherson, Whipple, *Mechanical Protection Guidelines*, NOAA, USCG, Research Planning, Inc., 1994.

³ Kathy Verrue-Slater, Legal Counsel, Office of Spill Prevention and Response, Personal Communication, September 26, 2001.

Coastal Act § 30234.5 states:

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Onshore recreation in the project area consists of swimming, surfing, surf fishing, and walking. Offshore recreational activities include boat fishing, jet skiing, scuba diving, and snorkeling. Surfers frequent Oxnard Shores public beach south of the Mandalay Marine Terminal. The project site is not a major destination for beach goers due to the ½ mile walking distance from a public roadway and parking area.

A small portion of the beach area will be fenced off for approximately two months during the excavation of the submarine pipeline. The closure area at any one time will not exceed a footprint measuring 100 feet wide by 400-500 feet long and will not preclude lateral access along the beach. The temporary construction fencing will remain present for public safety purposes during those times, such as nights, weekends, or holidays, when no actual work is being performed. The project is to begin in October or November through the winter, when public use of the beach is relatively low. During extraction of the pipeline from the surf zone and the pulling of the pipeline to shore using a pulling winch, beach users will be excluded from the area on either side of the pull wire equal to the approximate length of the extended length of the pull wire for that pulling sequence. Therefore, the removal of the nearshore pipeline segments will preclude recreational fishing, walking, surfing, and swimming from the immediate project area. However, the area that will be restricted is very small relative to the larger beach area still available for recreation, and the project area's distance from beach access and a parking area will also reduce impacts to recreation.

Offshore pipeline removal activities will take a maximum of one month to complete, and the presence of vessels associated with this part of the project will preclude recreational vessels from the immediate project area (an approximately 100 yard radius from the work area). Scuba diving and snorkeling will also be precluded in the project area for the duration of the project, although the absence of hard bottom habitat in the vicinity of the project area means that such activities are not popular in the area and will therefore not be significantly impacted. If conditions require the use of a surf sled and related support vessels to accomplish the pipeline removal, the duration of the offshore work may extend the length of time that recreational vessels and other offshore recreational activities are precluded from the area.

In order to reduce short-term impacts to offshore recreational users, the applicant will, prior to project commencement, issue a Notice to Mariners so that mariners will avoid the area during pipeline removal operations. In the long-term, removal of the pipeline will result in the reopening of submerged public lands to full public use and access for fishing, boating, diving, and other recreational uses. The presence of the crude oil line (and mooring system) may have discouraged recreational use of this beach area. An important measure to ensure that the public is aware of the removal of subsea infrastructure, and the availability of the project area for recreational use, is updating navigational charts. The Commission is therefore requiring in **Special Condition 8** that within 30 days of the removal of the pipeline, the applicant shall

provide written verification to the Executive Director that the applicant has submitted to the National Oceanographic and Atmospheric Administration a letter confirming the removal which includes the following information: (a) a description of the pipeline that was removed; (b) the geographic coordinates of the location from which the pipeline was removed; and (c) the applicant's point of contact and telephone number.

In order to reduce inconvenience to the public due to the onshore and offshore preclusion areas, the Coastal Commission is also requiring in **Special Condition 9** that the applicant post notice at the nearest public access and parking area of the timing and location of the project. Such notice may result in temporary increased use of other nearby recreational areas, but any impacts related to increased use of these other areas are not likely to be significant.

The Commission finds that the project, as conditioned, will be carried out in a manner that will not interfere with the public's access to and recreational use of the coast. The project is therefore consistent with Coastal Act Sections 30210, 30211, 30220, and 30234.5.

4.4.5 Air Quality

Coastal Act § 30253(3) states:

New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

SCE's proposed project will generate air emissions from the movement of heavy duty construction vehicles traveling to, from, and within the work site, and by automobiles used by workers to travel to the site. Project emissions were estimated by a computer modeling program using emission factors from the U.S. Environmental Protection Agency ("EPA") document *Compilation of Air Pollutant Emission Factors: AP-42, Volume II* (EPA, 1985). Based on the modeling results, the greatest amount of air emissions are expected to occur when surf zone pipe removal operations coincide with disposal of the nearshore pipe, as would occur in "Plan A, Drag Ashore Method." During this time, operation of the heavy equipment (e.g. beach winch, offshore support vessels, etc.) would generate peak daily emissions of approximately 618.7 pounds per day (ppd) NO_x, 68.1 ppd ROC, and 34.1 ppd PM₁₀. If Plan A for surf zone pipeline removal is used, these peak daily emission levels would last for approximately 20 days.

The proposed project is considered a short-term project, and the Ventura County Air Pollution Control District ("VCAPCD") has not set quantitative thresholds to assess the significance of air emissions from short-term projects such as this one. However, VCAPCD has established quantitative thresholds by which to assess the significance of long-term air emissions from proposed projects. According to VCAPCD's *Guidelines for the Preparation of Air Quality Impact Analyses*, a project will have a significant impact on the environment if long-term operation of the project results in:

- daily emissions exceeding 25 pounds of ROC or NO_x;
- a violation or a substantial contribution to a violation of an ambient air quality standard;

- directly or indirectly causing the existing population to exceed the population forecasts identified in the Ventura County Air Quality Management Plan; and
- an inconsistency with the Ventura County Air Quality Management Plan and emission of greater than 2 pounds per day of ROC or NO_x.

Although the project is a short-term project and is not subject to the above-described air quality thresholds, VCAPCD's *Guidelines for the Preparation of Air Quality Impact Analyses (1989)* requires that standard mitigation measures be applied to all construction projects to minimize air emissions, including dust generation. Accordingly, the applicant will implement a number of measures identified by the VCAPCD to reduce adverse short-term air quality impacts, including:

- Trucks transporting material from the site shall be covered from the point of origin;
- Construction equipment shall be managed to ensure that the fewest pieces of equipment are used at any one time to accomplish the work objectives;
- Construction equipment shall be maintained in tune per the manufacturer's specifications;
- Catalytic converters shall be installed on gasoline and diesel powered equipment, if feasible; and
- Diesel powered equipment such as booster pumps or generators shall be replaced by electric equipment whenever feasible.

With these measures in place, the proposed project will be carried out consistent with the Ventura County Air Pollution Control District's rules and requirements and is therefore consistent with Coastal Act Section 30253(3).

4.5 Section 30260 Coastal-Dependent Industrial "Override" Provision

Section 30101 of the Coastal Act defines a coastal-dependent development or use as that which "requires a site on or adjacent to the sea to be able to function at all." Port, commercial fishing facilities, offshore oil and gas developments (e.g. marine terminals and pipelines) are examples of development considered to be "coastal dependent" under Section 30101.

In Section 30260, the Coastal Act further provides for special approval consideration of coastal-dependent industrial facilities that are otherwise found inconsistent with the resource protection and use policies contained in Chapter 3 of the Coastal Act. Marine terminals and pipelines qualify as "coastal-dependent industrial facilities." Coastal-dependent industrial facilities must first be tested under all applicable policies in Chapter 3. If the proposed project does not meet one or more of these policies, the development can then be analyzed under the three requirements of Section 30260 of the Coastal Act which specifically states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this Section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do

otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

As described in section 4.4.3 of this report, SCE's proposed project does not meet the standards of Section 30232 due to the potential for and significant impacts caused by a marine oil or gas spill. Since the project qualifies as a "coastal-dependent industrial facility," the Commission may nevertheless approve the project if the three requirements of Section 30260 can be met.

Alternative Locations

The Coastal Commission may approve the proposed development if notwithstanding the project's inconsistency with one or more policies of Chapter 3 of the Coastal Act, it finds that alternative project locations are infeasible or more environmentally damaging. SCE's proposed project is to remove a 24-inch, 4950 feet long submarine pipeline out to its offshore terminus and to abandon in place two anchors. Since this project involves abandonment and/or removal of existing facilities, the issue of whether the project is sited in the least environmentally damaging location is not applicable. Therefore, the proposed project is consistent with the first test of Section 30260.

Public Welfare

The second test of Section 30260 states that coastal-dependent industrial development may be permitted if "to do otherwise would adversely affect the public welfare." The test requires more than a finding that, on balance, a project as proposed is in the interest of the public. It requires that the Coastal Commission find that there would be a detriment to the public welfare were the Coastal Commission to deny a permit for the project proposal.

The proposed project involves the removal of a submarine pipeline as required by State Lands Commission oil and gas lease provisions. Improperly abandoned pipelines and marine terminals could potentially cause a hydrocarbon release into marine waters. Thus, denial of the project may be detrimental to the public's welfare.

However, in addition to determining whether a refusal to allow the project to be carried out at all would adversely affect the public welfare (which the Commission has answered in the affirmative), the Commission must also determine whether a refusal to allow the project to be carried out precisely in the manner proposed by the applicant would adversely affect the public interest.

In previous sections of these findings, the Commission has identified and outlined the valuable public policy goals that will be furthered by imposing additional mitigation measures. The question thus becomes whether the conditions of this permit which impose additional mitigation upon the applicant will have an adverse impact on the public interest. The applicant has made no showing that such requirements are financially or otherwise infeasible. Therefore, the Commission finds that the proposed project, as conditioned by this permit, will not have an adverse effect on the public welfare. The proposed project is therefore consistent with the second test of Section 30260.

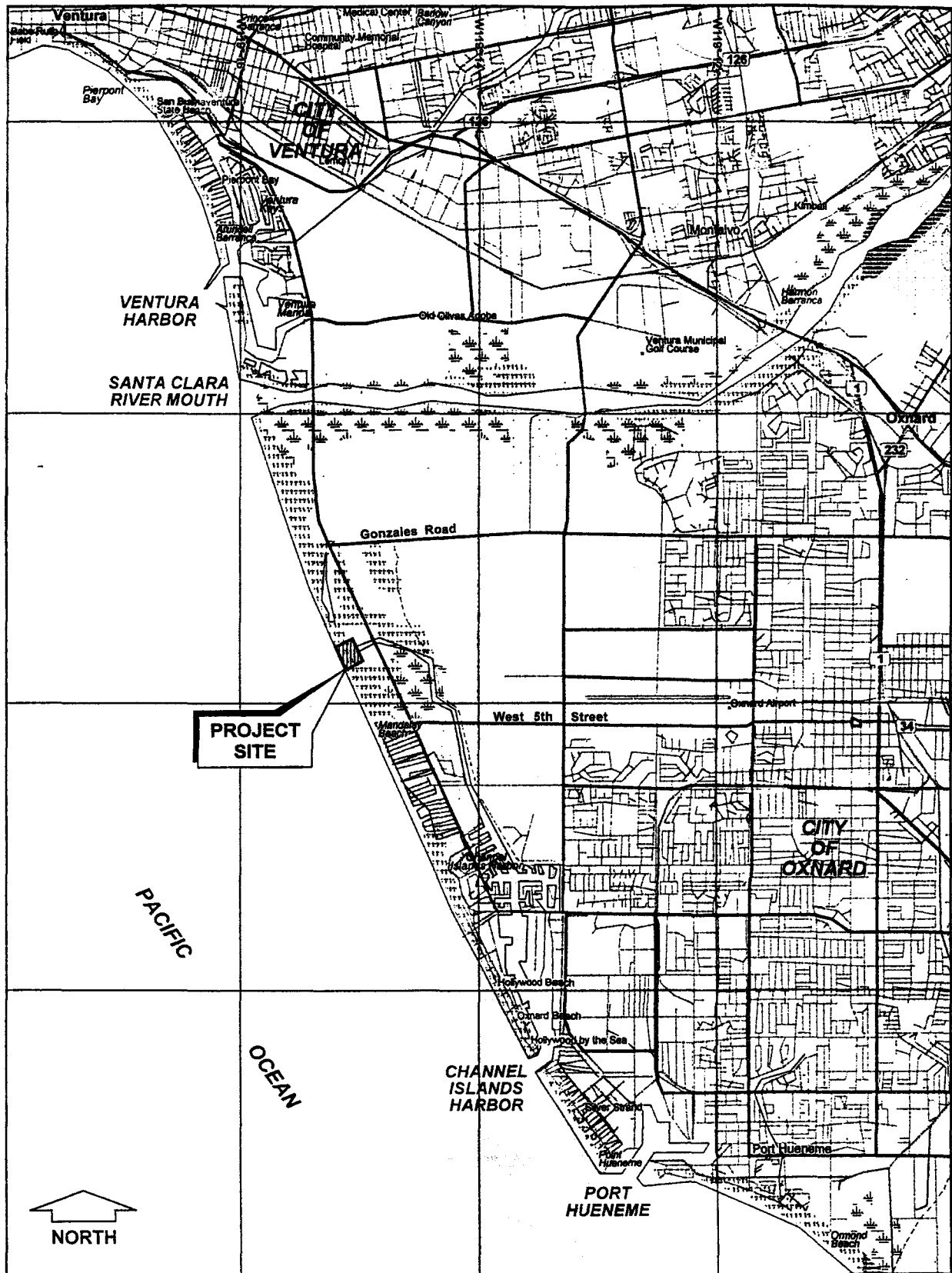
Maximum Feasible Mitigation

The third test in Section 30260 requires a finding that the adverse environmental impacts of a proposed project have been mitigated to the maximum extent feasible. As discussed in section 4.4.3 of this report, the Commission has determined that the project is inconsistent with Coastal Act Section 30232 due to the potential for and resulting impacts of an oil spill. However, upon the applicant's acceptance of this permit, as conditioned, the Commission can find that the environmental impacts generated by this project have been mitigated to the maximum extent feasible.

4.7 California Environmental Quality Act

As "lead agency" under the California Environmental Quality Act ("CEQA"), the State Lands Commission on August 7, 2001 certified a Mitigated Negative Declaration ("MND") for the proposed project.

The Coastal Commission's permit process has been designated by the State Resources Agency as the functional equivalent of the CEQA environmental impact review process. The Commission's permit review process identified impacts that were not resolved in the MND. Pursuant to Section 21080.5(d)(2)(A) of the CEQA and Section 15252(b)(1) of Title 14, California Code of Regulations (CCR), 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." The Commission finds that only as conditioned are there no feasible less environmentally damaging alternatives or additional feasible mitigation measures that would substantially lessen any significant adverse impact which the activity may have on the environment, other than those identified herein. Therefore, the Commission finds that the project as fully conditioned is consistent with the mitigatory requirements of the CEQA.



SOURCE: 3-D TopoQuads - 1999 DeLorme Yarmouth, ME

padre
associates, inc.
ENGINEERS, GEOLOGISTS &
ENVIRONMENTAL SCIENTISTS
SCE Mandalay Marine Terminal Decommissioning Project

EXHIBIT NO. 1
APPLICATION NO.
E-00-029

**APPENDIX A
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.

**APPENDIX B
SUBSTANTIVE FILE DOCUMENTS**

Coastal Development Permit Application Materials

Application for Coastal Development Permit E-00-029

Marine Wildlife Contingency Plan (from August 7, 2001)

Oil Spill Response Plan (from August 7, 2001)

Application for Coastal Development Permit E-00-012-W

Environmental Documents

California State Lands Commission, *Final Mitigated Negative Declaration for Southern California Edison Mandalay Marine Terminal Decommissioning Program*, August 7, 2001.

References

2000 Los Angeles/Long Beach Area Contingency Plan for Ventura County, U.S. Coast Guard and California Department of Fish and Game Office of Oil Spill and Response.

Michel, Christopherson, Whipple, Mechanical Protection Guidelines, NOAA, USCG, Research Planning, Inc., 1994.

Kathy Verrue-Slater, Legal Counsel, Office of Spill Prevention and Response, Personal Communication, September 26, 2001.

Environmental Protection Agency, *Summary of U.S. EPA OHMSETT Testing 1974-1979*.