

**CALIFORNIA COASTAL COMMISSION**

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| Commission Action:    |                   |

**STAFF REPORT  
 REGULAR CALENDAR**

**Application No.:** E-02-011

**Project Applicant:** Unocal Corporation

**Project Location:** Cojo Marine Terminal, Point Conception, Santa Barbara Co.

**Project Description:** Remove the Cojo Marine Terminal's 2,029-foot long, 10.75-inch wide, offshore loading line seaward from the mean high tide line to the pipeline's offshore terminus at a water depth of 32 feet.

**Substantive File Documents:** Appendix B

**SYNOPSIS**

Unocal Corporation ("Unocal") proposes to remove the Cojo Marine Terminal's 2,029-foot long, 10.75-inch wide, offshore loading line seaward from the mean high tide line to the pipeline's offshore terminus at a water depth of 32 feet at Cojo Bay near Point Conception in Santa Barbara County (See Exhibit 1, "Project Location"). Unocal installed the loading line in the early 1960s and the California State Lands Commission placed it under caretaker status in February 1993. Removal of the pipeline requires three major steps: flushing of the pipeline, removal of the offshore portion of the pipeline, and removal of the nearshore portion of the pipeline.

Removal of the pipeline will begin at the offshore terminus of the line and proceed shoreward. Dive crews will expose and cut the line into transportable segments. A dive support vessel ("DSV")

will use a pull winch and deck crane to lift segments to the deck of the DSV. The nearshore removal of the pipeline will be performed in the same manner as the offshore removal operations, but will also entail pulling the pipeline from its trench in the intertidal zone and removal of a concrete cap present over the nearshore segment of the pipeline. Nearshore removal will also require use of an onshore winch, a "deadman" anchor, and other equipment.<sup>1</sup>

Potential project-related impacts include damage or loss of kelp, surfgrass and hard bottom habitat. To the maximum extent possible, Unocal will implement measures to avoid these sensitive marine resources, including implementation of an Anchoring Plan designed to avoid hard bottom habitat and sensitive species. There is, nevertheless, the possibility that removing the loading line will cause unavoidable adverse impacts to kelp and surfgrass.

Unocal has prepared a Marine Biological Survey Plan ("MBSP"), in consultation with the Coastal Commission's marine ecologist, that includes conducting pre-and post-project biological surveys to determine if kelp and surfgrass impacts occur due to project activities. If kelp and/or surfgrass cannot be avoided completely, the MBSP identifies kelp and surfgrass impact thresholds (detailed in sections 4.4.1.1 and 4.4.1.2 of this report). If Unocal exceeds an impact threshold, Special Condition 2 requires Unocal to submit a restoration plan to the Coastal Commission in the form of an amendment to this permit.

Special Condition 1 requires Unocal to demonstrate that qualified independent monitors (approved by the Coastal Commission's Executive Director and the County of Santa Barbara) have been hired to (a) implement Unocal's Marine Biological Survey Plan, (b) monitor all nearshore and offshore project-related work for the presence of marine mammals and sea turtles, and (c) protect and redirect work if special status bird species such as brown pelicans and snowy plovers are found in the project area.

The Commission staff recommends that the Commission approve CDP application E-02-011, as conditioned.

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<sup>1</sup> Project-related onshore operations located landward of the mean high tide line are within the County of Santa Barbara's coastal permitting jurisdiction.

## 1.0 STAFF RECOMMENDATION

### Approval with Conditions

The staff recommends conditional approval of Coastal Development Permit Application No. E-02-011.

#### Motion:

I move that the Commission approve Coastal Development Permit Application No. E-02-011 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 adoption of the following resolution and findings.

#### Resolution:

The Coastal Commission hereby **grants** permit No. E-02-011, 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. **Project Monitors.** Prior to issuance of this permit, the applicant shall demonstrate that qualified independent monitors have been hired to carry out the requirements of this special condition. The monitors must be approved by the Executive Director and the County of Santa Barbara. The monitors shall perform the following functions:
  - (a) A qualified marine biological consultant shall implement the applicant's Marine Biological Survey Plan ("MBSP") dated August 6, 2002. Within 30 days of completing each survey identified in the MBSP (*i.e.*, pre-project survey, post-project survey, aerial survey, and any additional follow-up kelp and surfgrass monitoring required by the MBSP), the applicant shall submit to the Executive Director a written report prepared by the marine biological consultant describing the results of each survey and monitoring event.
  - (b) A qualified marine wildlife monitor shall monitor all nearshore and offshore project-related work for the presence of marine mammals and sea turtles, as described in the applicant's Wildlife Contingency Plan (dated May 29, 2002). The marine wildlife monitor shall immediately report to the Executive Director any impacts or collisions with marine mammals or sea turtles in the project area. Within 30 days of project completion, the

monitor shall submit to the Executive Director a marine wildlife monitoring report prepared by the approved marine wildlife monitor. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine mammal and sea turtle sightings (species and numbers); (ii) any behavioral changes that may have been attributable to project operations; and (iii) any project delays due to the presence in the project area of marine wildlife species.

- (c) During all project activities conducted on the beach, the applicant shall have present a qualified biological monitor. The biological monitor shall have the following duties:
- i. If at any time during project operations the biological monitor observes a special status species (*i.e.*, brown pelicans, snowy plovers), the biological monitor shall use his/her discretion to determine whether work shall be redirected or temporarily halted.
  - ii. If project activities occur during the Western snowy plover nesting season (April through August), the biological monitor shall identify any active nests and direct that all areas within a 500-foot radius of a nesting site be clearly marked and avoided. No disturbance shall occur within the protective area until all young birds have fledged, as confirmed by the biological monitor.
  - iii. The biological monitor shall observe and document with photographs and video removal of the pipeline in the nearshore area where the pipeline is being removed from a natural hard substrate trench.
  - iv. The biological monitor shall submit to the Executive Director within 30 days of project completion a final written report summarizing the monitoring activities required in (i) through (iii).

2. **Kelp and Surfgrass Permit Amendment.** If project-related unavoidable impacts to kelp and/or surfgrass occur based on the resource impact criteria described in the Marine Biological Survey Plan ("MBSP") dated August 6, 2002, the applicant shall within 90 days of completing its impact assessment survey submit to the Executive Director a restoration plan in the form of a permit amendment application.
3. **Concrete Removal.** The applicant shall remove all concrete and artificial materials from the project area and dispose of it onshore at an appropriate disposal facility.
4. **401 Certification.** Prior to issuance of this permit, the applicant shall submit evidence to the Executive Director of issuance of a final 401 Certification from the Central Coast Regional Water Quality Control Board for the proposed project.
5. **Update NOAA Charts.** Within 60 days of project completion, the applicant shall submit evidence to the Executive Director that it has submitted to the National Oceanic and Atmospheric Administration ("NOAA")<sup>2</sup>: (a) geographic coordinates of the removed pipeline using a Differential Geographic Positioning System ("DGPS") unit or comparable navigational equipment; and (b) the applicant's point of contact and telephone number.

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<sup>2</sup> The NOAA contact to which the information is to be submitted is currently: Ms. Lyn Preston, Chief, Nautical Data Branch, NOAA, N/CS26 Station 7350, 1315 East West Highway, Silver Spring, MD 20910. Phone: (301) 713-2737 x123.

## 4.0 FINDINGS AND DECLARATIONS

### 4.1 Project Location and Background

The loading line (also referred to as the "pipeline") is a part of Unocal's Cojo Marine Terminal in Cojo Bay near Point Conception in Santa Barbara County adjacent to the Bixby Ranch (See Exhibit 1, "Project Location"). The offshore loading line was installed in the early 1960s and extended offshore 2,029 feet to a five-point barge mooring facility. The external surface of the loading line is coated with a cement weight coat. The offshore section of the pipeline intersects with an abandoned-in-place pipeline bundle that was historically used to service former Platform Harry. The State Lands Commission placed the pipeline under caretaker status on February 16, 1993. Unocal removed the offshore mooring system in the early 1990s and the loading hoses in 1997.

The proposed project is part of a larger project proposed by Unocal to decommission and abandon the following onshore facilities: the Cojo Marine Terminal, Government Point Production Facility, Production Facility – Marine Terminal pipeline corridor, Point Conception Well Site Facility, and Well Site – Production Facility pipeline corridor. On March 27, 2002, the County of Santa Barbara approved the overall decommissioning project.

### 4.2 Project Description

Unocal Corporation ("Unocal" or "the applicant") proposes to decommission the offshore portion of the Cojo Marine Terminal by flushing, cutting, and completely removing the 2,029-foot long, 10.75-inch wide, offshore loading line seaward from the mean high tide line to the pipeline's offshore terminus at a water depth of 32 feet. Removal of the pipeline has 3 major steps: flushing of the pipeline, removal of the offshore portion of the pipeline, and removal of the nearshore portion of the pipeline. The estimated duration of the proposed project is a maximum of 30 days.

The pipeline flushing operations will require both onshore and offshore work sites. A hose will be attached to the loading line at an access point on the beach bluff that will be used to transport the flushed water generated by the flushing of the pipeline to Baker tanks. Offshore, the dive support vessel ("DSV") will be anchored over the offshore terminus of the loading line and divers will attach a pump discharge hose to the pipeline end flange in order to prepare for flushing of the line. Once all hoses are connected, seawater will be pumped into the end of the loading line and the seawater currently present in the pipeline will be displaced and recovered within the onshore Baker tanks. Pipeline flushing will continue until the flushed water hydrocarbon concentration is less than 15 parts per million.

Removal of the offshore section of the pipeline will begin at the offshore terminus of the line and proceed shoreward. The DSV will be anchored over the offshore pipeline terminus and three other anchor locations according to a predetermined Anchoring Plan (See Exhibit 2, "Final Anchoring Plan Map") in order to support underwater dive crews. Divers will expose the pipeline using airlifting, and hand jetting techniques, and will then cut and rig the line into approximately 50-foot long transportable segments. The DSV will use a pull winch and deck crane to lift segments to the deck of the DSV.

Removal of the 800-foot nearshore section of the pipeline will be performed by pulling the pipeline shoreward using the following onshore equipment: a backhoe with pavement breaker attachment to break up the cement cap covering on the pipeline in the nearshore area; a pulling winch; and a "deadman" anchor. The pulling winch and deadman anchor will be located in a bluff-top staging area and will use the existing access road from the beach up to the bluff as the pulling corridor. The nearshore section of the pipeline will be pulled onshore by the pulling winch from the pipeline trench in the intertidal zone in alignment with the existing pipeline corridor in order to avoid or minimize impacts to surrounding substrate and associated habitat areas. The pipeline will be pulled in a slow, gradual pace, and divers will visually verify that the pipeline is free of any obstructions or pinch points to further ensure that the pipeline's removal does not harm natural adjacent substrate. Once the nearshore pipeline section is ashore, it will be cut into transportable segments. Nearshore pipeline removal is expected to take 1-2 days. Once the pipeline has been removed from the beach and intertidal area, the beach will be restored to its natural contours.

The approximately 126 tons of material generated by the project will be transported to an appropriate recycling facility. Wastewater generated by the project will be sent to a wastewater disposal facility, probably within the City of Santa Maria.

#### **4.3 Other Agency Approvals**

##### **4.3.1 County of Santa Barbara**

As "lead agency" under the California Environmental Quality Act, the Santa Barbara County Planning Commission on March 27, 2002, certified a Mitigated Negative Declaration ("MND") for the proposed project and approved Development Plan 98-DP-42. The County will issue a coastal development permit for the onshore portion of the project once final project plans are submitted. On October 8, 2002, the County issued a substantial conformity determination to remove the nearshore portion of the pipeline in an onshore direction instead of an offshore direction. The County found that the revised project description is consistent with the analysis contained in the certified MND, and that the revised project is consistent with the County's Local Coastal Program.

##### **4.3.2 Regional Water Quality Control Board**

On May 9, 2002, the Regional Water Quality Control Board, Central Coast Region issued a conditional 401 Certification under the Clean Water Act.

##### **4.4.3 State Lands Commission**

On June 18, 2002, the State Lands Commission authorized the proposed project. The State Lands Commission will require Unocal to perform post-project surveying for site clearance and restoration prior to considering a quitclaim application from Unocal.

#### 4.4.4 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers ("Corps") intends to issue a Nationwide Permit 12 (Utility Line Bedding and Backfill) for the proposed project. The Corps consulted informally with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on the proposed 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 project site at Cojo Bay near Point Conception contains surfgrass and marine algal flora typical of intertidal shallow and subtidal zones of Southern California, such as giant kelp, feather boa kelp, rock weed, sargasso weed, and red and green algae. Marine invertebrates of the nearshore and offshore habitat include sea anemones, sand castle worms, sea urchins, chitons, limpets, snails, sea cucumbers, nudibranchs, mussels, clams, octopi, barnacles, lobster, tube building worms, sand dollars, crabs and sea stars. No eelgrass has been found in the project area.

Over five hundred species of fish typically inhabit the shallow inshore waters of Southern California, including painted greenling kelp bass, cabezon, surf perch, black perch, rubber lip, opaleye, black and yellow rockfish, jack smelt, and northern anchovies. In addition, a number of marine mammal species have either been observed in the project area, or could occur within the project area, including the common dolphin, Pacific white-sided dolphin, Risso's dolphin, Dall's porpoise, bottlenose dolphin, California gray whale, blue whale, humpback whale, California sea lion, Northern elephant seal, and Pacific harbor seal. Although the likelihood is low, the National Marine Fisheries Service believes listed sea turtles could be present in the project area. The Southern sea otter has also been observed in the project area on a regular basis, with the lowest number of individuals present in the fall, as otters move northward beginning in May of each year.

Special status birds in the project area include the brown pelican (*Pelicanus occidentalis*) and Western snowy plover (*Charadrius alexandrinus nivosus*). Brown pelicans have been observed roosting within the intertidal zone in the vicinity of the loading line and have the potential to be present during pipeline removal operations. Designated critical habitat for Western snowy plover is located at Jalama Beach, 4.4 miles north-northwest of the project area. Other birds in the project area include the long-billed gull, western gull and double-crested comorant.

The proposed project has the potential to cause the following adverse impacts: (1) loss or damage to kelp, surfgrass, invertebrates and soft bottom habitat due to placement and recovery of vessel

anchors and pipeline removal activities; (2) harm to marine mammals and sea turtles due to vessel collision or harassment; (3) disturbance to special status birds due to project operations; and (4) hard bottom habitat loss or damage due to pipeline removal operations.

#### 4.4.1.1 Kelp

The species of kelp that may be impacted by the proposed project are giant kelp (*Macrocystis pyrifera*), feather boa kelp (*Egregia menziesii*), and stalked kelp (*Pterygophora californica*). Kelp offers food, attachment sites, and microhabitats for invertebrates and provides food and shelter for fishes. Kelp serves as important refuge for young fishes, and as feeding grounds for female and juvenile gray whales. Drift kelp also plays an important role in the food chain as a structural and nutritional resource.

Large giant kelp beds occur within, adjacent to, and immediately west of the pipeline corridor, and are most common from 9 to 15 feet below mean lower low water. The proposed project has the potential to cause adverse impacts to kelp in the project area due to placement and recovery of vessel anchors, movement of anchor lines, crushing or cutting of plants during excavation and removal of pipeline and associated materials, disturbance of hard substrate, increased sedimentation during loading line excavation and removal, and diver activities in and around the pipeline corridor.

Unocal proposes to avoid kelp to the maximum extent possible primarily through implementation of kelp avoidance measures described in its Final Anchoring Plan ("FAP"). In Spring 2001, Unocal "ground-truthed" all proposed anchor locations with diver surveys and anchor locations were subsequently adjusted in consultation with resource agencies to better avoid kelp beds (See Exhibit 2, Final Anchoring Plan). Additional anchor dive surveys will be conducted before and after anchoring and project completion to verify that no kelp is present near anchor locations or anchor line corridors. The FAP specifies that pre-designated anchor locations will be programmed into onsite real-time navigation equipment, and that anchors will be "flown" by an anchor assist tugboat, which will minimize anchors' potential impacts to the seafloor. In addition, no anchor dragging across the seafloor will occur.

Unocal also developed, in consultation with the Coastal Commission's marine ecologist, a Marine Biological Survey Plan ("MBSP") dated August 6, 2002 that in part describes Unocal's survey methods, and the criteria to be applied by Unocal and the Coastal Commission, in determining if the project causes kelp impacts. Underwater diver biological surveys (i.e., the pre-construction survey) will be performed within 30 days prior to commencement of the project using transect methods to observe, quantify and record the abundance of plants, abalone and hard bottom in pre-determined areas in the project corridor and in at least two control sites. The selected control sites will support similar biological and substrate characteristics relative to the project area but will be distant enough from the project area so as not to be affected by project operations. Within 30 days after project completion, Unocal will re-survey the project area (i.e., the post-construction or post-removal survey) and control sites to assess any change in the abundance and distribution of kelp. Unocal will also take low altitude color aerial photographs before and after project completion in order to assist in determining any quantitative change in the aerial extent of kelp beds. The MBSP takes into account natural variation in kelp density through the use of control sites, so that any significant differences in kelp density between control sites and the project site will be attributable to the



project rather than major storm events or rough winters. Unocal will also count adult, sub-adult and juvenile kelp plants, by surveying kelp plant height, presence or absence of sporophylls (spore-bearing blades), and the number of stipes on each plant.

**Special Condition 1** in part requires Unocal to demonstrate prior to permit issuance that a qualified marine biological consultant approved by the Executive Director has been hired to implement the survey requirements of the MBSP and to submit to the Executive Director within 30 days of completing each survey each survey's results. Once the pre- and post-project surveys are completed, the MBSP proposes a 3-tier approach to assessing project-related kelp impacts:

**Tier 1:** If the difference between the adult or subadult and juvenile plants (density) within the project site corridor and the mean plant density of the two control site corridors is less than 15%, no monitoring or mitigation will be required. If the post-removal difference is greater than 25% of adult plants or greater than 25% for subadult and juvenile *Macrocystis pyrifera*, a restoration plan will be submitted to the Coastal Commission within 90 days of impact assessment.

**Tier 2:** If the difference between the number of adult or subadult and juvenile plants (density) within the project site corridor and the mean plant density of the two control site corridors is between 15% and 25%, Unocal will implement a one-year monitoring program. The monitoring program will consist of two additional surveys, scheduled for approximately 6 and 12 months after the post-removal survey; one of the monitoring surveys will be conducted during the autumn season (September through November). Data collection and analytical methods used in the pre- and post-removal surveys will be repeated for each of the monitoring surveys. If, after the two surveys, the percent difference in the number of adult plants between the project site and mean of the two control sites is below 15%, no mitigation will be required. **Special Condition 1** also requires that the results of all surveys completed under the Tier 2 scenario be submitted to the Executive Director within 30 days of each survey's completion.

**Tier 3:** If after one year of monitoring, 15% or more of the adult plants are still impacted, Unocal will submit to the Coastal Commission a restoration plan within 90 days of impact assessment.

The MBSP allows for natural kelp recovery within a one-year timeframe (without mitigation) if a relatively small amount of project-related impacts to kelp occur. The reason for this approach is that efforts to restore small amounts of lost kelp (i.e., less than 15% as described above) could potentially cause more disturbance than benefit to kelp. However, should greater kelp loss occur, or if the lost kelp does not naturally recovery after one year, the MBSP will trigger either additional monitoring and/or the submittal to the Coastal Commission of a kelp restoration plan.

Specific kelp restoration measures are not addressed in the MBSP because adequate data are not yet available about the structure of the kelp bed at the project site to develop an adequate restoration proposal if project-related kelp impacts do occur. Therefore, **Special Condition 2** requires that if project-related impacts to kelp occur as determined by the above-described surveys and impact criteria, Unocal shall submit to the Executive Director within 90 days of the impact assessment survey a kelp restoration plan in the form of an application to amend this permit.

#### 4.4.1.2 Surfgrass

Surfgrass (*Phyllospadix torreyi*) occurs at the project area in nearshore rocky habitat in water depths less than 5 feet below mean low low water. The proposed project therefore has the potential to damage or crush surfgrass due to excavation and removal of pipeline and associated materials, placement and recovery of vessel anchors, movement of anchor lines, increased sedimentation during loading line excavation and removal, and diver activities in and around the pipeline corridor.

The applicant proposes to avoid to the maximum extent possible surfgrass impacts, primarily through implementation of surfgrass avoidance measures contained in Unocal's Final Anchoring Plan. In Spring 2001, Unocal "ground-truthed" all proposed anchor locations with diver surveys, and anchor locations were subsequently adjusted in consultation with resources agencies to better avoid surfgrass (See Exhibit 2, Final Anchoring Plan). Additional anchor dive surveys will be conducted before and after anchoring to verify that no surfgrass is present near anchor locations or anchor line corridors. The FAP specifies that pre-designated anchor locations will be programmed into onsite real-time navigation equipment, and that anchors will be "flown" by an anchor assist tugboat, which will minimize anchors' potential impacts to the seafloor. In addition, no anchor dragging across the seafloor will occur.

Unocal also developed in consultation with the Coastal Commission's staff marine ecologist a Marine Biological Survey Plan ("MBSP") dated August 6, 2002 that in part describes Unocal's survey methods, and the criteria to be applied by Unocal and the Coastal Commission, in determining if the project causes surfgrass impacts. Underwater diver biological surveys (*i.e.*, the pre-construction survey) will be performed within 30 days prior to commencement of the project using transect methods to observe, quantify and record the area of surfgrass in square meters (also referred to as the aerial cover) in pre-determined areas in the project corridor and in at least two control sites. The control sites will support similar biological and substrate characteristics relative to the project area but will be distant enough from the project area so as not to be affected by project operations. Within 30 days after project completion, Unocal will re-survey the project area (*i.e.*, the post-removal survey) and control sites to assess any change in the cover or distribution of surfgrass. The MBSP takes into account natural variation in surfgrass cover or distribution through the use of control sites, so that any significant differences in surfgrass cover or distribution between control sites and the project area will be attributable to the project rather than major storm events or rough winters.

**Special Condition 1** in part requires Unocal to demonstrate prior to permit issuance that a qualified marine biological consultant approved by the Executive Director has been hired to implement the survey requirements of the MBSP and to submit to the Executive Director within 30 days of completing each survey each survey's results.

Once the pre- and post-project surveys are completed, the MBSP proposes a 3-tier approach to assessing project-related surfgrass impacts:

**Tier 1:** If the difference between the areal cover within the project site corridor and the aerial surfgrass cover of the two control site corridors is less than 15%, no monitoring or mitigation will

be required. If the post-removal difference is greater than 25%, a restoration plan will be submitted within 90 days of impact assessment.

**Tier 2:** If the difference between the aerial cover of surfgrass within the project site corridor and at the two control site corridors is between 15% and 25%, a one-year monitoring program will be instituted. The monitoring program will consist of two additional surveys, scheduled for approximately 6 and 12 months after the post-removal survey; one of the monitoring surveys will be conducted during the autumn season (September through November). Data collection and analytical methods used in the pre- and post-removal surveys will be repeated for each of the monitoring surveys. If after the two surveys, the percent difference in the aerial cover of surfgrass between the project site and mean of the two control sites is below 15%, no further mitigation is required. **Special Condition 1** also requires that the results of all surveys completed under the Tier 2 scenario be submitted to the Executive Director within 30 days of each survey's completion.

**Tier 3:** If after one year of monitoring, a 15% difference between the aerial cover of surfgrass at the project corridor and at the two control sites remains, a restoration plan will be submitted within 90 days of impact assessment.

This plan allows for natural surfgrass recovery within a one-year timeframe (without mitigation) if a relatively small amount of project-related impacts to surfgrass occur. The reason for this approach is that restoration efforts to address a relatively small loss of surfgrass (i.e., less than 15% as described below) could potentially cause more disturbance than benefit to surfgrass, in particular potential damage to remaining surfgrass beds that might be used as "donor" beds for restoration purposes. However, should greater surfgrass loss occur, or if surfgrass does not recover naturally after one year, the MBSP will trigger either an additional period of monitoring and/or the submittal to the Coastal Commission of a surfgrass mitigation plan.

Specific mitigation or restoration techniques for surfgrass are not discussed in the MBSP because adequate data is not yet available about the full extent of surfgrass at the project site to determine what the appropriate restoration or mitigation measures should be, if impacts occur. One restoration option is artificial transplanting of small "mats" of surfgrass taken from nearby surfgrass beds, but long-term mortality of transplanted surfgrass is high and significant concerns about impacts to "donor" surfgrass beds remain. Therefore, **Special Condition 2** requires that if project-related impacts to surfgrass occur as determined by the above-described surveys and impact criteria, Unocal shall submit to the Executive Director within 90 days of the impact assessment survey a surfgrass mitigation plan in the form of an application to amend this permit.

#### 4.4.1.3 Invertebrates and Soft Bottom Habitat

The proposed project has potential to harm white abalone, sand dollars, and soft bottom habitat due to placement and recovery of vessel anchors, movement of anchor lines, increased sedimentation during loading line excavation and removal, and diver activities in and around the pipeline corridor.

No species of abalone were found during the November 2000 biological dive survey of the project area, but due to the recent listing of the white abalone (*Haliotis sorenseni*) on the federal endangered species list, the applicant has proposed to perform another white abalone survey prior to

commencement of work. White abalone is typically present in water depths of 60-200 feet. Since project-related activities will take place in waters depths less than 40 feet, the likelihood of finding white abalone is low. Nevertheless, if a white abalone(s) is found within 75 feet of the project area, Unocal must immediately contact NMFS as required by the federal Endangered Species Act; NMFS has the authority to halt project operations if necessary under Section 9(a) of the Endangered Species Act (*Personal communication, Melissa Neuman, NMFS, September 17, 2002*). In addition, the County of Santa Barbara is requiring Unocal to perform white abalone presence/absence surveys at appropriate intervals during construction as determined by the on-site marine wildlife monitor. Other abalone species with the potential to be present in the project area are also considered to be sensitive species. For this reason, California Fish and Game Code section 5521 prohibits take or possession of any abalone south of San Francisco. If a species of abalone other than white abalone is found in the project area during pre-construction surveys or during project operations, work may continue, but the applicant is legally required to apply to CDFG for a take permit, if necessary, which would likely entail movement of the animal to an appropriate location in consultation with CDFG. With these measures in place, white abalone and other abalone species will be adequately protected from potential impacts.

Soft bottom habitat impacts will occur primarily due to the placement of 13 anchors and the excavation of the pipeline by jetting a 3-foot wide and 1,200-foot long trough. The estimated total area of soft bottom substrate disturbance due to project operations is approximately 8,800 feet. However, impacts will be relatively minor and short-term because sediments will settle quickly, and ocean currents will restore sand and sediments to pre-project or "normal" locations.

An invertebrate of particular concern in the project area is the Pacific sand dollar (*Dendraster excentricus*), which feeds on suspended material in the water. To avoid impacts to sand dollars, the applicant proposes in its Wildlife Contingency Plan and Final Anchoring Plan to perform diver surveys of pre-designated anchor pre-plots prior to placing anchors, and to avoid all sand dollars if feasible. To further minimize impacts, the applicant will not drag anchors across the seafloor. Any unavoidable impacts to sand dollars are expected to be limited in scope and sand dollars will quickly re-colonize.

#### **4.4.1.4 Marine Mammals and Sea Turtles**

Marine mammal species that have either been observed in the project area, or could occur within the project area, include the common dolphin, Pacific white-sided dolphin, Risso's dolphin, Dall's porpoise, bottlenose dolphin, California gray whale, blue whale, humpback whale, California sea lion, Northern elephant seal, and Pacific harbor seal. The Southern sea otter has been observed in the project area on a regular basis. The National Marine Fisheries Service also identified several listed sea turtle species as having potential to be present in the project area.

Project operations including vessel traffic, anchoring, and pipeline removal could disturb or injure marine mammals or sea turtles. Vessel traffic could injure marine mammals or sea turtles or cause them to avoid using the area for foraging, protection and rest. Anchoring of heavy anchors and long anchor lines could injure marine mammals or sea turtles during installation or due to anchor line movement. Pipeline removal activities could injure or disturb marine mammals or sea turtles present in the project area.

Sea otters may be precluded from the project area if work activities cause them to avoid the area, but the applicant has proposed to do no work from November to June, which is the time period during which sea otters would be most likely to be present. The project will require a maximum of 60 days, a relatively short duration that is not likely to cause significant disturbance to sea otters. In addition, the MND notes that sea otters may use other areas near Cojo Bay such Government Point or Percos Point that have good foraging and protection habitat.

Gray whales are the whale species most likely to enter the project area during northbound or southbound migrations, or to rest or forage during northward migration. However, no work will be carried out from November to June, which is the normal time period for gray whale migrations.

Harbor seals and elephant seals usually do not approach vessels, and are also highly mobile and likely to avoid areas of project activity. There is a harbor seal rookery located approximately one mile west of the project site, but the distance of the rookery is sufficient to protect it from disturbance due to project operations. However, sea lion behavior sometimes includes use of artificial structures to haul-out and rest between foraging efforts. According to the MND, the applicant will avoid sea lions unless project operations threaten their safety, in which case the applicant will consult NMFS for guidance on how to encourage sea lions to vacate the hazard area without harassment.

Several sea turtle species (green sea turtle, Pacific Ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle) occur in waters off the Southern California coast, and therefore have the potential to occur in the project area, although the likelihood of the presence of sea turtles in the project area is very low.

To prevent any potential impacts or disturbance to marine mammals or sea turtles that may be present in the area during project operations, the applicant has prepared a Wildlife Contingency Plan ("WCP") that contains monitoring and disturbance prevention measures to avoid or minimize impacts to various marine species including sea otters, gray whales, dolphins, pinnipeds such as harbor seals, elephant seals, and sea lions, and sea turtles. The marine wildlife monitor will be positioned on the offshore work vessel with a clear view and will attempt to ensure that work vessels remain at least 1,000 feet away from marine wildlife in order to minimize the risk of collision or disturbance. If the monitor sights marine wildlife in the path of any work vessel, the vessel will be ordered to slow down or change course in order to avoid contact. As dolphins occasionally "run" in parallel with a vessel, the WCP specifies that vessels will slow down and keep a steady course until the dolphins lose interest.

**Special Condition 1** in part requires Unocal to demonstrate that a marine wildlife monitor approved by the Executive Director has been hired to observe all near shore and offshore project-related work for the presence of marine mammals and sea turtles, as described in the applicant's Wildlife Contingency Plan (dated May 29, 2002). The monitor will immediately report to the Executive Director any impacts to or collisions with marine mammals or sea turtles in the project areas. Within 30 days of project completion, the applicant must submit to the Executive Director and NMFS a marine wildlife monitoring report prepared by the approved marine wildlife monitors. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine mammal or sea turtle sightings (species and numbers); (ii) any behavioral changes that

may have been attributable to project operations; and (iii) any project delays due to the presence in the project area of marine wildlife species.

With the Wildlife Contingency Plan and Special Condition 1 in place, potential impacts to marine mammals and sea turtles will either be avoided or reduced to the greatest extent possible.

#### 4.4.1.5 Birds

Special status birds such as the brown pelican and snowy plover have the potential to be disturbed or impacted by project activities, as well as other birds such as the long-billed gull, western gull and double-crested cormorant. Brown pelicans have been observed roosting within the intertidal zone in the vicinity of the loading line and have the potential to be present during pipeline removal operations. Designated critical habitat for Western snowy plover is located at Jalama Beach, 4.4 miles north-northwest of the project area. Although surveyors have observed Western snowy plovers in the project area, plovers are not known to breed in the project area. The project area beaches are not considered suitable nesting habitat for Western snowy plover because they are backed by steep bluffs and are fully inundated at high tide. Brown pelicans and Western snowy plovers are considered to be opportunistic marine birds which roost and forage within numerous intertidal habitat areas for brief periods throughout a given day, and any marine birds present in the project area will most likely vacate the immediate project area if disturbed.

**Special Condition 1** in part requires Unocal to demonstrate that a qualified onshore biological monitor has been hired to monitor for special status bird species such as brown pelicans and snowy plover. If at any time during project operations the monitor observes special status species such as brown pelicans and snowy plovers within the project area, the biological monitor will use discretion to determine whether work shall be redirected or temporarily halted. If project activities occur during the Western snowy plover nesting season (April through August), the biological monitor will identify active nests and direct that all areas within a 500-foot radius of the nesting site be clearly marked and avoided. No disturbances will occur within the protective area until all young birds have fledged, as confirmed by the biological monitor. With the biological monitor's satisfactory performance of these monitoring duties, potential disturbance to special status species will be avoided.

#### 4.4.1.6 Hard Bottom Habitat

Hard bottom substrate is present immediately underneath and adjacent to the pipeline in the nearshore pipeline corridor, and in scattered areas farther offshore in the vicinity of the pipeline. The area of nearshore hard bottom potentially affected by pipeline removal is approximately four feet wide (two feet on either side of the pipeline), and 50 feet long, for a maximum potential disturbance area of 200 square feet in the nearshore project area. Farther offshore, the pipeline is buried in soft substrate (*i.e.*, sand and clay), with hard bottom substrate located in various areas around the offshore pipeline corridor.

The potential damage to natural hard bottom substrate in the nearshore area is due to the removal of the cement coating that is present on top of the pipeline, and from the lifting and removal of the pipeline from its trench within natural hard substrate. To minimize disturbance to hard bottom

habitat during pipeline removal, the applicant proposes to remove the pipeline gradually and in alignment with the existing pipeline corridor in order to prevent impacts outside the "pull zone." Such an approach is expected to significantly reduce the risk of damaging adjacent hard bottom substrate. In addition, **Special Condition 1** in part requires Unocal to demonstrate that a qualified onshore biological monitor has been hired to observe and document the removal of the pipeline in the nearshore area where the pipeline is being removed from a natural hard substrate trench, and will document the pipeline removal with photographs and video. Such monitoring will assist in ensuring that the applicant's contractor uses the greatest care possible during pipeline removal activities. Once the pipeline is removed, natural hard substrate will remain and will be naturally and quickly recolonized by various marine animal and plant species in adjacent habitat. Therefore, any disturbance to hard bottom habitat due to project activities is likely to be outweighed by the ecological benefits of exposing and making available a corridor of currently covered and unavailable natural hard bottom substrate. In order to ensure that all artificial materials are removed from the project area and to maximize project benefits to hard bottom substrate, **Special Condition 3** requires the applicant to remove all concrete and artificial materials from the project area and dispose of it onshore at an appropriate disposal facility.

Offshore, the potential damage to hard bottom substrate would be from the placement and recovery of vessel anchors, movement of anchor lines, and disturbance from diver activities in and around the pipeline corridor. The applicant proposes to use a four-point mooring system for the main work vessel, which will anchor in four different locations during the course of the pipeline removal process. To avoid impacts to hard bottom, the applicant prepared a Final Anchoring Plan with anchor pre-plots that were ground-truthed by diver surveys in spring 2001. Following the diver surveys, anchor locations were adjusted to provide larger buffers for avoidance of hard bottom, in consultation with resource agencies. According to the FAP and the MBSP, the applicant also proposes to perform additional anchor dive surveys immediately before and after anchoring in order to verify that no hard bottom is present near anchor locations or anchor line corridors. The FAP specifies that pre-designated anchor locations will be programmed into onsite real-time navigation equipment, and that anchors will be "flown" to these pre-designated locations by an anchor assist tugboat, which will minimize anchors' potential impacts to the seafloor. In addition, the FAP states that anchors will be recovered using a "crown line" method that also minimizes anchor and anchor line disturbance to the seafloor, and the applicant's contractor will be prohibited from dragging anchors across the seafloor. With these measures in place, the applicant states that all hard bottom substrate can be avoided in the offshore area.

With the above described mitigation measures in place, the overall result of the proposed project should be a benefit to natural hard bottom substrate and habitat in the project area.

#### 4.4.1.7 Conclusion – Marine Resources

The Commission finds for the reasons stated in sections 4.4.1.1 – 4.4.1.6 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.*

Offshore and nearshore pipeline excavation and removal activities will result in the temporary disturbance of seafloor sediments. The pipeline is buried about 3 feet below the surface of the seafloor, although the actual depth of burial can vary depending on the season. The applicant proposes to use airlifting or hand jetting techniques to expose buried segments of pipeline prior to removal. Sediment disturbance could result in localized suspension of sand and silt in the project area, causing an increase in local turbidity. In addition, organic matter contained within the sand and sediments may be introduced into the water column.

Since only minor sediment displacement is expected for removal operations, significant turbation or eutrophication of marine waters is not likely to result. In addition, affected waters will be dispersed and diluted by surrounding waters, ocean currents, waves, and tidal action. Increased water turbidity is not expected to be greater than the seasonal increased turbidity caused by winter storm events and associated storm water runoff. Water temperature, salinity, and pH in the project area will not be affected by the proposed project.

On May 9, 2002, the Central Coast Regional Water Quality Control Board ("RWQCB") issued a preliminary 401 Water Quality Certification for the proposed project. The certification primarily covers the larger terrestrial component of the project that is within the permitting jurisdiction of Santa Barbara County. **Special Condition 4** requires that prior to permit issuance, the applicant submit evidence to the Executive Director of a final 401 Certification from the RWQCB.

The Commission 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 three different sources: (1) flushing and cutting of the submarine pipeline; (2) the primary work vessel and offshore support vessels and associated deck equipment; and (3) the abandoned Platform Harry pipeline bundle.

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. 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, and due to the planned flushing of the pipeline until hydrocarbon concentration is less than 15 parts per million.

Work and support vessels and deck equipment. There is potential for leakage or spillage of fuel or lubricants from deck equipment to be used on the primary work vessel. Deck equipment to be used on the primary work vessel includes compressors, generators and cranes. The offshore support vessels to be used during the removal of the nearshore and offshore pipeline segments present another potential oil spill risk. 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.

Abandoned Platform Harry Pipeline Bundle. An abandoned pipeline bundle from the former Platform Harry intersects the offshore Unocal Cojo pipeline. The pipeline bundle was decommissioned and abandoned in place in the 1970s. There is potential risk of oil spill if project-related anchors and anchor lines come into contact with the abandoned pipeline bundle.

### ***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. According to Unocal's Oil Spill Response Plan ("OSRP"), based on the known profile of the pipeline, the majority of any residual hydrocarbons have migrated to the "high point" or offshore portion of the pipeline located near the grove valve along the base of the beach bluff. Unocal intends to flush any remaining hydrocarbons from the pipeline before it is opened to seawater by flushing the pipeline from the offshore terminus to an access point in the pipeline located onshore.

All flushed water returns will be collected in Baker tanks onshore, and vacuum trucks will be used to suction water out of the Baker tanks and transport the water offsite. In addition, all Baker tanks will be placed within a secondary containment structure consisting of containment berms and plastic liner in order to capture and contain any wastewater spillage. As a further precaution, a seep tent will be used during offshore pipeline cutting operations to ensure that any potential residual oil remaining in the pipeline is captured.

Work and support vessels and deck equipment. All work vessels, including the primary dive support vessel, will contain fuel in integral tankage built into the vessel hull in order to minimize the risk of fuel spill. To prevent leakage or spillage from any equipment located onboard the primary work vessel, 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. All project vessels will be constructed with multiple watertight compartments to minimize the potential for flooding or risk of sinking if a vessel tank is punctured.

Abandoned Platform Harry Pipeline Bundle. The placement of all support vessel anchors, and the location of the Platform Harry pipeline bundle will be positioned, monitored and tracked by a professional offshore surveyor using differential GPS surface navigation equipment with sub-meter accuracy in order to ensure that anchors are set in accordance with anchor pre-plots and that anchor locations are positioned at safe distances away from the pipeline bundle.

### ***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 proposed project activities still exists.

An onsite spill response team will be present to address minor spills (5 barrels or less) and to provide initial response to major spills (more than 5 barrels) and will have onsite access to 200 sorbent pads, one 500-foot sorbent boom, one 1,000-foot containment boom, four 55-gallon waste storage drums, 100 plastic storage bags, and hand tools. All spill response materials and supplies will be organized in a storage trailer for easy access and retrieval in the event of an incident. If necessary, the anchor-handling tugboat will be used as a boom tender vessel. In the event of a spill, project operations will cease immediately and boom can be deployed within 30 minutes.

In addition to this onsite response capacity, Unocal has access to additional response assistance through a contract with Clean Seas and Advanced Cleanup Technologies, Inc. ("ACTI"). The Clean Seas contract is for 24-hour on-call response, which includes response from a Clean Seas Response Vessel based in the Point Conception area. Mr. Clean III, the largest of the Clean Seas vessels, is stationed at Cojo Bay directly adjacent to the project area, equipped with at least 4,500 feet of containment boom and a 1,400 barrel recovery capacity, and can respond in less than 1 hour of notification of an incident. If necessary, Clean Seas can also summon other vessels from its Carpinteria location within 3 hours, which is equipped with up to 52,630 feet of boom and a 10,000-barrel recovery capacity. The additional response capacity available from ACTI includes 30

immediate response personnel, 100 personnel within 4-8 hours, and 40 HAZWOPER-trained personnel, and response equipment including Baker tanks, vacuum trucks, skimmers, boom, and workboats.

Notwithstanding the extensive oil spill containment and clean-up equipment and services provided by Unocal, Clean Seas and ACTI, response procedures set out in the OSRP, 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.<sup>3</sup> 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 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 Atmospheric Administration's Office of Response and Restoration, historical data indicates that only 10-30% of spilled oil can be recovered by mechanical means.<sup>4</sup> 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 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.<sup>5</sup>

Therefore, notwithstanding the onsite spill response equipment and clean-up equipment and services provided by Unocal, Clean Seas and ACTI, the ability to effectively contain and cleanup 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 staff report.

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<sup>3</sup> Environmental Protection Agency, *Summary of U.S. EPA OHMSETT Testing 1974-1979*.

<sup>4</sup> Michel, Christopherson, Whipple, *Mechanical Protection Guidelines*, NOAA, USCG, Research Planning, Inc., 1994.

<sup>5</sup> Kathy Verrue-Slater, Legal Counsel, Office of Spill Prevention and Response, Personal Communication, September 26, 2001.

#### 4.4.4 Public Access and Recreation

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.*

Coastal Act § 30234.5 states:

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

The proposed project site is adjacent to the privately owned Bixby Ranch Company. The nearest recreational facilities are Jalama County Beach Park, located approximately 10 miles northwest of the project site, and Gaviota State Park, located approximately 15 miles east of the project site. Recreational uses of the coastal areas in the project vicinity include kayaking, fishing, boating, diving and surfing. However, currently the public can only access the project area via boat because the adjacent onshore area is limited to those who live within Bixby Ranch, as there are no public roads or trails through Bixby Ranch. Lateral access to the project site from Jalama County Beach Park and Gaviota State Park is limited due to rock formations that block beach access at high tide and the considerable distance from the project site.

Pipeline removal operations may temporarily exclude offshore recreational uses of the project area, as project operations will result in short-term closure of the area to the public due to safety concerns. The County of Santa Barbara is requiring the applicant to post signs at beach access points notifying the public about project activities.

In the long-term, however, 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 5** that within 30 days of the removal of the pipeline, the applicant shall provide written verification to the Executive Director that it has submitted to the National Oceanic and Atmospheric Administration a letter describing: (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.

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.*

Santa Barbara County is located in the South Central Coast air basin, which also includes San Luis Obispo and Ventura counties. The Santa Barbara County portion of the South Central Coast air basin is a federal and state non-attainment area for ozone (O<sub>3</sub>). Reactive organic compounds (ROC) and nitrogen oxides (NO<sub>x</sub>) are considered precursors to ozone and are therefore treated as non-attainment pollutants. Santa Barbara County is also a State non-attainment area for particulate matter (PM<sub>10</sub>). The Santa Barbara Air Pollution Control District ("APCD") is the air district with jurisdiction over the proposed project.

The proposed project is a short-term project, and the APCD has no established quantitative thresholds of significance for air quality impacts associated with short-term projects. However, because Santa Barbara County violates State standards for PM<sub>10</sub>, the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* requires dust control measures for all discretionary construction activities. The long-term air quality threshold of significance is 25 pounds per day of either NO<sub>x</sub> or ROCs.

Unocal's proposed project will generate air emissions in the amounts summarized in Table 3 due to the movement of heavy-duty construction vehicles traveling to, from, and within the project area, and by automobiles used by workers to travel to the project site. Estimates were calculated based on 60-day project duration, using stationary equipment emission factors from the Nonroad Engine and Vehicle Emission Study (U.S. EPA, 1991) and equipment load factors were obtained from the NONROAD Model (Report No. NR-005, EPA, 1997). It was assumed that most workers would originate in Lompoc and that recovered materials would be transported to Santa Maria.

**Table 3: Air emission estimates**

| Project Operation | Average pounds per day |                 |                  | Total tons |                 |                  |
|-------------------|------------------------|-----------------|------------------|------------|-----------------|------------------|
|                   | ROC                    | NO <sub>x</sub> | PM <sub>10</sub> | ROC        | NO <sub>x</sub> | PM <sub>10</sub> |
| Equipment exhaust | 4.0                    | 48.5            | 2.9              | 0.36       | 4.44            | 0.26             |
| Vehicles          | 0.2                    | 0.9             | 0.1              |            |                 |                  |

Source: *Mitigated Negative Declaration, Unocal Cojo Decommissioning Project*, Santa Barbara County, March 2002

According to emission estimates, the project will not exceed the daily threshold for ROC, but it will exceed the long-term daily threshold for NO<sub>x</sub> of 25 pounds per day. In its role as CEQA lead agency, the County of Santa Barbara, in consultation with the APCD, is requiring Unocal to implement the following measures to reduce project-related emissions:

- Whenever feasible, use of construction equipment with “clean” diesel engines manufactured after 1996, catalytic converters, electric instead of diesel powered equipment, minimum practical engine size of construction equipment, and smallest practical number of simultaneously operating construction equipment;
- Maintenance of construction equipment be consistent with the manufacturers’ specifications, and checking and tuning of all equipment in order to ensure efficient operation;
- Requirement that all onsite operating equipment be equipped with two to four degree engine timing retard or precombustion chamber engines;
- Minimization of the number of vehicle trips by requiring construction personnel to carpool to and from the site, and by providing for lunch onsite.

With these measures in place, the proposed project will be carried out consistent with the Santa Barbara 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, Unocal’s proposed project does not meet the standards of Section 30232 due to the potential for significant impacts caused by a marine oil 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. Unocal's proposed project is to remove a 10.75-inch wide, 2,029-foot long submarine pipeline out to its offshore terminus. Since this project involves 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 and pose a hazard to beach and other recreational users. 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, implementation of Unocal's oil spill preventive measures in combination with its and Clean Seas' spill response equipment and personnel, the Commission can find that the environmental impacts generated by this project have been mitigated to the maximum extent feasible.

#### **4.6 California Environmental Quality Act**

As "lead agency" under the California Environmental Quality Act ("CEQA"), the County of Santa Barbara certified a Mitigated Negative Declaration ("MND") for the proposed project on March 27, 2002. On October 8, 2002, the County of Santa Barbara issued a substantial conformity determination for a revision to the proposed project's project description.

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. 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.



**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-02-011.

Final Anchoring Plan (May 29, 2002).

Marine Biological Survey Plan (August 6, 2002).

Marine Wildlife Contingency Plan (May 29, 2002).

Oil Spill Response Plan (May 29, 2002, revised August 1, 2002).

Santa Barbara County Planning Commission, Notice of Final Action, Appealable Coastal Development Permit 98-DP-42, April 10, 2002 (for onshore portion of decommissioning project).

***Environmental Documents***

County of Santa Barbara, *Final Mitigated Negative Declaration for Unocal Cojo Marine Terminal Decommissioning Project*, March 2002.

County of Santa Barbara, *Substantial Conformity Determination, Unocal Cojo Decommissioning Project*, October 8, 2002.

***Other Agency Permits, Approvals or Correspondence***

California Regional Water Quality Control Board, Central Coast Region, *Conditional Clean Water Act Section 401 Water Quality Certification*, May 9, 2002.

Letter from Jane Smith, California State Lands Commission, to Russ Hanscom, Jr., Unocal Corporation, June 27, 2002.

Letter from Rodney McGinnis, National Marine Fisheries Service, to David Castanon, Army Corps of Engineers, June 19, 2002.

***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.

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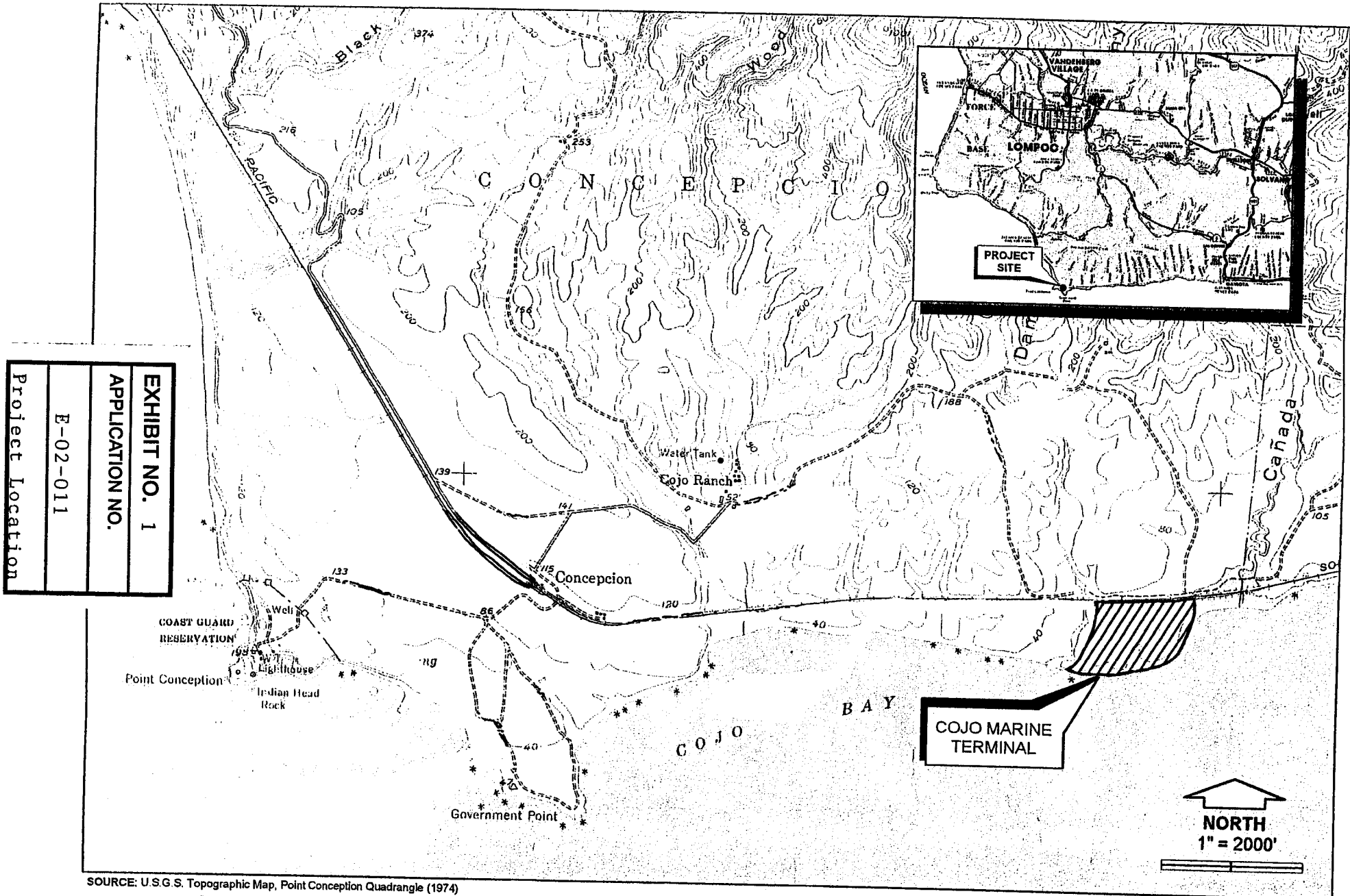


EXHIBIT NO. 1  
 APPLICATION NO.  
 E-02-011  
 Project Location

SOURCE: U.S.G.S. Topographic Map, Point Conception Quadrangle (1974)



EXHIBIT NO. 2  
 APPLICATION NO.  
 E-02-011

SCALE: 1" = 250'  
 0 250' 500'

