

## CALIFORNIA COASTAL COMMISSION

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Commission Action/Vote:

**STAFF REPORT  
REGULAR CALENDAR****APPLICATION NUMBER: E-04-008****APPLICANT: City of Long Beach****PROJECT LOCATION: Bolsa Chica Lowlands, Orange County**

**PROJECT DESCRIPTION:** Relocate approximately 4,700 linear feet (0.9 miles) of a 12" diameter natural gas pipeline (Line 1228) to Road 70 and Rattlesnake Road within the Aera Energy LLC oilfield, just outside the boundaries of the Phase 1 Bolsa Chica Restoration Project area. The project purpose is to accommodate Phase 1 of the Bolsa Chica Lowlands Restoration Project (i.e., relocate structures to areas outside of the area of Bolsa Chica designated for wetland restoration). (Note: Removal, but not relocation, of natural gas line 1228 was approved as part of Phase 1 of the Bolsa Chica Restoration Project (Consistency Determination CD-061-01.)

## SYNOPSIS

The purpose of the Line 1228 Relocation Project is to relocate to an existing utility corridor a 0.9-mile segment of natural gas pipeline called Line 1228 that is sited currently in the Bolsa Chica Restoration Project Phase 1 area, an area that is to be restored to a "full tidal basin" (Exhibit 1). The California State Lands Commission is requiring the City of Long Beach to relocate Line 1228 outside the Phase 1 Restoration Project area by October 2004, the scheduled start date for Phase 1 restoration activities.

The project involves installing 4,700 linear feet (0.9 miles) of new 12" diameter pipeline adjacent to an existing utility pipeline corridor along the eastern edge of Road 70 and the southern edge of Rattlesnake Road — both of which are interior utility access roads closed to the public — just outside the boundary of the Phase 1 Bolsa Chica Restoration Project area (Exhibit 2). Of the 4,700 linear feet of new pipeline, 4,200 linear feet (0.8 mile) of pipeline will be installed on above ground supports, and 500 linear feet will be installed underground. Total ground disturbance is anticipated to be 15,460 square feet or 0.35 acres.

Relocating this pipeline segment will cause unavoidable loss of some pickleweed (up to 1,000 square feet). To compensate for the loss of pickleweed, the applicant will, at a 10:1 mitigation ratio, remove iceplant from an area of Bolsa Chica chosen by the U.S. Fish and Wildlife Service (Bolsa Chica wet cells 11 and 12). In other areas of Bolsa Chica, the resource agencies (including the State Lands Commission, California Department of Fish and Game, and U.S. Fish and Wildlife Service) have found that pickleweed will reestablish quickly in areas where iceplant is removed.

There is also the possibility that nesting by the Belding's savannah sparrow and western snowy plover could occur close to the project area. To avoid any disturbance to nesting birds the following will be done: (1) a pre-construction survey for nesting birds will be conducted prior to construction; (2) a tailgate education session will be presented to the crew prior to construction; (3) a qualified biological monitor, approved by the Commission's Executive Director and other resource agencies, will be present during excavation activities to ensure that nesting birds are avoided; (4) in the event that nesting birds are found within the visual range of the project, work will be stopped and the California Department of Fish and Game, US Fish and Wildlife Service, and State Lands Commission will be contacted to determine the appropriate action prior to construction commencing or continuing; and (5) in the event that nesting birds cannot be avoided, construction will be postponed until after the nesting season is complete.

With these measures in place, amongst others, the Commission staff believes the project will be carried out in a manner consistent with the Chapter 3 policies of the Coastal Act. The Commission staff thus recommends that the Commission **approve** Coastal Development Permit Application E-04-008.

## 1.0 STAFF RECOMMENDATION

### 1.1 Approval with Conditions

The staff recommends conditional approval of Coastal Development Permit Application No. E-04-008

#### Motion:

I move that the Commission approve Coastal Development Permit Application No. E-04-008 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-04-008, 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 See Appendix A

## 3.0 SPECIAL CONDITIONS

1. **Other Agency Permits and Approvals.** Prior to commencement of project activities, the applicant shall submit to the Executive Director of the Coastal Commission (hereinafter "Executive Director") evidence of issuance of all required permits and approvals from other local, state, and federal agencies, as applicable.
2. **Project and Biological Monitor.** The qualified biological monitor, as required by the *Line 1228 Relocation Project, Bolsa Chica Lowlands, Initial Study/Mitigated Negative Declaration (Section 1.2.1 (page 1-10), Section 2.0 (page 2-18), and Appendix D (page D-2))*, shall be approved by the Executive Director, California States Lands Commission and U.S. Fish and Wildlife Service prior to commencement of project activities.
3. **Mitigation for Pickleweed Impacts.** The determination of the construction related impacts to the pickleweed and the proportional size area of iceplant to be removed at a 10:1 mitigation ratio, as described in the habitat compensation and restoration requirements set forth in the *Line 1228 Relocation Project, Bolsa Chica Lowlands, Initial Study/Mitigated Negative Declaration, (Section 1.2.1 (page 1-10))*, shall be performed by the biological

monitor (approved in Condition 2) within 15 days of the completion of project construction. The iceplant removal shall be completed by September 15, 2004, or as otherwise approved by the Executive Director and USFWS.

#### **4.0 FINDINGS AND DECLARATIONS**

##### **4.1 Project Setting and Background**

Natural Gas Line 1228 is located within the Bolsa Chica Lowlands (Bolsa Chica), on public lands under the jurisdiction of California State Lands Commission (CSLC), in unincorporated Orange County. Line 1228 currently receives gas from natural gas producers (Aera Energy and Nuevo Energy Corporation) and transports it to electric generating plants (Los Alamitos and Huntington Beach). Line 1228 is owned by the City of Long Beach (City) and is operated, maintained, and leased from the City by Southern California Gas Company (SCG). The City has retained SCG to manage the relocation of Line 1228.

In October 1996, eight state and federal agencies (California State Lands Commission (CSLC), California Department of Fish and Game (CDFG), California Coastal Conservancy, California Resources Agency, U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USCE), National Marine Fisheries Service (NMFS), and U.S. Environmental Protection Agency (EPA) and the Ports of Los Angeles and Long Beach entered into an Interagency Agreement to establish a project for wetlands acquisition and restoration at the Bolsa Chica Lowlands, one of the largest remaining potential saltwater marshes in southern California. On January 7, 2002, the Coastal Commission concurred in consistency determination CD-061-01 for the Bolsa Chica Lowlands Restoration Project (Restoration Project), submitted by USFWS on behalf of the aforementioned agencies.<sup>1</sup>

USFWS has been designated as the lead agency for the construction of Phase 1 of the Restoration Project, which is scheduled to begin in October 2004. Phase 1 of the Restoration Project involves dredging 2.7 million cubic yards of soil and flooding a portion of the Bolsa Chica wetlands to create the "full tidal" basin.

The purpose of the Line 1228 Relocation Project (Relocation Project) is to relocate a segment of Line 1228 — an approximately 0.9 mile section that extends from Road 70 to the south and Rattlesnake Road to the north — that is located directly in the Phase 1 Restoration Project area (Exhibit 1). One of the objectives discussed in the Bolsa Chica Restoration Project is the removal of oil infrastructure — including natural Line 1228 — from the areas designated for restoration to full tidal basin. CSLC has required the City to relocate the natural gas Line 1228 outside the Phase 1 Restoration area by October 2004.

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<sup>1</sup> The Bolsa Chica Restoration Project EIS/EIR (SCH2000071068) was approved in 2001 and in addition to CD-061-01 the restoration project also received USACE Section 404 (9700-193000 RLK, August 14, 2002) and Regional Water Quality Control Board (RWQCB) 401 Certification (April 23, 2002).

The removal of the Line 1228 pipeline segment from the Phase 1 Restoration Area was evaluated in the *2001 Bolsa Chica Restoration Project EIR/EIS*. The removal of Line 1228 is included under the provisions of the Commission's Consistency Determination CD-061-01.<sup>2</sup> However, the specific alignment for the relocation of Line 1228 outside of the Phase 1 Restoration Project area was not reviewed under the 2001 Bolsa Chica Restoration Project EIR/EIS and was not included in the Commission's Consistency Determination CD-061-01. Accordingly, the City has submitted a proposal for the relocation and realignment of the Line 1228 segment to an existing pipeline corridor outside the boundary of the Phase 1 Restoration Area.

## 4.2 Project Location and Description

The Project's pipeline relocation activities are described in detail in the *April 2004 Line 1228 Project Description and Impact Analysis (Project Description)*, which incorporates, by reference, all the mitigation measures and the associated mitigation monitoring program described in the certified *Line 1228 MND and MMP*.<sup>3</sup> The pipeline relocation will require approximately six weeks to complete, and is scheduled to begin in July 2004. Relocation of Line 1228 is required to be completed before October 2004, in order to meet the USFWS schedule for Phase 1 of the Restoration Project.

The project involves the installation of 4,700 linear feet (0.9 miles) of new 12" diameter pipeline adjacent to an existing utility pipeline corridor along the eastern edge of Road 70 and the southern edge of Rattlesnake Road — both of which are interior utility access roads closed to the public — just outside the boundary of the Phase 1 Bolsa Chica Restoration Project area (Exhibit 2). Of the 4,700 linear feet of new pipeline, 4,200 linear feet (0.8 mile) of pipeline will be installed on above ground supports, and 500 linear feet will be installed underground. Total ground disturbance is anticipated to be 15,460 square feet or 0.35 acres.

<sup>2</sup> Consistency Determination CD-061-01 designates USFWS as the lead agency responsible for carrying out the activities for the Phase 1 Restoration Project. Therefore, any work related to the Phase 1 Restoration that is specifically carried out by USFWS (or its chosen contractor) is included under the provisions of Consistency Determination CD-061-01. The Bolsa Chica Restoration Project description in the Commission's Findings for CD-061-01 states: "All oil wells and oil infrastructure would be removed from the footprint of the full tidal basin [the Phase I Restoration Area]." Line 1228 is considered "oil infrastructure" because it transports natural gas from the Aera oil field wells. Although the Commission's findings for CD-061-01 did not specifically address the removal of oil or gas pipelines, the removal of Line 1228 does not raise any additional coastal act issues or resource impacts different from those previously evaluated in CD-061-01 for the Phase 1 Restoration Project. USFWS (April 15, 2004 email correspondence from Jack Fancher, USFWS Restoration Project Manager) has confirmed that USFWS and its contractor, solely, will perform the excavation and construction activities to remove the existing line 1228 segment from the Phase 1 Restoration area, and that this will be done as part of the Phase 1 Restoration Project activities that are commencing in October 2004. (The removal of the existing Line 1228 can only occur only after the new section of Line 1228 has been relocated and is operational.) Therefore, because no new coastal act issues are raised and because the work is being carried out by the USFWS contractor as part of the Phase I Restoration Project, the removal of pipeline 1228 is included under the provisions of CD-061-01.

<sup>3</sup> On April 5, 2004 the CSLC, as the lead state agency for CEQA, issued a Notice of Determination certifying the *Line 1228 Relocation Project, Bolsa Chica Lowlands, Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan (Line 1228 MND and MMP)* and authorizing the Line 1228 Relocation Project subject to the findings, mitigations, and monitoring program contained therein.

The pipeline supports or pipe racks will be located about every 50 feet on the shoulder of the road, adjacent to Aera Energy LLC's existing aboveground pipeline corridor. The location of the supports will be designed to avoid the four sets of five drainage culverts that will be located under Rattlesnake Road as part of the greater Restoration Project. Excavated trench spoils will be used for backfill unless they are contaminated or otherwise unsuitable for reuse. In this event, the USFWS contractor (for the larger Restoration Project) will manage the disposition of soils.

The work strip needed to install the pipeline and pipe racks will be 40 feet wide. Along Rattlesnake Road, the 40-foot wide work strip will consist of the road and the shoulder of the road. Along Road 70, the work strip will consist of the road, the shoulder of the road, and a small fringe of disturbed pickleweed wetland area immediately adjacent to the shoulder of the road. Equipment to be used for the relocation includes pipe stringing trucks, welding trucks, crew trucks, x-ray trucks, side boom tractors, backhoes, trenchers, hydraulic tampers, and water trucks. No new roads will be constructed.

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

##### **4.3.1 California State Lands Commission**

California State Lands Commission (CSLC) has determined that the Line 1228 Relocation Project is consistent with the objectives and activities of the approved Bolsa Chica Lowlands Restoration Project. On April 5, 2004, the CSLC authorized a new land lease for the relocation of Line 1228 and issued a Notice of Determination (PRC 21108) certifying the *Line 1228 MND and MMP (SCH 200402102)*. In addition, the State Lands Commission - Minerals Management Division (CSLC-MRM) has reviewed and approved the design, construction, and operation of the proposed pipeline and route location.

##### **4.3.2 California Department of Fish and Game**

The California Department of Fish and Game (CDFG) has reviewed the Line 1228 relocation project and determined that no permits are required because the project has incorporated and will use the mitigation and monitoring requirements specified in the certified *Line 1228 MND and MMP*.

##### **4.3.3 California Regional Water Quality Control Board**

On or about April 26, 2004, the California Regional Water Quality Control Board (RWQCB), Region 8, plans to issue: (1) a 401 Certification; and (2) a General Waste Water Discharge Requirement Order pursuant to *State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification*.

##### **4.3.4 United States Fish and Wildlife Service**

U.S. Fish and Wildlife Service (USFWS) has determined that the Relocation Project is consistent with the approved Bolsa Chica Restoration Project. USFWS concurs with the proposed

relocation project and with the mitigation and monitoring measures described in the *Project Description* and in the certified *Line 1228 MND and MMP*. USFWS has also indicated that no federal permit pursuant to the Federal Endangered Species act is required.

#### 4.3.5 United States Army Corps of Engineers (USACE)

The U.S. Army Corps of Engineers (USACE) intends to issue a verification letter that the project activities are within the scope of Nationwide Permits 12 and 33 for utility line beddings and temporary access construction and dewatering accordingly.

#### 4.4 Coastal Act Issues

##### 4.4.1 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.*

Pipeline construction activity may result in short-term increases in erosion and sedimentation, which could potentially affect short-term surface water quality over the six-week construction period. The Project's construction activities will comply with the RWQCB's water quality standards and water discharge requirements. To avoid and minimize potential dust and sedimentation impacts to coastal waters and wetland resources during construction, the applicant proposes to use standard erosion control /sedimentation Best Management Practices (BMPs).<sup>4</sup> These include:

- Placement of sand bags around the excavation trench and material stockpiles, and covering of stockpiled materials if stockpiles are to be left overnight or for a period of 12 hours or more. Sand bags shall be removed when the Project is completed. (BMP 1-05);
- No construction materials, debris, waste, oil, or liquid chemical shall be placed or stored where it may be subject to wind, rain, wave, or tidal erosion or dispersion. (BMP 2-01 through 2-08);
- All stockpiles and construction materials shall be covered, enclosed on all sides, and to the extent feasible, shall not be stored in contact with the soil. Spoil piles would be placed directly adjacent to the excavation area on roadway or upland areas that are vegetated with nonnative iceplant. Areas where pickleweed is present would be avoided. (BMP 1-08 and 2-01);

<sup>4</sup> In accordance with the *Water Quality Construction Best Management Practice Handbook, December 2002*.

- Sediment from the wetlands other than the material generated to uncover the buried pipeline shall not be used for construction material.

In addition, hydrostatic testing for the new pipeline will involve the discharge of water into waters of the Bolsa Chica. Prior to any discharge, any water used for hydrostatic testing will be tested to ensure that the water meets local, State, and federal water quality standards and water discharge requirements.

However, the project will not, in the long term, adversely affect the water quality and the biological productivity of the Bolsa Chica wetland. It will not adversely impact the existing drainage patterns, impede or redirect flood flows, or result in any increase in impervious surface area due to the fact that most of the relocated pipeline (4,200 feet) will be placed above-ground on supports with only a small segment (500 feet) located underground at the road crossing.

The Commission thus believes that the proposed project will not adversely impact the biological productivity and water quality of the pipeline relocation area. Therefore, the Commission finds the Project consistent with Coastal Act Section 30231.

#### **4.4.2 Dredging and Filling of Wetlands**

Coastal Act § 30233 states in relevant part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged depths on existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*



- (4) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) *Restoration purposes.*
- (8) *Nature study, aquaculture, or similar resource dependent activities.*

For purposes of Coastal Act Section 30233, the excavation, removal, or any other artificial disturbance of any sediment or soil in a wetland may reasonably be considered to constitute an act of "dredging" such material. The proposed Relocation Project involves the removal of soil and vegetation within the Bolsa Chica wetlands, and therefore is classified as a dredging activity within a wetland subject to the policies of Coastal Act Section 30233.

The Commission may authorize a project that includes dredging of wetlands if the project meets the three tests of Coastal Act Section 30233(a). The first test requires that the proposed activity fit into one of eight categories of uses enumerated in Coastal Act Section 30233(a)(1)-(8). The second test requires that there be no feasible less environmentally damaging alternative. The third and final test mandates that feasible mitigation measures be provided to minimize the project's adverse environmental effects.

#### **4.4.2.1 Allowable Project Use in a Wetland**

The purpose of the Line 1228 Relocation Project is to install a new natural gas pipeline into a utility corridor along the shoulder of a road as a replacement for the existing natural gas Line 1228 that is located within the Phase 1 Restoration Project area. Therefore, the project satisfies the first test because a new natural gas pipeline is defined as a "new energy facility," which is an allowable development use under Coastal Act Section 30233(a)(1).

#### **4.4.2.2 No Feasible Less Environmentally Damaging Alternative**

Several alternatives were considered for the pipeline relocation and discussed with the CSLC. All were ultimately rejected because of land use conflicts, increased potential for environmental impacts, and/or fiscal considerations. Two alternatives considered, and the reasons for their rejection, are:

- Alignment Outside the Bolsa Chica Lowlands. Alignment for the new pipeline was considered along city streets at the wetland edge adjacent to the residential neighborhoods. This alternative was rejected because of land use conflicts with the neighborhood residences and public parks.

- Alignment within the Lowlands. Alignment for the new pipeline was considered in other areas of the Phase II Restoration area outside of the existing Aera Energy LLC pipeline corridors along Rattlesnake Road and Road 70. This alternative was rejected due to potential for increased impacts to biological resources.

The proposed project route was chosen in consultation with CSLC and USFWS and determined to be the least environmentally damaging site within Bolsa Chica. These agencies concluded that the proposed route is the preferential alignment due to its location in an existing utility corridor along the shoulder of Aera Energy oilfield access roads and the limited environmental resources found along the alignment. The new pipeline relocation route is, however, in the Phase II Restoration Project area, which is designated for restoration activities in the year 2024 or when the oilfield has reached its maximum production life and is abandoned. A condition of the new CSLC lease will require that new Line 1228 be removed and relocated at the time of the Phase II Restoration Project.

For the reasons discussed above, the Commission concludes that there is no feasible less environmentally damaging alternative and finds the project consistent with the second test of Coastal Act Section 30233(a).

#### **4.4.2.3 Feasible Mitigation Measures to Minimize Adverse Impacts**

The final test requires that feasible mitigation measures be provided to minimize the project's adverse effects on coastal and marine resources. During all phases of project construction, SCG (Relocation Project contractor) will coordinate closely with Bolsa Chica Restoration Project contractors, USFWS, CSLC, Aera Energy, and the other regulatory agencies (CCC, RWQCB, CDFG, and USACE) to ensure that impacts to biological resources are avoided or minimized. In addition, the Relocation Project includes specific mitigation measures (*Project Description*, pages 3 to 10; *Line 1228 MND*, pages 1-4, 2-3 to 2-47; *Line 1228 MMP*, pages D-1 to D-3) to avoid or minimize impacts to onsite coastal biological resources (*i.e.*, nesting birds, protected plants). These mitigation measures were reviewed and concurred in by the CSLC and the other state and federal agencies (*i.e.*, RWQCB, CDFG, CCC, USFWS, USCE).

According to the *Line 1228 MND*, biological field surveys were conducted for the proposed project on October 21, 2003 and November 12, 2003 to re-confirm the findings of the Bolsa Chica Lowlands Restoration Project EIR/EIS as applicable to the proposed relocation project route. The findings of these surveys indicate unavoidable impacts to the pickleweed plants and a risk of impact to the nestings of the Belding's savannah sparrow and the western snowy plover, all of which are classified as "special status species."<sup>5</sup>

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<sup>5</sup> Special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the Federal Endangered Species Act (FESA); those considered "species of concern" by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the CDFG under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by the CDFG; and plants occurring on lists 1B and 2 of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California, Sixth Edition* (as included in the CDFG CNDDDB *Special Vascular Plants, Bryophytes, and Lichens List*, October 2003).

### *Impacts to Pickleweed*

The project route is located on the shoulder of two elevated and artificially filled dirt work roads (Road 70 and Rattlesnake Road). Some fringes of disturbed pickleweed exist along the edge of these roads. The dominant plants immediately adjacent to the elevated roadside are non-native iceplant and crystalline iceplant with some patches of native vegetation, predominantly pickleweed and saltgrass.

Pickleweed, while not contained on the State or federal lists as a rare species because of its abundance, is considered a special status vegetation at the site because it is the primary indicator of saltmarsh conditions and provides the primary habitat for nesting for the Belding's savannah sparrow. The pickleweed in the Project area is marginally suitable for Belding's savannah sparrow habitat due to the high level of visual and aural disturbance caused by the frequent foot traffic and heavy vehicle traffic on the road. CSLC, CDFG and USFWS have required the proposed Project to avoid or minimize impacts to the pickleweed at the project site area, and to provide compensation for any loss of pickleweed.

To avoid or minimize impacts to the pickleweed, the Project includes the following monitoring and mitigation measures: (1) a tailgate education session will be provided for the work crew prior to construction; (2) flags will be used to demarcate the work area, spoil area, and iceplant removal area; and (3) a qualified biological monitor will be present during excavation activities to ensure that pickleweed impacts are minimized, and to document the total area of the pickleweed impacted by the project construction activities. Nonetheless, the construction activities may result in the permanent loss of up to 1000 square feet (0.02 acre) of disturbed pickleweed fringe along the road shoulder. This includes up to 300 linear feet (600 square feet) along the eastern edge of the northern terminus of Road 70, up to approximately 20'X20' (400 square feet) along the northern edge of the western terminus of Rattlesnake Road, and up to approximately 400 linear feet along the southern edge of the western terminus of Rattlesnake Road.

To compensate for the permanent loss of approximately 1,000 square feet of pickleweed, the applicant proposes to remove approximately 10,000 square feet (0.2 acre) of non-native iceplant using hand tools, which is at a mitigation ratio of 10:1. USFWS has selected the location for the iceplant removal to be within wet cells 11 and 12 of the Bolsa Chica Lowlands (Exhibit 2). USFWS will provide the long term monitoring for the iceplant removal, as part of the larger Restoration Project.

In past cases where there has been permanent loss of pickleweed, the Commission has required replacement of pickleweed at a 4:1 ratio. However, in this particular case, CSLC and USFWS — in consultation with the other state and federal resource agencies (CCC, CDFG, RWQCB, USACE) — determined that compensation for pickleweed loss at a 10: 1 mitigation ratio consisting of the one-time removal of 10,000 square feet of the invasive non-native iceplant in wet cells 11 and 12 provided a far greater value and benefit to the surrounding pickleweed wetlands and the overall Phase 1 Restoration Project. This determination was based, in part, on the following reasons: (1) in other areas of Bolsa Chica, pickleweed has easily reestablished

itself once the invasive non-native iceplant was removed; (2) the pickleweed that will be destroyed by the Relocation Project is viewed as marginal pickleweed habitat due to its location underneath operational oil pipelines, its location at a higher and drier elevation than is typical for pickleweed marsh, and its proximity to a road that experiences frequent foot traffic and heavy vehicle traffic; and (3) the USFWS selected the area in wet cells 11 and 12 for iceplant removal because it is an area at a lower elevation with seasonal ponds that is much more conducive for pickleweed growth. The places selected for iceplant removal and the methodology used are intended to alter the surface elevation in a manner to provide a habitat more suitable to the growth of upper marsh species (i.e. pickleweed) than non-native species (i.e. iceplant).

The Commission's ecologist has reviewed the above proposal, and has determined that, in this particular case, the removal of 10,000 square feet iceplant at a 10:1 mitigation ratio provides a greater benefit for the restoration of the Bolsa Chica pickleweed, than the replacement of 4000 square feet of marginal quality pickleweed in the disturbed road shoulder area at a 4:1 mitigation ratio.

As mitigation for any unavoidable loss of native pickleweed, **Special Condition 3** requires that: (1) the applicant shall remove an area of non-native iceplant, at a mitigation ratio of 10:1, from wet cells 11 and 12, or other areas within Bolsa Chica as approved by the USFWS; and (2) within 15 days of completion of project construction, the biological monitor, in consultation with USFWS, shall (a) determine the size of pickleweed area lost due to project construction-related impacts, and (b) determine the proportional size of the iceplant removal area (at 10:1 mitigation ratio) to be removed. The iceplant shall be removed by September 15, 2004, or as otherwise approved by USFWS."

#### ***Impacts to Western Snowy Plover and Belding's Savannah Sparrow***

The western snowy plover is listed on the USFWS lists for Federal Threatened Species and Birds of Conservation Concern and the CDFG list for California Species of Concern. The Belding's savannah sparrow is listed on the CDFG California Endangered Species.

The *Project Description* states,

*The presence of Belding's savannah sparrow and western snowy plover on the Project site is anticipated to be limited to moving through or foraging in the Project area. Although these species have been documented to nest in the adjacent wetland cells and the nesting season overlaps with the Project construction in mid-July (Belding's savannah sparrow mid-February to early August, western snowy plover March 1 to September 14), the Project activities are not anticipated to affect nesting activities given the existing [Aera Energy truck] traffic and utility maintenance activities [that already occur] along the Project's alignment.*

The western snowy plover is anticipated to be present in the greater area surrounding the project site, although no birds were observed during the Project's September and October 2003 field surveys. A 2003 USFWS survey documented western snowy plovers nesting in nearby wet cells 18 and 19, within approximately 250 feet of the project site at the closest point. Due to the

frequent foot traffic and heavy vehicular traffic on the road no western snowy plover nesting has occurred at the Project site along the shoulder of the road.

During the Project's September and October 2003 field surveys, eleven (11) Belding's savannah sparrow were sighted perching or foraging in the wetland areas adjacent to the northern half of Road 70 and to the eastern terminus of Rattlesnake Road (Bolsa Chica wet cells 30 and 44). The closest bird was observed 100 feet from the project site. In contrast to the small strip of pickleweed habitat located near the project site, the remaining Bolsa Chica contains about 314 acres of pickleweed saltmarsh, most of it located more than the 100 feet from the project, and it is in this area that the approximately 154 pairs of Belding's savannah sparrow nests are located.<sup>6</sup> The Project site vicinity currently experiences frequent foot traffic and heavy vehicle traffic (several vehicles per minute, as stated on page 2-17 of the *Line 1228 MND and MMP*) and so is already exposed to a level of visual and aural disturbance that is comparable to that which would be caused project activities. There is no historic evidence that Belding's savannah sparrow have attempted to establish nests near enough to the Project site to be adversely impacted during construction activities.<sup>7</sup>

Nonetheless, several resource protection measures were identified in the *Project Description and Line 1228 MND* and will be used to anticipate and adapt to the possibility that nesting by the Belding's savannah sparrow and western snowy plover could occur close enough to the project area. These mitigation and monitoring measures include the following: (1) a preconstruction survey for nesting birds will be conducted prior to construction; (2) a tailgate education session will be presented to the crew prior to construction; (3) a qualified biological monitor will be present during excavation activities to ensure that nesting birds are avoided (**Special Condition 2** requires that the biological monitor be approved by the Commission's Executive Director, CSLC and USFWS.); (4) in the event that nesting birds are found within the visual range of the project, work will be stopped and CDFG, USFWS, and CSLC will be contacted to determine the appropriate action prior to construction commencing or continuing; and (5) in the event that nesting birds cannot be avoided, construction will be postponed until after the nesting season is complete. (*Project Description*, page 16; *Line 1228 MND and MMP*, pages 1-4, 2-18 D-2).

Based on the above information, USFWS<sup>8</sup> and CDFG<sup>9</sup> have determined that the proposed Relocation Project, using the above monitoring and mitigation measures (as specified in the *Project Description*, page 16, and certified *Line 1228 MND and MMP*, pages 1-4, 2-18, D-2), will not have a significant impact on the nesting activities of the western snowy plover (listed as a federal threatened species and a California species of concern) and the Belding Savannah's sparrow (listed as a California endangered species) along the alignment of the relocation routes. Further, the USFWS and CDFG have determined that the Project will not require any federal or state permits pursuant to the Federal Endangered Species Act or the California Endangered Species Act, respectively

<sup>6</sup> Latest census numbers per Zembal and Hoffman, June 2002, *A survey of the Belding's Savannah Sparrow in California 2001*.

<sup>7</sup> March 23, 2004 Letter to William Tippets, CDFG from Eric Gillie, CSLC in response to CDFG comments on the *Line 1228 MND and MMP*.

<sup>8</sup> March 29, 2004 phone conversation with Jack Fancher, USFWS Restoration Project Manager, via)

<sup>9</sup> April 23, 2004 phone conversation with Pam Beare, CDFG, Region 5)

To ensure the Project's compliance with all feasible mitigation measures, **Special Condition 2** requires that a qualified biological monitor, approved by the Executive Director, CSLC, and USFW, shall be onsite during all project-related excavation and construction activities to monitor compliance with (a) the requirements of the *Line 1228 Relocation Project, Bolsa Chica Lowlands, Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan*, and (b) all conditions specified in any applicable local, state, and federal agency permits issued for this project. In addition, **Special Condition 1** requires that the applicant shall submit evidence to the Executive Director of the Coastal Commission (hereinafter "Executive Director") of issuance of all required permits and approvals from other local, state, and federal agencies, as applicable, prior to commencement of project activities.

For the reasons discussed above, the Commission finds that the Project includes feasible mitigation measures to avoid or minimize adverse impacts to coastal wetland resources and is consistent with the third and final test of Coastal Act § 30233(a). In conclusion, the Commission finds the Project is consistent with all the provisions of Coastal Act Section 30233(a).

#### 4.4.3 Environmentally Sensitive Habitat (ESHA)

Coastal Act § 30240(a) states, in relevant part:

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

Coastal Act § 30107.5 defines "environmentally sensitive area" to mean:

*"...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed by human activities and development."*

The Bolsa Chica Lowlands is one of the last large remaining salt marsh wetland systems in southern California. Notwithstanding the fact that the Bolsa Chica has been degraded over the years by oil development and tidal restrictions it still provides a valuable seasonal salt marsh wetland function and habitat for a variety of wetland plant and animal species. Accordingly, under Coastal Act policy 30107.5, the Bolsa Chica Lowlands qualify as an ESHA.

As discussed above in *Section 4.1*, the purpose of this relocation project is to relocate and realign the natural gas Line 1228 out of the Phase 1 Restoration area that is designated to be restored to a full tidal marsh basin. Notwithstanding this fact, the project involves the installation of a new replacement natural gas pipeline that will still be located within the ESHA of the Bolsa Chica Lowlands. Any development project that affects or is within an ESHA needs to be consistent with the policies of Coastal Act § 30240(a), which only allows for development uses that meet two tests: (1) do not cause any significant disruption of the habitat values of the ESHA; and (2) are dependent upon the ESHA resources.

### ***Significant Disruption of ESHA Habitat Values***

The first test of 30240(a) requires that the development not cause any significant disruption of habitat values of the ESHA.

The proposed realignment route for the installation of the replacement natural gas Line 1228 is to an existing pipeline corridor along the shoulders of Road 70 and Rattlesnake Road (Exhibit 2). These two dirt work roads are in the Aera Energy oilfield area of Bolsa Chica and are built on artificial fill above the natural elevation of the surrounding pickleweed marsh seasonal pond areas. Despite the higher and drier elevation of the road bed, a fringe of marginal quality pickleweed has managed to adapt and grow along the shoulder of the roads where the pipeline supports will be installed. Up to 1000 square feet of this disturbed pickleweed may be permanently removed due to the installation of the pipeline supports.

As discussed above in *Section 4.4.2.3*, pickleweed is considered a "special status" vegetation at the site because it is the primary indicator of saltmarsh conditions and provides the primary habitat for nesting for the Belding's savannah sparrow. However, the pickleweed in the Project area is only marginally suitable for Belding's savannah sparrow habitat due to the high level of visual and aural disturbance caused by the frequent foot traffic and heavy vehicle traffic on the road. Although 1000 square feet of this marginal pickleweed may be lost, that is a small portion in comparison to the remaining 314 acres of pickleweed saltmarsh in the rest of Bolsa Chica that offer more attractive habitat areas for the Belding savannah sparrow.

For the reasons discussed above, the Commission has determined that the Project will not result in a significant disruption of habitat values of the ESHA.

### ***Uses Dependent on the Resources of the ESHA***

The second test of Coastal Act Section 30240(a) only allows "uses that are dependent upon the resources" to be developed within an ESHA.

The installation of a new natural gas pipeline is clearly not a use that is dependent upon the resources of the Bolsa Chica ESHA — even in this particular case where the installation of the new pipeline supports the objectives of the larger Phase 1 Bolsa Chica Restoration Project, by enabling the removal of the existing natural gas pipeline from the proposed full tidal basin restoration area.

However, in this particular case, the Commission need not resolve this issue because the Line 1228 Relocation Project consists of the "dredging and filling of a wetland," an activity that is also subject to the more specific development standards set forth in section 30233. Therefore, the Coastal Act Section 30240 policy standard of "allowing only development uses that are dependent upon the ESHA resources" is subordinate to the

more specific policies of Coastal Act section 30233 which govern projects consisting of the “dredging and filling of wetlands.”<sup>10</sup>

Section 30233(a)(1) allows “dredging and filling activities” to be performed for the development of eight allowable uses, which includes the development of “new energy facilities.” Under the Coastal Act, the realignment and installation of the new natural gas pipeline meets the definition for an energy facility. The more explicit and specific policies of Section 30233 clearly show the legislative intent to allow “dredging and filling” in wetlands when there are no feasible alternatives and when it is one of the eight allowed uses. As discussed above in *Section 4.4.2.2*, there are no other feasible alternatives for locating Line 1228 outside the Bolsa Chica ESHA. Therefore, in this case, section 30233(a)(1) allows the “dredging and filling of a wetland” to occur for the installation of a new natural gas pipeline for Line 1228. Thus, the more specific language of Coastal Act Section 30233(a)(1) takes precedence over the more general policy language of Coastal Act Section 30240 that allows “only those uses that are dependent on the resources of the ESHA.”

For the reasons discussed above, the Commission find the proposed Relocation Project consistent with Coastal Act Section 30240(a).

#### 4.4.4 Geology Hazards

Coastal Act § 30253 states, in relevant part:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs . . .*

The project site is located in the general area of the North Branch of the Newport-Inglewood Fault, which is considered an active fault zone (*Line 1228 MND*, page 2-23). According to the *Project Description*, the design, construction, operation and maintenance of the replacement pipeline will meet or exceed safety standards as established in the National Gas Pipeline Safety Act and including: (a) Code of Federal regulations, Title 49 Part 182 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; (b) California Public Utilities Commission, General Order No. 112-E State of California Rules Governing Design, Construction, Testing, Operation and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems; and (c) American Society of Mechanical Engineers’ national

<sup>10</sup> Giving precedence to the more particular provisions of Coastal Act § 30233 over the more general provisions of Section 30240 is in accord with the general applicable principles of California law. See, for example, Civil Code Section 3534 (“Particular expressions qualify those which are general.”)



standard, B31.82000 Gas Transmission and Distribution Piping Systems. In addition, all SCG operations are also closely monitored for compliance with the safety standards of the California Occupational Safety and Health Administration.

The pipeline relocation will be aligned along Rattlesnake Road and Road 70 — near the center area of the Bolsa Chica Lowlands and away from the bluffs which are generally located on the borders of the lowlands to the north and south — and will be protected from: (1) wave action by the levees that will be installed as part of the Restoration Project; and (2) flooding by the installation of the pipeline on aboveground racks.

For the reasons discussed above, the Commission finds the Project consistent with Coastal Act Section 30253 (1) and (2).

#### 4.4.5 Air Quality

Coastal Act § 30253(3) states, in relevant part:

*New development shall... (3) be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

The Relocation Project is located in the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD threshold values for operational and construction emissions are shown below:

Pollutant	Construction	Operational
NO <sub>x</sub>	75	55
ROG	100	55
CO	550	550
Particulate Matter (PM <sub>10</sub> )	150	150
SO <sub>x</sub>	150	150

*Source; South Coast Air Quality Management District, 2003*

According to the *Line 1228 MND*, the Project will not generate any air pollutant emissions in the long term. Therefore, the South Coast Air Basin Air Quality Management District (SCAQMD) operational thresholds for air quality are not applicable.

Project construction activities will generate temporary emissions. However, the daily construction emissions are estimated to remain well below SCAQMD thresholds for all pollutants, therefore no SCAQMD permit is required for the construction activities of this project. Nonetheless, the Project has incorporated the air quality mitigation measures from the 2001 Bolsa Chica Lowlands Restoration Project EIR/EIS (AQ – 1a thru 1e) to reduce construction emissions and fugitive dust impacts to the maximum extent possible. Such measures include, but are not limited to: (1) application of water on bare surfaces during construction; (2) requiring emission control from onsite equipment through a routine program of

low emissions tune-ups; and (3) termination of soil disturbance when high winds (>25 mph) make dust control difficult.

For the reasons discussed above, the Commission finds that the Project is consistent with the requirements of the SCAQMD and is therefore consistent with Coastal Act Section 30253(3).

#### **4.4.6 Cultural Resources**

Coastal Act § 30244 states:

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

The project will be located on existing roads and road shoulders, which were constructed within the last 75 years using compacted fill material. According to the *Line 1228 MND* no unique or significant cultural, archeological or paleontological resources are located in the Project area due to historic disturbance by oilfield activities in the project area. This conclusion is based on the records search that was conducted as a part of the *Bolsa Chica Lowlands Restoration Project EIR/EIS* and included the Project footprint area.

Notwithstanding the above findings, the following measures will be taken to avoid impacts to cultural resources in the event that any are uncovered. Crews will receive preconstruction training regarding cultural resources and an archeologist, meeting the Secretary of the Interior's standards, will be present during all ground excavation activities. In the event that any archeological, paleontological resources, or human remains, are encountered during any phase of the Project, work will be stopped until the find can be assessed by a qualified archeologist, Native American representative, or County coroner, as appropriate.

For the reasons discussed above, the Commission finds the Project consistent with Coastal Act Section 30244.

#### **4.4.7 Oil and Hazardous Substance Spills**

Coastal Act § 30232 provides:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

The Project involves relocating an existing natural gas pipeline to an existing utility pipeline corridor adjacent to the Aera Energy oil pipeline racks. A small risk exists for: (1) accidental release of natural gas during the lifetime operation of the pipeline; or (2) accidental oil spill or gas release during construction activities.

According to the *Line 1228 MND* (page 2-26, 27), the design, construction, operation and maintenance of the replacement pipeline will meet or exceed safety standards as established in the National Gas Pipeline Safety Act and including: Code of Federal regulations, Title 49 Part 182 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; California Public Utilities Commission, General Order No. 112-E State of California Rules Governing Design, Construction, Testing, Operation and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems; and American Society of Mechanical Engineers' national standard, B31.82000 Gas Transmission and Distribution Piping Systems. In addition, all SCG operations are also closely monitored for compliance with the safety standards of the California Occupational Safety and Health Administration.

The Project's construction activities are for the replacement of SCG natural gas line 1228, and do not include any direct construction activity with oil pipelines. However, the proposed replacement pipeline route lies in the range of 5 to 10 feet from Aera Energy's aboveground oil pipeline racks, and therefore a very small risk exists that construction activities could accidentally hit the oil pipeline and cause a rupture. The Project, as described in the *Project Description and Line 1228 MND*, includes the implementation of mitigation measures to avoid or minimize the risk of an accidental oil spill. In addition, in the event of an accidental oil spill, Aera Energy has onsite oil spill response equipment that can immediately be used to effectively contain and clean up a land based pipeline oil spill.

For the reasons discussed above, the Commission finds the Project consistent with the provisions of Coastal Act Section 30232.

## **5.0 California Environmental Quality Act (CEQA)**

The Commission's permit process has been designated by the State Resources Agency as the functional equivalent of the California Environmental Quality Act ("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." For the reasons discussed in this report, the Commission finds no feasible less environmentally damaging alternatives or additional feasible mitigation measures other than those identified herein, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Project, as described in the *Project Description*, is consistent with the requirements of mitigation requirements of Section 21080.5 (d)(2)(A) of CEQA.

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**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.

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**APPENDIX B****Substantive File Documents****Coastal Development Application**

Application for Coastal Development Permit E-04-008, including the *Line 1228 Relocation Project Description and Impact Analysis*, dated April 2004 and revised on April 8 and 13, 2004.

**Environmental Documents/Reports and Comment Letters**

Rincon Consultants, Inc. (prepared for California State Lands Commission). *Line 1228 Relocation Project, Bolsa Chica Lowlands, Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan (Line 1228 MND)*. January 2004.

California State Lands Commission (CSLC). Notice of Determination authorizing the Line 1228 Relocation Project approving the *Line 1228 MND* (SCH 2004021012). April 5, 2004.

Eric Gillies, CSLC. Letters Responding to Comments concerning the *Line 1228 MND*:

- March 23, 2004. Letter to Howard Zelefsky, City of Huntington Beach.
- March 23, 2004. Letter to William Tippetts, CDFG.
- March 23, 2004. Letter to Ronald Tippetts, Orange County.
- March 23, 2004. Letter to Alan Winter, City of Long Beach.
- March 23, 2004. Letter to Robert Joseph, Cal. Dept. of Transportation.

**Other Agency Permits and Approvals (Correspondence and Electronic Mail)**

Jack Fancher, USFWS Bolsa Chica Restoration Project Manager. March 29, 2004. Fax and phone correspondence re: Line 1228 Project Impacts, Mitigation Measures, Iceplant Removal; and USFWS determination that no federal permit is required pursuant to Federal Endangered Species Act.

James Hemphill, CLSC-MRM. March 22, 2004. Phone conversation re: CSLC-MRM review and approval of Line 1228 route, design, and construction.

Jane Smith, CSLC. April 14, 2004. Phone conversation re: CSLC authorization (on April 5, 2004) for a new lease for Line 1228's new pipeline route.

Pam Beare, CDFG, Region 5. April 23, 2004. Phone conversation re: CDFG determination that no permit is needed pursuant to California Endangered Species Act, and no Streambed Alteration Agreement (1602) is needed.

Adam Fisher, RWQCB, Region 8. April 1, 2004. Email re: issuance of 401 certification expected April 24, 2004.

Jason Lambert, USACE. April 1, 2004. Email re: Line 1228 Project is within scope of Nationwide Permits 12 and 33 for utility line beddings and temporary access construction and dewatering accordingly.

#### **Other Letters and Electronic Mail**




Emails between Robin Blanchfield, Coastal Commission Staff and Jamie King, Rincon Consultants, Agent for the City of Long Beach for the Coastal Development Permit Application:

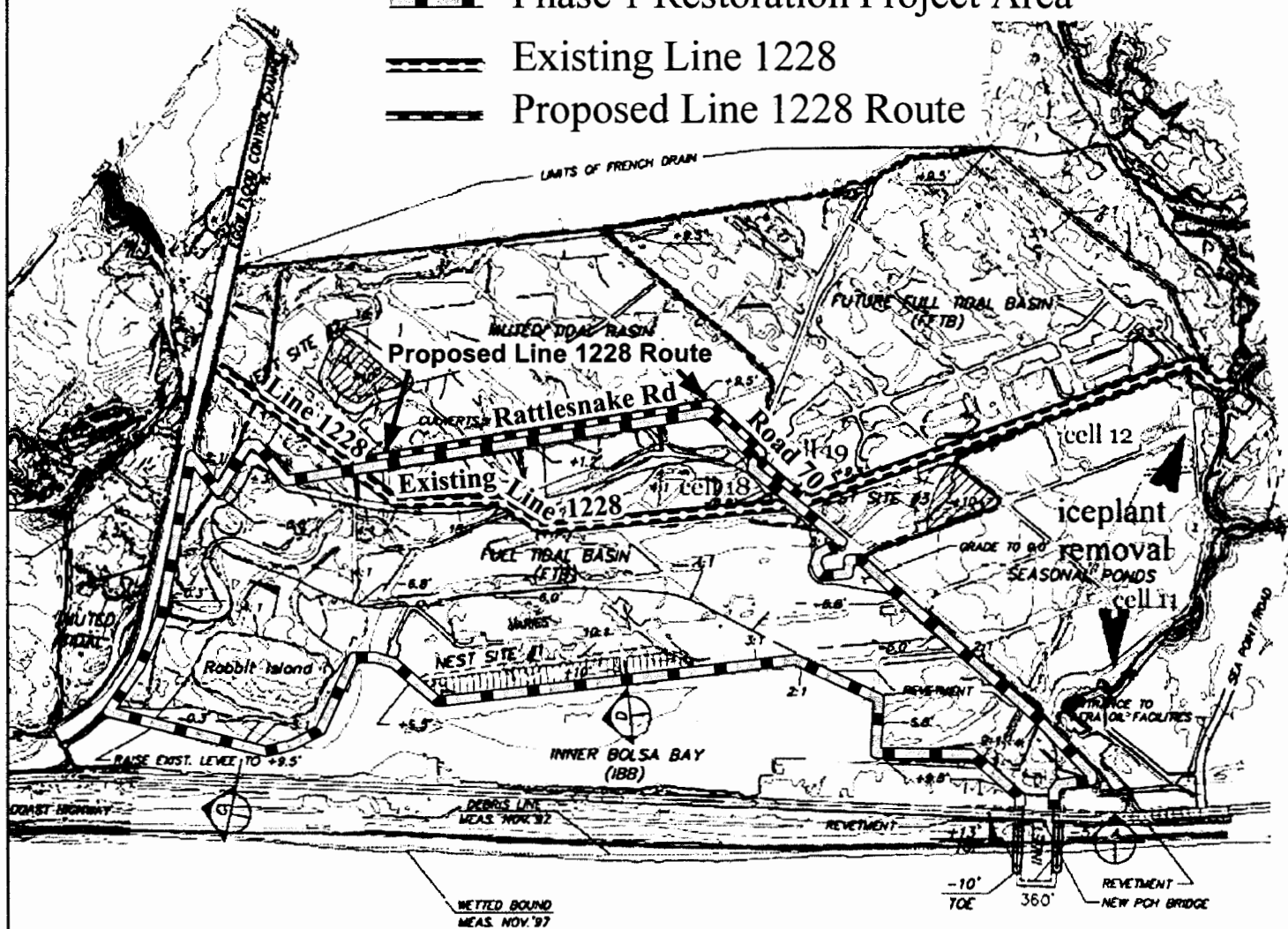
- April 8, 2004. Re: Clarification that an Alternative Sites discussion is included/amended into the *Line 1228 Relocation Project Description and Impact Analysis*.
- April 13, 2004. Re: Clarification that the mitigations and monitoring plan of the *Line 1228 MND* is incorporated/amended into the *Line 1228 Relocation Project Description and Impact Analysis*.
- April 15, 2004. Re: Clarification that no Air District permits are required for project.
- April 16, 2004. Re: Clarification that the iceplant removal must be completed by September 15, 2004, unless otherwise as approved by USFWS, and that CSLC and USFWS must approve the biological consultant.

Emails between Robin Blanchfield, Coastal Commission Staff and Jack Fancher, USFWS, Bolsa Chica Restoration Project Manager.

- April 15, 2004. Re: Verification that USFWS contractor will remove the existing Line 1228 from the Phase 1 Restoration Project Area and a request for date by which USFWS needs the iceplant removal to be completed.
- April 13, 2004. Re: Verification that USFWS selected wet cells 11 and 12 for iceplant removal.



-  Phase 1 Restoration Project Area
-  Existing Line 1228
-  Proposed Line 1228 Route



**NOTES:**

1. CONTOURS IN FEET, MEAN SEA LEVEL (MSL) DATUM.
2. EXISTING TOPOGRAPHY COMPILED FROM 100 SCALE AERIAL PHOTOGRAPHY, DATED 09/17/1980 AND 07/28/1986, PREPARED BY SAN-LO AERIAL SURVEYS.

