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Date Filed:	2-07-07
49th Day:	3-26-07
Staff:	C. Teufel - SF
Staff Report:	3-01-07
Hearing Date:	3-15-07

STAFF REPORT
COASTAL DEVELOPMENT PERMIT APPLICATION

CDP Application No.:	**E-06-015**
Applicant:	**Plains Exploration & Production Company**
Project Location:	Near Wall Beach, Vandenberg Air Force Base, Santa Barbara County.
Project Description:	Request for after-the-fact approval of unpermitted excavation and repair of produced water pipeline and proposed excavation and repair of oil emulsion pipeline.
Substantive File Documents:	See Appendix A

SUMMARY

In this application, Plains Exploration and Production Company ("PXP") proposes to repair a 150-foot onshore segment of its existing Platform Irene oil emulsion pipeline located on Vandenberg Air Force Base. PXP further seeks after-the-fact approval for repair work conducted in 2005/2006 on its Platform Irene produced water pipeline without benefit of a coastal development permit. PXP discovered corrosion in each pipeline segment.

Under Coastal Act Section 30260(d), repair and maintenance activities may be exempt from coastal development permit requirements if the activity does not result in an addition to, or enlargement or expansion of, the object of those repair and maintenance activities unless the activity involves "a risk of substantial adverse impact." Section 13252(a)(3)(A) & (B) of the Commission's Administrative Regulations states there is a risk of substantial adverse environmental impact when the repair or maintenance work is located in an environmentally sensitive habitat area and requires placement or removal of solid materials and the presence, whether temporary or permanent, of mechanized construction equipment or construction materials. As described in section 4.3 of this report, the subject pipeline repair activities were and are proposed to be carried out in environmentally sensitive habitat area and involve the placement of solid material and the use of mechanized excavation equipment. Therefore, a coastal development permit is required for repair of both the produced water and oil emulsion pipelines.

The repair of the produced water pipeline resulted in the loss of 49 Gaviota tarplants, a summer flowering annual plant with both federal and State endangered species designations. Repair of the oil emulsion line, although carried out within the same pipeline corridor, will likely result in loss of additional Gaviota tarplants. The Commission staff is recommending a number of biological surveys, monitoring and reporting requirements to assess the extent of project-related loss of Gaviota tarplant (Special Conditions 3 and 4). Since the Gaviota tarplant has an affinity for reestablishing itself in disturbed areas, the Commission staff is recommending in Special Condition 5 that a qualified biologist monitor the disturbed excavation area for two years to see if the lost Gaviota tarplants reestablish fully. If not, the applicant is required within 60 days to submit, in the form of an amendment to this permit, a restoration plan. The Commission staff is also recommending in Special Condition 6 that prior to proposed pipeline repair activities, the area be surveyed for the presence of nesting or breeding western snowy plovers and California least terns. If western snowy plovers and/or California least terns are present, the U.S. Fish and Wildlife Service will be immediately notified and will determine whether and under what conditions the construction activities could be initiated or continued.

The Commission staff recommends the Commission approve coastal development permit application E-06-015, as conditioned.

1 STAFF RECOMMENDATION

Approval with Conditions
The staff recommends conditional approval of the permit application.

Motion:

> *I move that the Commission approve Coastal Development Permit E-06-015 subject to conditions set forth in the staff recommendation specified below.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

> *The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

2 STANDARD CONDITIONS

This permit is subject to the following 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.

3 SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. **Topsoil Preservation and Re-Use.** Prior to the initiation of excavation activities, the applicant shall remove all topsoil from the project area and preserve it on-site with appropriate weighted coverings to prevent erosion from wind and/or rain. Upon completion of project repair and excavation backfill activities, this topsoil shall be replaced throughout the area from which it was originally removed.

2. **Gaviota Tarplant Collection and Distribution**. All Gaviota tarplants that are removed as a result of proposed project activities shall be collected and distributed throughout the disturbed portion of the project site after completion of topsoil replacement activities so that any seed stock remaining on the plants when they are removed will remain on site.

3. **Sensitive Species Survey and Demarcation.** No more than one week prior to the initiation of project activities, a qualified botanist approved by the Executive Director shall locate and mark all Gaviota tarplant and seacliff buckwheat individuals within an area of potential disturbance that extends 30 feet in length and width beyond the 150 foot long by 20 foot wide proposed work area. Project personnel shall be made aware of these marked plants and during the course of project activities these plants shall be avoided to the maximum extent feasible.

4. **Biological Monitor.** A botanist familiar with Gaviota tarplant and approved by the Executove Director shall be on-site during all topsoil removal and replacement and pipeline excavation activities to document impacts to Gaviota tarplant. Within 30 days of completion of project activities, this botanist shall submit a report to the Executive Director that includes a detailed description of what was done, what equipment was used, how the site was accessed, the total size of the project area and the number of Gaviota tarplants that were adversely affected during the course of the project.

5. **Gaviota Tarplant Re-Vegetation.** Two years from the date of issuance of Coastal Development Permit No. E-06-015, the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a qualified biologist familiar with Gaviota tarplant and approved by the Executive Director that indicates the progress of the natural re-vegetation of the areas of disturbed soil associated with the proposed project and the October 2005 to January 2006 unpermitted pipeline excavation and repair project. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the natural restoration of the site with particular emphasis on the natural restoration of Gaviota tarplant. If the monitoring report indicates either 1) that the area has not naturally re-vegetated with native species typically found in the area, 2) that the number of Gaviota tarplants within the areas of disturbed soil associated with the proposed project and the October 2005 to January 2006

unpermitted pipeline excavation and repair project is not equal to or greater than the number of Gaviota tarplants that were removed as a result of both of these projects, or 3) that non-native species have reestablished, the applicant shall, within 60 days of the submittal and approval of the report, submit to the Commission an application for an amendment to this coastal development permit for approval of a plan for landscape restoration and non-native plant removal that shall have as its purpose the elimination of any of the above-described conditions.

6. **Western Snowy Plover and California Least Tern Monitoring.** No more than one week prior to the initiation of project activities, a qualified biologist with western snowy plover and California least tern experience and approved by the Executive Director shall conduct a survey of the project site and the immediate surroundings to determine the presence of potentially nesting birds in this area. If breeding or nesting western snowy plovers or California least terns are not encountered during this pre-project survey, the project may commence, but a qualified biologist approved by the Executive Director shall visit the site regularly, as determined by the U.S. Fish and Wildlife Service ("USFWS"), throughout the excavation, repair and backfill phases of the project to monitor for the presence of western snowy plovers or California least terns. If western snowy plovers or California least terns are observed within 100 meters of the project area, the USFWS shall be notified immediately and initiation or continuation of project activities shall not proceed until the USFWS can determine whether and under what conditions construction activities can be initiated or continued.

4 FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1 Project Description and Background

In the fall of 2005 Plains Exploration and Production Company ("PXP") conducted a series of internal tests on the produced water, oil emulsion, and natural gas pipelines that run from Platform Irene, through Vandenberg Air Force Base ("VAFB"), to the Lompoc Oil and Gas Plant. These tests were carried out as part of routine safety monitoring designed to provide an indication of pipeline stress and corrosion. These internal inspections demonstrated that a section of the onshore extent of PXP's produced water and oil emulsion pipelines had experienced substantial wall thinning and/or corrosion. The pipeline sections that yielded these anomalous readings are located in the dunes near Wall Beach, within the pipeline's right-of-way and approximately 110 feet shoreward of PXP's valve site number one (see Exhibits 1 and 2).

As a precaution against possible pipeline leaks or ruptures, between October 27, 2005 and January 4, 2006 PXP responded to these readings by excavating a 30 foot segment of each pipeline. PXP then performed visual and diagnostic tests to confirm the results of the internal inspections and proceeded to replace a section of produced water pipeline. The work resulted in the excavation of approximately 200 cubic yards of soil from two ten foot wide by 30 foot long trenches within an existing pipeline right-of-way near Wall Beach on the federal lands of VAFB.

This repair work was carried out without benefit of coastal development permit. Coastal Act Section 30610(d) states that no coastal development permit is required for repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair and maintenance activities unless the repair and maintenance involves "a risk of substantial adverse impact." Section 13252(a)(3)(A) & (B) of the Commission's Administrative Regulations states that there is a risk of substantial adverse environmental impact when the repair or maintenance work is located in an environmentally sensitive habitat area and requires placement or removal of solid materials and/or the presence, whether temporary or permanent, of mechanized construction equipment or construction materials. As described in section 4.3 of this report, the subject pipeline repair activities were and are proposed to be carried out in an environmentally sensitive habitat area and involve both the placement of solid material and the use of mechanized excavation equipment. Therefore, a coastal development permit is required for repair of both the produced water and oil emulsion pipelines.

This coastal development permit application is in part a request by PXP for after-the-fact approval of 2005/2006 excavation activities and produced water pipeline repairs.

Notwithstanding the applicant's failure to obtain a coastal development permit from the Coastal Commission for the excavation activities and produced water pipeline repairs, the applicant conducted the work consistent with the relevant conditions of the its County of Santa Barbara Final Development Plan permit (94-DP-027) for the initial construction and subsequent maintenance and repair of the subject pipelines that connect Platform Irene to the onshore Lompoc Oil and Gas Plant. These conditions required PXP to submit pipeline excavation and repair plans to the System Safety and Reliability Review Committee ("SSRRC") for review prior to initiation of project activities, to ensure that erosion control measures were adhered to during excavation and repair work and restore and/or mitigate any disturbed vegetation in compliance with regulatory agency requirements. The SSRRC consists of representatives from the County of Santa Barbara Planning & Development, Building & Safety and Energy Divisions, the Air Pollution Control District, the Santa Barbara County Fire Department Protection Services Division, Hazardous Materials Unit, and Office of Emergency Services. In addition, the U.S. Fish and Wildlife Service ("USFWS") and the Vandenberg Air Force Base Civil Engineering Sector were also consulted during project planning and their conditions and requirements were incorporated into the project design, as described below.

In addition to seeking an after-the-fact permit for the previously completed excavation and repair of the produced water pipeline, PXP also proposes to excavate and repair an onshore section of Platform Irene's oil emulsion pipeline. This pipeline segment is directly adjacent to the produced water pipeline that was repaired in 2005, and lies within the same pipeline right-of-way near Wall Beach. This project is being proposed in response to recent internal pipeline inspections that have indicated that corrosion and thinning of the oil emulsion pipeline's walls may be occurring within this section of pipeline. The proposed project is anticipated to require approximately seven days of excavation, repair and fill work on site and up to sixty days of offsite machining and fabrication of pipeline repair equipment. The proposed project includes the excavation of roughly 720 cubic yards of soil from within a 150 foot long by 20 foot wide project area to facilitate the inspection and repair of Platform Irene's oil emulsion pipeline.

Depending on the extent and severity of pipeline corrosion, PXP is proposing to conduct pipeline repair work that will include either reinforcement and encapsulation of the pipeline's electro-stop isolation fitting or the removal and replacement of affected pipeline sections. Pipeline encapsulation would involve welding external reinforcement to the surface of the pipeline to provide additional strength and minimize the possibility of pipeline ruptures or leaks. Replacement of the oil emulsion pipeline would involve the same techniques that were used to replace the produced water pipeline last winter, namely using a cold-cut saw to remove the unacceptable pipeline sections, installing a plug on the western side of the pipeline until replacement sections can be fabricated offsite, welding prefabricated replacement sections in place, and performing non-destructive weld strength examinations and leak tests on the completed pipeline. Either of these proposed repairs would necessitate shutting down and flushing the affected pipeline before repair work is initiated.

Proposed excavation, inspection and repair activities would require the use of a staging area adjacent to the dig site for the placement and storage of the vehicles, equipment and machinery needed to conduct these activities. This staging area would be 100 feet by 50 feet in size and would be located on an existing gravel intersection of two nearby maintenance roads. A portion of the pipeline right of way would also be used to store the excavated soil during inspection and repair activities so that this same soil will be available to backfill the trench once the pipeline work has been deemed complete.

4.2 Permit Authority, Extraordinary Methods of Repair and Maintenance.

As discussed in *Project Description and Background* Findings Section 4.1 above, the proposed project involves the repair and maintenance of the oil emulsion and produced water pipelines within an existing pipeline right-of-way.

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part:

> *Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: …*
>
> *(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.* [EMPHASIS ADDED]

Section 13252 of the Commission's administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part:

> *(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:…*
>
> *(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*
>
> *(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*
>
> *(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.*
>
> *All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits...*[EMPHASIS ADDED]

The proposed project is considered a repair and maintenance activity because the work does not involve an addition to or enlargement of the subject pipelines. Although certain types of repair projects are exempt from coastal development permit requirements, Section 13252 of the regulations requires a coastal development permit for repair and maintenance activities that are located in environmentally sensitive habitat areas and include the placement or removal of solid material and/or the presence of mechanized equipment. The proposed pipeline repairs and excavation would be located within a rare coastal dune habitat complex and a pipeline right-of way that supports a population of a federal and State listed endangered species and would require both the placement and/or removal of pipeline sections and the use of excavators and mechanized digging equipment within ESHA. Thus, these project elements require a coastal development permit under Section 13252(a)(3) of the Commission regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. In other words, the Coastal Commission's authority over repair and maintenance activities applies only to the methods by which a repair and maintenance activity is carried out, not the repair and maintenance activity itself. Also, the Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

4.3 Environmentally Sensitive Resources

Coastal Act § 30240(a) states:

> *(a) 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 area either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The project site is within a pipeline right-of-way that has been subjected to disturbance in the past, most notably in the mid 1980s during the original installation of produced water, natural gas and crude oil/emulsion pipelines. Nevertheless, this pipeline right-of-way is located within the coastal dune complex adjoining Wall Beach and is known to support a population of Gaviota tarplant, a summer flowering annual plant with both federal and State endangered species designations. In addition, coastal dunes like those in the vicinity of the project site also provide habitat for seacliff buckwheat, the host plant for the federally endangered El Segundo blue butterfly, as well as native California plants such as surf thistle, seaside bird's beak, beach spectacle pod and Lompoc yerba santa that have been listed by the State as rare, threatened or endangered. Unique coastal dune habitats and the rare species they support are represented locally within VAFB but have been largely displaced or destroyed throughout the majority of their historic range in southern California.

Although their presence has never been recorded at the proposed project site, the shore and beach area to the southwest of the proposed pipeline excavation site is known to support State and federally protected western snowy plovers and California least terns during their nesting season from March through September and their wintering season from November through February. Between 1980 and 1997, annual or semi-annual monitoring along the stretch of beach that extends from about one mile southwest of the project area downcoast to the Santa Ynez River revealed the presence of between ten and 118 breeding pairs and between 79 and 233 individual wintering snowy plovers in this area. As such, this four mile section of beach was proposed as critical habitat for snowy plover. However, the 2005 designation of Final Critical Habitat Units for snowy plover in California did not include this stretch of beach.

Based on the occurrence and proximity of rare and sensitive biological resources, as noted above, to the proposed project site, as well as its location within a recognized area of ecologically valuable coastal dune habitat, the project site meets the criteria of environmentally sensitive habitat area ("ESHA"), as defined in Coastal Act Section 30107.5.

The work that is the subject of this coastal development permit application is the repair of existing produced water and oil emulsion pipelines that serve Platform Irene. It thus qualifies as "repair and maintenance activities" as that term is used in Coastal Act Section 30610(d). Under

that provision, Coastal Commission authority is limited to regulation of "certain extraordinary methods" of repair and maintenance as identified in 14 CCR § 13252. As a proposed repair activity, the requirement of Coastal Act Section 30240(a) that only "uses dependent on those [ESHA] resources shall be allowed within those areas" is not relevant here. The decision before the Coastal Commission is whether the necessary repair work will be undertaken in a manner that will protect the ESHA "against any significant disruption of habitat values."

4.3.1 2005/2006 Repair of Produced Water Pipeline

Prior to the initiation of the 2005/2006 excavation activities and repair of the water line, the Vandenberg Air Force Base Civil Engineering Environmental Management Section ("CEVPN") required the applicant to commission a series of biological surveys of the project area. These surveys were carried out in October of 2005 and characterized the project area as a degraded coastal dune scrub with remnant occurrences of native shrubs, including seacliff buckwheat, the host plant of the El Segundo blue butterfly, and Gaviota tarplant. Although these surveys did not document the presences of El Segundo blue butterflies, they did reveal a population of 289 Gaviota tarplant individuals within the 88 by 46 foot zone representing both the work area and the area of potential disturbance encompassing proposed trenches and all other projected work areas. Of the 289 individual plants that were surveyed, 173 had already dropped seed and begun their annual die-off, 73 were seeding at the time of survey and 43 were mostly blooming or still green. Due to the presence of these endangered plants within the project footprint and the unavoidable impacts that the grading and excavation aspects of the project was going to have on them, Vandenberg Air Force Base CEVPN required PXP to comply with the following conditions:

a) *A botanist familiar with Gaviota tarplant will conduct a survey of sensitive botanical resources prior to dig work. The botanist will document the number of plants affected within the project area.*
b) *A botanist with the Vandenberg Civil Engineering Environmental Management Section will be notified at least one working day in advance of the start of dig work.*
c) *All topsoil will be saved and replaced.*
d) *A botanical monitor will be on-site to document impacts to Gaviota tarplant.*
e) *Upon completion of the project a report*[1] *will be provided to the Vandenberg Civil Engineering Environmental Management Section botanist that includes a detailed description (what was done, equipment used, access, etc.) and describes in detail impacts to Gaviota tarplant.*

These requirements, especially condition (c) - the preservation and replacement of topsoil - were developed specifically by VAFB biological staff to minimize and mitigate unavoidable impacts to Gaviota tarplant that occur as a result of development within VAFB. Gaviota tarplant is an annual that typically creates and disperses seeds in the winter months before going into senescence. The preservation and re-distribution of topsoil containing these seeds often allows the plant to become reestablished in those areas where topsoil was returned. In addition, anecdotal evidence from botanists familiar with Gaviota tarplant populations within VAFB

[1] This report is included as Exhibit 3.

suggest that these plants often grow well in areas of disturbed soil. For these reasons, the biological staff of VAFB, in consultation with USFWS, deemed the requirements listed above as sufficient to minimize and mitigate the pipeline repair project's unavoidable impacts to Gaviota tarplant.

The report submitted in compliance with the final condition listed above included the results of both pre-construction and post-construction botanical surveys that were conducted within the project area. These surveys, and subsequent monitoring activities, describe the project's impacts to the Gaviota tarplant population as follows:

> *On October 27, 2005, the initial digging began to expose the production water and gas line. Iceplant (Carpobrotus spp.) mats from the area of the dig were scraped from the surface and removed to a green waste facility. Topsoil from the site was scraped from the site prior to digging and stockpiled in an adjacent area to preserve tarplant seed bank. The topsoil stockpile was fenced with orange construction fencing to prevent disturbance. Once the two pipelines were exposed, the hole was also fenced with orange construction fencing until work on the pipelines could be completed. A total of 13 tarplants were removed during work activities. Whenever it was determined that avoidance of specific tarplant individuals was impossible, the plant was removed and placed into the topsoil stockpile in an effort to preserve additional seed bank material.*
>
> *On November 29, 2005, the hole associated with the production water and gas lines was backfilled. The following day, November 30, 2005, another hole was excavated to expose the 20" oil line. Topsoil from the oil line excavation area was scraped and added to the existing topsoil pile to preserve seed bank. An additional 30 Gaviota tarplant individuals were removed during the topsoil removal; however, enough time had gone by that the remaining tarplants had set seed and become senescent.*
>
> *Work was completed on the oil line on January 4, 2006. The excavation was backfilled, the work area was leveled, and the topsoil containing any potential seed bank was redistributed over the disturbed area. In the process of backfilling the excavation and leveling the area, six senescent Gaviota tarplants were removed. During the course of the excavation activities associated with the confirmation dig of all three lines, 49 of the 289 Gaviota tarplants identified within the expected work area and the potential disturbance area were removed.*

As described above, 2005/2006 excavation activities and repair of the produced water line resulted in the removal of 49 individual Gaviota tarplants. Despite measures to mitigate the loss of these plants by preserving their seed bank, including collecting the removed plants and distributing their seeds upon completion of project activities, and scraping, preserving and re-applying the original topsoil, biological surveys conducted nearly one year after completion of the project (in November of 2006) revealed the return of a limited number of Gaviota tarplants within the area affected by the pipeline repair project.

This apparent lack of successful re-growth of tarplants following excavation activities may not be entirely attributable to the project. Surveys of the areas surrounding the project site conducted

immediately before and after construction and again in November of 2006 showed that there may have been a sharp decline in the number of tarplant individuals in those areas that were unaffected by excavation activities as well. Specifically, as noted above, the pre- and post-project surveys from the winter of 2005 listed 289 individual tarplants in the surrounding area while similar surveys conducted in the winter of 2006 in some of the same areas listed only 71 individual tarplants. This four-fold decline in the number of tarplant individuals in the areas surveyed may indicate a change in growth conditions between the 2005 and 2006 growing seasons.

Nevertheless, the project carried out between October 27, 2005 and January 4, 2006 resulted in the direct removal of 49 State and federally listed endangered plants and, to date, it appears that the impact minimization measures required by VAFB and carried out by the applicant have only resulted in the partial recovery of Gaviota tarplant within the disturbed area after a period of one year. Continued natural re-vegetation of the site is expected to continue and given the apparent affinity of Gaviota tarplant for areas of disturbed soil, further re-growth of these plants is anticipated over the next several growing seasons, assuming that conditions favorable to the growth of Gaviota tarplant exist during these seasons. However, to resolve the 2005/2006 project's potential lack of sufficient mitigation for its impacts on ESHA and endangered species and to ensure that the project site's value as ESHA and endangered species habitat is restored to at least the pre-project level, the Commission is requiring, in **Special Condition 5** that the applicant continue monitoring the natural re-vegetation of the project site and if native plants, including at least 49 Gaviota tarplant individuals, have not completely reestablished within two years, the applicant will be required to develop and submit a proposal for landscape restoration and non-native plant removal. A period of two years is sufficient to enable substantial natural re-vegetation of the project site to occur.

Although this project included no specific provisions to survey or monitor for the presence of snowy plovers or least terns, the lack of historic data demonstrating the use of the immediate project area by nesting or wintering plovers and/or terns suggests that these birds were likely not in the vicinity during excavation and repair activities and therefore likely suffered no adverse impacts as a result of this project. In addition, the majority of project excavation and repair operations occurred over a limited period of time, making any potential disturbances from noise or equipment use limited and of short duration.

4.3.2 Proposed Repair of Oil Emulsion Pipeline

Pre-construction biological surveys of an area measuring 150 feet long by 40 feet wide and including both the expected project footprint as well as an additional area of potential disturbance were conducted on November 15, 2006. Particular emphasis was given to locating and marking individual Gaviota tarplant and seacliff buckwheat plants. As mentioned above, Gaviota tarplant is a State and federally endangered species and is also on the California Native Plant Society List 1B; plants rare, threatened or endangered in California or elsewhere. Seacliff buckwheat provides habitat for the El Segundo blue butterfly (*Euphilotes battoides allyni*), a species that is federally listed as endangered and is also on the California Department of Fish and Game's special animals list. As described in the November 15, 2006 biological survey report:

> *The work area primarily occurs in the same area that was disturbed by excavation last year. Consequently, the area is dominated by ruderal plants that are typically seen in disturbed areas. The non-native cut-leaved plantain is the dominant plant that has re-emerged on the disturbed excavation site. The non-native iceplant dominates the western end of the work area. Other species scattered in the work area include non-native grasses…*
>
> *Prior to last year's excavation, the general work area had been described as a very degraded coastal dune scrub with remnant occurrences of native shrubs, including the seacliff buckwheat. However, the presence of native shrubs in this area is now limited to a few individuals of native coastal goldenbush scrub uncommonly present toward the western end of the work area, and one recruiting individual of California sagebrush, also observed on the western end. No individuals of seacliff buckwheat are currently present in the work area or immediately adjacent to the work area in the 150' x 40' area surveyed.*

As indicated above, the surveys did not identify any individual seacliff buckwheat plants. However, in addition to the species listed above, the survey also located 75 Gaviota tarplant individuals within the survey area. Four of these plants are located within the 150 feet long by 20 feet wide expected work area while the other 71 individuals are either ten feet to the north or south of the expected work area, within the area of potential disturbance. The four plants within the expected work area are anticipated to be removed during topsoil clearance/preservation and pipeline excavation activities. Additional Gaviota tarplant individuals, located adjacent to the expected work area may also experience injury or mortality as a result of project operations.

To ensure that potential and anticipated impacts to Gaviota tarplant and environmentally sensitive habitat areas are minimized and appropriately mitigated, the Commission is requiring in **Special Condition 1** that the applicant collect and preserve the topsoil from the project site and redistribute it upon completion of project activities. In addition, **Special Condition 2** requires that all seed stock from Gaviota tarplant individuals that will be removed as a result of project activities be collected and distributed throughout the project area upon completion of excavation and backfill operations. The Commission is also requiring in **Special Condition 3** that a pre-construction botanical survey be conducted in the area of potential disturbance surrounding and including the pipeline excavation site and that all Gaviota tarplant and seacliff buckwheat individuals within this area be marked and avoided to the maximum extent feasible. Furthermore, **Special Condition 4** requires that biological monitors remain on-site during all aspects of the project to monitor and document impacts to Gaviota tarplant. Finally, **Special Condition 5** states that if native plants, including at least as many Gaviota tarplant individuals as were removed as a result of the proposed project and previous project, have not completely reestablished within two years, the applicant will be required to develop and submit a proposal for landscape restoration and non-native plant removal plans.

Although it is not located in either a proposed or final western snowy plover critical habitat unit, the proposed project site is within approximately one mile of areas that have been historically frequented by both nesting and wintering snowy plovers and California least terns. To ensure

that project activities do not result in adverse impacts to these threatened birds, the Commission is requiring in **Special Condition 6** that a biological monitor with western snowy plover experience routinely visit the site during all excavation and repair phases of the project to document the potential presence of snowy plovers and least terns at the project site and to record any possible disturbance to these birds that occur as a result of project activities. Furthermore, because proposed project activities are likely to occur during the designated nesting season for western snowy plovers and California least terns, the Commission is also requiring in **Special Condition 6** that a pre-project survey be conducted throughout the project area and its vicinity to document the presence of nesting birds. If breeding pairs of either western snowy plover or California least tern are found within the project area, the applicant will be required to immediately notify the U.S. Fish and Wildlife Service and delay initiation of project work until after USFWS can determine whether and under what conditions the construction activities could continue during the breeding season.

With implementation of these special conditions, the Commission believes that all feasible measures will be undertaken to minimize impacts to ESHA and to restore habitat that is unavoidably disturbed or destroyed by the pipeline repair activities. The Commission therefore finds the project, as conditioned, consistent with Coastal Act Section 30240(a).

4.4 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.*

The unpermitted pipeline excavation and repair work conducted in 2005/2006 was focused primarily on PXP's produced water pipeline. Produced water has been defined by the Environmental Protection Agency as "the water (brine) brought up from the hydrocarbon bearing formation strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process." Most produced water contains some subset or mixture of dissolved inorganic salts, dispersed oil droplets, dissolved oil, dissolved gases (particularly hydrogen sulfide and carbon dioxide), and dispersed solid particles.

In addition to the repair of PXP's produced water pipeline, the applicant also unearthed a section of the adjacent oil pipeline to visually inspect it. Although the purpose this project was to repair the produced water pipeline to prevent spills from occurring, nevertheless, the conduct of these excavation, inspection and repair activities presented a variety of opportunities for spills of oil and oil bearing produced water to occur. Despite precautions that were taken to avoid the use of mechanized digging equipment within several feet of the anticipated pipeline locations, the use of heavy machinery during the excavation of produced water and oil pipelines could have resulted in the accidental puncture or rupture of either or both of these pipelines. In addition, the replacement of a section of the produced water pipeline involved plugging and breaching the pipeline, activities that could potentially have resulted in a release of hazardous material if

improperly carried out. Repairs to this pipeline also required the use of heavy saws and welding equipment in close proximity to the oil and natural gas pipelines buried within the same pipeline right-of-way. These activities could also have resulted in the accidental breach of either of these additional pipelines and the subsequent uncontrolled release of hydrocarbons into the environment.

To address these potential spill risks, the applicant submitted pipeline excavation and repair plans for review by a System Safety and Reliability Review Committee ("SSRRC") comprised of local Santa Barbara County regulatory agency representatives. In addition, PXP's Oil Spill Response and Contingency Plan for pipeline operations was amended to cover project activities and the precautions, spill control measures and response equipment requirements stipulated in this plan were strictly adhered to. PXP maintained a 110 barrel capacity vacuum truck onsite during all pipeline excavation and repair activities and a spill kit including absorbent materials, protective clothing and clean-up equipment was also present and available onsite. Project personnel were instructed in clean-up and emergency response protocols and a contact list of oil spill response contractors and agencies was compiled and kept at the project location. There were no reported incidences of oil or hazardous materials spills during project operations.

The proposed excavation and repair of PXP's crude oil emulsion pipeline would necessitate the shut down and flushing of this pipeline. Proposed pipeline shut down operations would commence by injecting nitrogen gas into the affected pipeline at Platform Irene to force the approximately 23,000 cubic feet of oil emulsion that is contained within the pipeline towards the Lompoc Oil and Gas Plant where it will be collected and processed in accordance with PXP procedures and existing State and federal regulations. Once emptied, the pipeline will be closed at both Platform Irene and Valve Site number one so that the pipeline section to be repaired is isolated from both Platform Irene and the Lompoc Oil and Gas Plant ("LOGP"). Any fluid remaining in the pipeline after these isolation procedures will be allowed to settle in the downhill portion of the pipeline, at the point of lowest pipeline elevation several miles offshore of Wall Beach. As an additional precaution prior to pipeline replacement, PXP proposes to place a tap in the excavated pipeline section so that any oil remaining in the pipeline can be removed with a specialized vacuum truck capable of withdrawing up to 110 barrels of fluid. Any oil emulsion or residual fluids removed by this vacuum truck will be transported to the LOGP for proper disposal. Once empty, this vacuum truck will remain at the repair site for the duration of the project to assist in case of spills. Also, prior to initiation of repair activities, a second vacuum truck will clean the residual oil from the inside diameter of the pipeline by flushing it with hot water at Valve Site number one. Once it flushes through the excavated pipeline segment, this 120 degree flushing water will be allowed to settle into the downhill portion of the pipeline, several miles away from the project area.

As with all excavation and repair activities carried out on or near functioning crude oil pipelines, there is a possibility that these activities may result in accidental pipeline rupture and/or oil release. To address this potentially significant threat, the applicant will be required to adhere to the same digging protocols and oil spill contingency requirements that were adopted during the 2005/2006 project. These protocols include the requirement to use only hand tools and shovels when digging in close proximity to the pipelines and maintaining a vacuum truck with 110 barrel capacity at the ready during excavation activities. In addition, all proposed excavation and

pipeline repair work will be performed in accordance with PXP's Office of Spill Prevention and Response approved Oil Spill Response Plan. Among other precautionary measures, this plan requires the applicant to develop an Incident Command System to notify relevant agencies and coordinate an immediate clean-up response. PXP's Oil Spill Response Plan also requires that a spill response kit and incipient fire fighting equipment be maintained onsite at all times. The spill kit will contain sufficient quantities of absorbent clean-up materials to provide an immediate response to spills and all project personnel will be trained in hazardous waste response operations.

To further protect against pipeline spills, PXP is a member of Clean Seas LLC, an oil spill response cooperative which provides oil spill response personnel and equipment deployment for its member companies. PXP also maintains contracts with a variety of local spill response and hazardous clean up operators that would be available to facilitate clean-up operations. Both Clean Seas LLC and PXP's various local oil spill response contractors will be notified and placed on-call prior to the start of project activities. PXP also permanently maintains a large quantity of spill response and clean-up equipment at the Lompoc Oil and Gas Plant, within the vicinity of the Wall Beach area. If needed, this equipment can be immediately mobilized and brought to the proposed pipeline repair site.

Because the proposed pipeline repair work may involve the offsite fabrication of pipeline replacement segments or encapsulation devices, a process that would require up to sixty days to complete, the oil emulsion pipeline could remain in an exposed condition within the excavated pipeline trench for a number of weeks. As such, this pipeline would be vulnerable to sustaining accidental or intentional damage that could result in a rupture or spill. To minimize this potential risk, PXP would install construction fencing around the pipeline trench.

In addition to the oil spill contingency plan and response requirements that PXP must adhere to, the project itself is being proposed in conformance with Coastal Act Section 30232 which states that protection against spillage of crude oil shall be provided in relation to transportation of crude oil. By acting on the results of internal pipeline monitoring and conducting proposed oil emulsion pipeline visual inspections and repairs, PXP is taking precautionary steps to ensure that the pipeline's structural integrity is maintained and its continued use will not result in the spillage of oil or hazardous materials. Failure to carry out the inspection and repair work proposed by the applicant could directly increase the likelihood and severity of an accidental oil spill or leak from the oil emulsion pipeline segment near Wall Beach. Given the sensitive biological resources and ESHAs that exist in the immediate vicinity of the pipeline in this area, such a spill (and its resulting clean-up activities) could lead to substantial adverse biological impacts above and beyond those likely to result from the proposed project itself.

With implementation of PXP's Oil Spill Response Plan and the use of measures to minimize the potential occurrence of an oil spill or leak, the Commission finds that protection against the spillage of crude oil and hazardous material will be provided and effective containment and cleanup facilities and procedures shall be available. The Commission therefore finds that the project is consistent with Coastal Act Section 30232.

4.5 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 2005/2006 produced water pipeline repair project site and the proposed 2007 oil emulsion pipeline repair project site are within the outer periphery of an identified prehistoric archeological site that has been determined eligible for listing on the National Register of Historic Places.

Based upon this fact, for the 2005/2006 produced water pipeline repair, the Vandenberg Air Force Base Civil Engineering Squadron required archaeological and Native American monitors to be present on site during all pipeline excavation activities. As required by VAFB, these monitors ensured that excavations were limited to the previously disturbed matrix associated with the original 1985 pipeline installations. In their monitoring report of December 6, 2005 the monitors reported that no archaeological or paleontological resources were disturbed by the 2005/2006 pipeline repair.

Despite the fact that the proposed excavation site has been disturbed several times in the past, PXP has committed to maintaining archeological and Native American field monitors onsite during the proposed excavation and repair of the oil emulsion line to ensure that all digging is confined to the previously disturbed pipeline right-of-way. These monitors will use GPS coordinates and mapped locations and will closely inspect trench sidewalls and other exposures to identify original trench boundaries. Excavated soil will also be examined but the main focus will be on observing trench sidewalls to ensure that the excavation is limited to the previously disturbed soil matrix.

If potentially significant, unanticipated archeological deposits are encountered during the proposed project, the applicant will adhere to the requirements contained within Volume 5 of Vandenberg Air Force Base's *Integrated Cultural Resources Management Plan* ("ICRM"), which stipulates that all work cease in the vicinity of the potential discovery and that the deposit remain protected from construction disturbance until its significance can be evaluated according to requirements outlined in the ICRM. Once the potential resource discovery is protected, field monitors will notify the monitoring coordinator, who will examine the deposit to determine if it is both cultural and/or significant. If the deposit is determined to be non-cultural or non-significant, work will be allowed to resume in the area. If, however, the deposit is confirmed as a discovery, the monitoring coordinator will inform the 30th Civil Engineering Squadron, Environmental Flight, Cultural Resources ("30 CES/CEVPC") staff archeologist assigned to the project. A program of treatment for the discovery will be developed in consultation with 30 CES/CEVNC and implemented before work at that location is allowed to continue.

Given the use of cultural resource monitors during project excavation activities, the precautionary steps that shall be taken, including the confinement of excavation to the original previously-disturbed trench corridor, and with the required adherence to and implementation of

Vandenberg Air Force Base's ICRM, the Commission finds that cultural resources will not be adversely affected and therefore the project is consistent with Coastal Act Section 30244.

4.6 Minimization of Adverse Impacts

Coastal Act § 30253 states:

> *New development shall:*
> …
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area…*

Whenever large areas of earth are deprived of vegetative cover and exposed in a disturbed state, the potential occurrence or wind- and/or water-borne erosion increases. To minimize the occurrence of erosion during the repair of the produced water line, the County of Santa Barbara's Final Development Plan permit for the installation and operation of Platform Irene's onshore pipelines required implementation of erosion control measures. The applicant used erosion containment berms and tarps on and around all soil stockpile areas to limit erosion during project activities and has reported that the inclusion of these erosion control measures limited soil erosion to less than significant levels.

Similar to the 2005/2006 project, the proposed removal and storage of topsoil and excavation and on-site storage of 720 cubic yards of disturbed soil for the repair of the oil emulsion line increases the potential for significant erosion due to wind and/or rain. To address this issue, the applicant will institute similar erosion control measures by installing earthen containment berms around all soil stockpile areas and entirely covering the soil storage piles with tarps until such time as the soil can be used as backfill or replacement topsoil. In addition, **Special Condition 5** requires the applicant to ensure that natural re-vegetation occurs in the disturbed area once project activities have been completed. The re-growth of vegetation in the project area will provide substantial protection against future erosion.

The Commission therefore finds the project, as designed, will not contribute significantly to erosion and is therefore consistent with Coastal Act Section 30253(2).

5 UNPERMITTED DEVELOPMENT

Between October of 2005 and January of 2006, without benefit of a coastal development permit, the applicant undertook development consisting of the excavation, repair and subsequent burial of a produced water pipeline near Wall Beach in Vandenberg Air Force Base. This unpermitted development resulted in the removal of 49 Gaviota tarplant individuals and the excavation and replacement of 200 cubic yards of soil from two trenches measuring 23 feet wide by 30 feet long within a section of pipeline right-of-way. The applicant subsequently applied for this permit to authorize both these unpermitted produced water pipeline repairs and the proposed repairs to the oil emulsion pipeline.

Although unpermitted development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on

the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it imply any finding of legality of any development undertaken on the subject site without a coastal development permit.

6 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

APPENDIX A

Substantive File Documents

DOCUMENTS

Aspen Environmental Group. Draft Environmental Impact Report – Tranquillon Ridge Oil and Gas Development Project. October, 2006.

CDP E-99-009. Final Adopted Findings. November 3, 1999.

CDP 1-06-025. Staff Report. October 13, 2006.

County of Santa Barbara Final Development Plan permit (94-DP-027). Revised November 8, 2000.

LETTER CORRESPONDENCE

October 26, 2005. From: Kevin Drude, County of Santa Barbara Planning and Development. To: Jim Bray, PXP. Subject: Point Pedernales Produced Water Line Anomaly Investigation and Possible Repair – Conditional Approval Letter.

December 6, 2005. From: Nathan Stevens, Applied Earth Works Staff Archaeologist. To: Jim Bray, PXP. Subject: Report on Archaeological Monitoring of Wall Beach Anomaly Excavations, Vandenberg AFB, California.

September 26, 2006. From: Jim Bray, PXP. To: California Coastal Commission. Subject: CDP Permit Application for Pipeline Repair Project at Vandenberg AFB.

November 8, 2006. From: Jim Bray, PXP. To: California Coastal Commission. Subject: CDP Permit Application for Pipeline Repair Project at Vandenberg AFB.

November 21, 2006. From: Susanne Bernstein, LFR Inc. Plant Ecologist. To: Jim Bray, PXP. Subject: Pre-construction Botanical Monitoring Associated with the Excavation of Pipeline Corridor Near Valve Site 1 at Vandenberg Air Force Base.

December 7, 2006. From: Jim Bray, PXP. To: California Coastal Commission. Subject: CDP Permit Application for Pipeline Repair Project at Vandenberg AFB.

January 17, 2007. From: Suzan Kissee, LFR Inc. Senior Staff Biologist. To: Jim Bray, PXP. Subject: Monitoring Report for Confirmation Dig.

February 7, 2007. From: Jim Bray, PXP. To: California Coastal Commission. Subject: CDP Permit Application for Pipeline Repair Project at Vandenberg AFB.

February 12, 2007. From: Jim Bray, PXP. To: California Coastal Commission. Subject: CDP Permit Application for Pipeline Repair Project at Vandenberg AFB.

E-MAIL CORRESPONDENCE

October 27, 2005. From: Luanne Lum, VAFB Botanist. To: Nic Huber, USFWS. Subject: After-the-fact Consultation.

January 9, 2007. From: Susanne Bernstein, LFR Inc. Plant Ecologist. To: California Coastal Commission. Subject: Wall Beach Biological Survey.

January 22, 2007. From: Luanne Lum, VAFB Botanist. To: California Coastal Commission. Subject: After-the-fact consultation (Pipeline confirmation dig project).

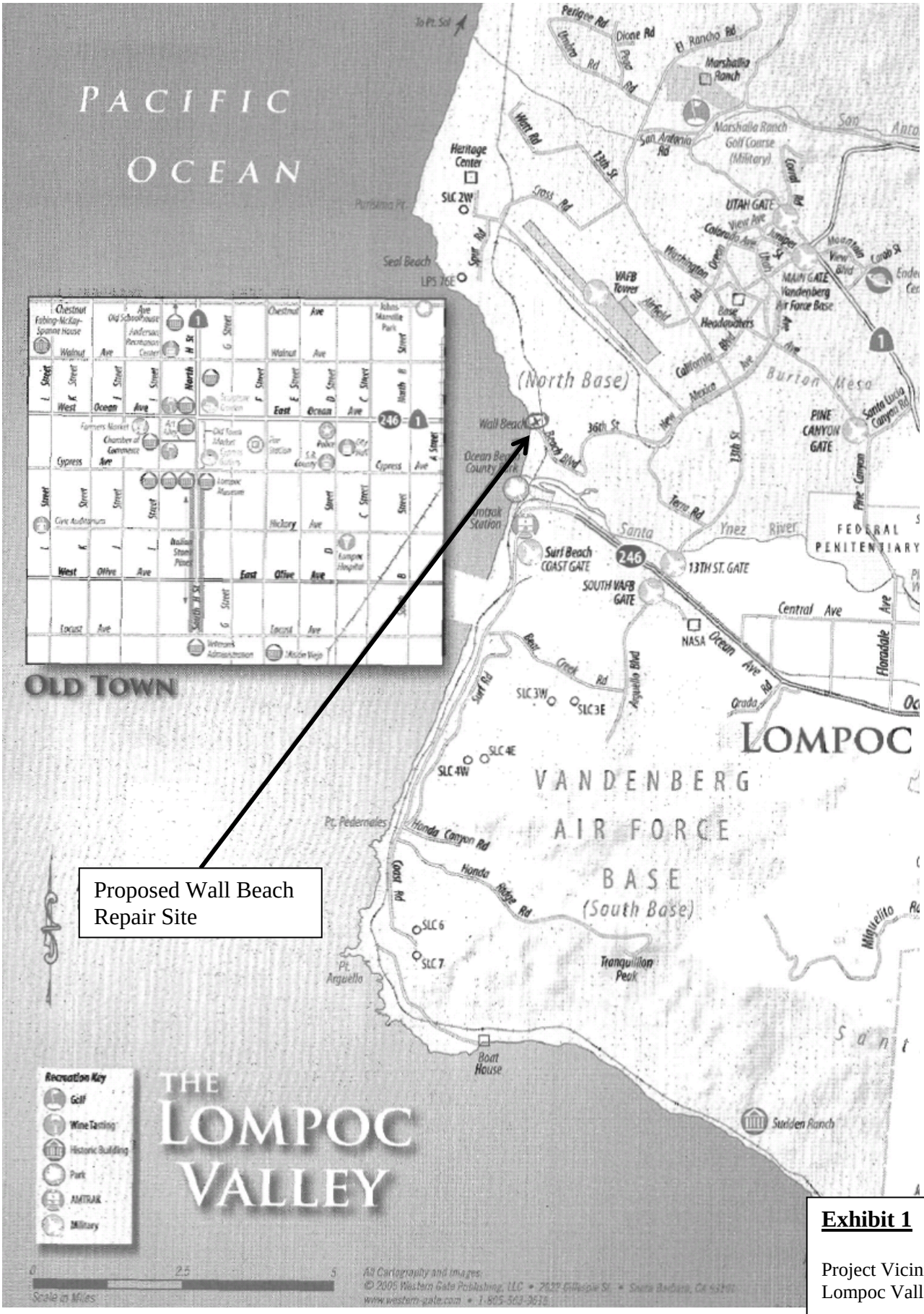

Exhibit 1

Project Vicinity – Lompoc Valley

Exhibit 2

Project Site – Wall Beach

LFR

January 17, 2006

021-10160.02

Jim Bray
Land Use Coordinator
Plains Exploration and Production Company
201 S. Broadway
Santa Maria, CA 93455

RE: Monitoring Report for Confirmation Dig

Dear Mr. Bray,

This letter is to inform you of the results of site monitoring during the excavation efforts associated with the confirmation dig to expose three pipelines near the Valve Site 1 location on Vandenberg Air Force Base.

On October 20, 2005, Susanne Bernstein (Senior Plant Ecologist) conducted a pre-disturbance survey for the presence of Gaviota tarplant (*Deinandra* [*Hemizonia*] *increscens* ssp. *villosa*), which is listed as a state and federally endangered plant, and is on the California Native Plant Society List 1B; plants rare, threatened, or endangered in California or elsewhere. Two areas were counted and flagged accordingly. The first and smallest area was flagged with purple pin flags and represented the expected work area. Within this area, 13 tarplants were identified using orange flags. Of those 13, two were mostly blooming or still green, five had already dropped seed, and six were currently seeding. The second area was flagged with yellow pin flags. This area represented the potential disturbance area that occurred outside the expected work area. There was a total of 276 individual tarplants counted within the two flagged work areas. Of those, 41 were mostly blooming or still green, 168 had already dropped seed, and 67 were currently seeding. The area of potential disturbance measured 88 feet by 46 feet. Individual tarplants within the area were marked by orange pin flags.

On October 27, 2005, the initial digging began to expose the production water and gas line. Iceplant (*Carpobrotus* spp.) mats from the area of the dig were scraped from the surface and removed to a green waste facility. Topsoil from the site was scraped from the site prior to digging and stockpiled in an adjacent area to preserve tarplant seed bank. The topsoil stockpile was fenced with orange construction fencing to prevent disturbance. Once the two pipelines were exposed, the hole was also fenced with orange construction fencing until work on the pipelines could be completed. A total of 13 tarplants were removed during work activities. Whenever it was determined that avoidance of specific tarplant individuals was impossible, the plant was removed and placed into the topsoil stockpile in an effort to preserve additional seed bank material.

LFR, Inc.
301 South Miller Street ~ Suite 210
Santa Maria, California 93454

Exhibit 3
Biological Monitoring Report
(page 1 of 2)

On November 29, 2005, the hole associated with the production water and gas lines was backfilled. The following day, November 12, 2005, another hole was excavated to expose the 20" oil line. Topsoil from the oil line excavation area was scraped and added to the existing topsoil pile to preserve seed bank. An additional 30 Gaviota tarplant individuals were removed during the topsoil removal; however, enough time had gone by that the remaining tarplants had set seed and become senescent.

Work was completed on the oil line on January 4, 2006. The excavation was backfilled, the work area was leveled, and the topsoil containing any potential seed bank was redistributed over the disturbed area. In the process of backfilling the excavation and leveling the area, six senescent Gaviota tarplant were removed. During the course of the excavation activities associated with the confirmation dig of all three lines, 49 of the 289 Gaviota tarplant identified within the expected work area and the potential disturbance area were removed.

Photo pages are attached to this letter report for visual documentation purposes. A hard copy will follow by mail.

If you have any questions or require additional information, please don't hesitate to contact me at (805) 349-7180.

Sincerely,

Suzan Kissée
Senior Staff Biologist
LFR, Inc.

Exhibit 3
Biological Monitoring Report
(page 2 of 2)