

CALIFORNIA COASTAL COMMISSION

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**W9c.**

Filed: 3/18/08
180th Day: 9/14/08
270th Day: 12/13/07
Staff: Al Padilla-LB
Staff Report: 5/18/08
Hearing Date: 6/11-13/08
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-07-323**APPLICANT:** Sempra Energy Utilities (Southern California Gas Company)**PROJECT LOCATION:** Ballona Wetlands, south of Jefferson and Culver Boulevard intersection, and within existing facility's access road, Playa del Rey, City of Los Angeles (Playa Vista Planning Area).

PROJECT DESCRIPTION: Reroute existing damaged gas company's waste water line and place approximately 960 lineal foot of 6-inch diameter line underground within the facility's existing access roadway; re-connect and replace existing underground approximately 2,500 lineal foot line along Jefferson Boulevard; and remove temporary above grade line approved under an emergency permit due to line break. Under the emergency permit the waste water spill within the wetlands has been cleaned up with absorbent pads, flushing and diluting the area with potable water, then vacuuming and disposal of the contaminated material, and area filled with clean soil similar to the native soil. Applicant will follow up with a restoration plan for the area within the wetlands damaged by the line break, in consultation with the Department of Fish and Game.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **Approve** a permit for the proposed development with special conditions regarding: 1) the submittal of a plan to monitor and remove invasive non-native plants from the spill area; and 2) implementation of Best Management Practices during construction. As conditioned, the proposed development conforms with all applicable policies of the Coastal Act. The applicant is in agreement with the staff recommendation.

I. STAFF RECOMMENDATION:

MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-07-323:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-07-323 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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 the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. 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 alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. 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 this permit is reported to the Commission. 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 or 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.

III. SPECIAL CONDITIONS:

1. Plan to Monitor the Disturbed Area and Remove Invasive Non-native Plants

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a plan to monitor the disturbed area and to remove invasive non-native plants within the impacted area. The plan shall be prepared by a licensed biologist or licensed landscape architect, with expertise in wetland restoration. The plan shall delineate the "impacted area" as the area subject to the spill and area that may have been impacted by the repair activity. The plan shall include procedures for identification and removal of non-native invasive plants that may be found in the impacted area. The plan shall be reviewed and approved by, the California Department of Fish and Game prior to being submitted to the Executive Director for review and approval. The plan shall include the following:

1. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992, those species listed by the California Invasive Plant Council on any of their watch lists as published in 2007, and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.
2. All non-native invasive plants shall be removed with hand tools.
3. No herbicides or rodenticides shall be employed.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

C. Two years from the date of issuance of Coastal Development Permit No. 5-07-323, the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist or landscape architect with expertise in wetland restoration that indicates the progress of the natural revegetation of the impacted area. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the natural restoration of the site.

If the monitoring report indicates that the area has not naturally revegetated with native species typically found in the area, or that more than 25% of the impacted area is dominated by non-native species, the applicant, or successors in interest, shall submit to the Commission an application for an amendment to this coastal development permit for approval of an amended landscape restoration plan and an extension of the non-native plant removal program for a period not less than two additional years and shall undertake the development approved pursuant to any such amendment.

2. Debris Mitigation and Removal of Construction Debris

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) All construction activity that may result in unpermitted deposition, spill or discharge of any liquid or solid material into the water/wetland, shall be tarped to prevent any material from entering the water.
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.

B) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. SUBSTANTIVE FILE DOCUMENTS:

1. Southern California Gas Company easement.
2. California Coastal Conservancy, Department of Fish and Game, State Lands Commission. "A planning approach, Ballona restoration and planning, 2005.
3. Pete Bontadelli, Department of Fish and game, MEMORANDUM: Ballona Wetland acreage determination Contained in the Department of Fish and Games September 12, 1991 Memorandum to the Fish and Game Commission, December 20, 1991.
4. Los Angeles County Museum of Natural History, Significant Ecological Areas of Los Angeles County, 1976.
5. Certified Playa Vista Land Use Plan, City of Los Angeles, 1986.

V. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description, Location and History

The proposed project is to permanently reroute existing damaged underground Gas Company 6-inch in diameter waste water line by placing approximately 960 linear feet of high density polyethene 8-inch in diameter line underground within the facility's existing paved access roadway and along approximately 995 linear feet of the southern shoulder of Jefferson Boulevard to a northern tie-in location; and replace existing underground line along the remainder (approximately 1,500 feet) of Jefferson Boulevard to just west of Lincoln Boulevard with a new 8 inch line (see Exhibit No. 3). Temporary K-rails installed to protect the temporary above ground line along Jefferson will be removed.

Under the emergency permit (5-07-323G) approved in 2007, temporary above ground lines were installed along the access road and Jefferson Boulevard, and the spill site was cleaned up. The spill site, which involved an area of approximately 260 square feet, was excavated to expose the damaged pipe and remove contaminated soil. The area was cleaned up using absorbent pads, flushing and diluting the area with potable water, then vacuuming and disposal of the contaminated material. The damaged pipe was capped, and area filled with clean soil. Applicant will follow up with a biological reconnaissance survey of the impacted area and restoration plan, if necessary, for the area of the original line break within the wetlands, in consultation with the Department of Fish and Game.

The proposed site is located south of the Jefferson Boulevard and Culver Boulevard intersection and north of the Southern California Gas Company's natural gas underground injection facility at the foot of the Westchester bluffs, in Playa del Rey (see Exhibit No. 2). The area is located in a portion of the Ballona wetlands known as Area B. The Ballona wetlands are remnants of a much larger wetland system that historically covered over 1,700 acres. Area B covers approximately 385 total acres and extends from Lincoln Boulevard west to the developed properties along Vista del Mar, and north from the Westchester bluffs to the Ballona Creek Channel.

The existing access road is an asphalt paved road that is constructed on top of an earthen berm that extends from the Jefferson/Culver Boulevard intersection to the gas company's facility. While the surrounding land is owned by the Department of Fish and Game, Southern California Gas Company (SCG) has an easement that allows access along this road, and operation and maintenance of the road and their gas re-injection facility located at the eastern end of the road. The Gas Company has other access roads, oil wells, and gas re-injection wells throughout the wetlands.

Project History

On September 9, 2007, Southern California Gas Company detected a leak in their wastewater underground line. The 6 inch diameter line runs from the company's storage facility located near the base of the Westchester bluffs underground through the wetland area to a Los Angeles County sewer line located within the right of way of Jefferson Boulevard. The break occurred adjacent to a well access road along their main underground injection facility. According to the applicant, the line is an integral part of the gas storage operation and transports wastewater, consisting of brine water and crude oil, from their gas facility to a Los Angeles County sewer line located along Jefferson Boulevard.

After the leak was detected the line was immediately shut down and the Department of Fish and Game and Commission staff were notified. Subsequently, the Department of Fish and Game, as owner of the property, and Southern California Gas Co., submitted an emergency permit application on September 19, 2007. On October 19, 2007, the Executive Director of the Coastal Commission issued an Emergency Permit, for the temporary above ground rerouting of the wastewater line within the graded facility pad and paved access road to Jefferson Boulevard where it was reconnected with the County's sewer line. The 150 square foot area of the wetlands impacted by the spill was cleaned up using absorbent pads, the area was flushed and diluted with potable water, vacuumed and contaminated material disposed of, pursuant to recommendations made by the Department of Fish and Game.

B. Environmentally Sensitive Resources

Section 30231 of the Coastal Act 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.

Section 30240(a) of the Coastal Act 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.

The proposed project is located in a portion of the Ballona wetlands known as Area B. Because of past development within Area B, including oil drilling, pipelines, road construction, and farming, only portions of the area contain wetlands (see Exhibit No. 4, Map of wetland areas, based on California Department of Fish and Game wetland determination, December 1, 1982). However, all wetland areas within the Ballona wetland area are considered environmentally sensitive habitat areas and provide habitat for many species of marine fish, migratory shore birds, and endangered species, including the California least tern and Belding's savannah sparrow. Because of the existence of the wetland and an environmentally sensitive habitat area, the development in Area B must be found consistent with Sections 30231 and 30240 of the Coastal Act.

Based on a biological survey conducted by the applicant's consultant, which was reviewed by the Department of Fish and Game, approximately 260 square feet of salt marsh vegetation was impacted by the leak and repair activity within the wetlands. The dominant plant species in the impacted site and surrounding area is pickleweed (*Salicornia* sp.), a native wetland plant. Alkali weed (*Cressa truxillensis*), also a native plant, was found in surrounding disturbed areas. Ice-plant (*Carpobrotus edulis*), a non-native plant, is also found in the surrounding area, but mainly on the slopes of the graded access roads.

The applicant has abandoned the existing 1,160 lineal foot underground line that runs through the wetlands, by excavating the area of the leak to expose the pipe and remove contaminated materials, capping it, and leaving it in place to minimize further disturbance of the wetlands. The excavated area was backfilled with soil similar to the native soil found within the Ballona wetlands. The applicant decided not to reconnect the the existing line due to the age of the line and the potential for future line breaks and impacts to the wetlands.

The above ground temporary line, approved under the emergency permit, will be replaced with a permanent underground line along the existing paved access road and reconnect with the existing line along Jefferson Boulevard. All construction for the rerouting of the waste water line will take place within the graded areas of the gas facilities graded pad and access road, and along the shoulder of Jefferson Boulevard, which is elevated above the wetlands. Because both the access road and Jefferson Boulevard are graded elevated roadways, there are no wetlands or wetland plants found within the roadways. Along the access road all construction will take place on the existing roadway located on top of the trapezoidal shaped berm. The sloping sides of the roadway berm are vegetated with ice plant which forms a buffer between the wetlands and the roadway and the planned construction within the roadway.

The applicant has submitted a *Water Quality Construction Best Management Practices Manual*, that will be implemented during construction to ensure that sediment and runoff

from construction activity will not enter the surrounding wetlands. Measures will include, but limited to, sediment fencing, fiber rolls, and bag barriers, where necessary. All excavated material that will be reused as fill for the pipe line trench will be stored on the gas company's graded pad and covered, to prevent potential runoff into the wetlands. Construction will be conducted during the summer period to avoid the rainy season and minimize the potential of sediment being washed off into the wetlands.

The Department of Fish and Game, has been monitoring the site since the line break in September 2007. The impact to the wetland caused by the leak was confined to a small area and may not be significant and the area may naturally restore over time. Therefore, at this time, Fish and Game has not required any further restoration or mitigation and is continuing to monitor the site to determine if further restoration is necessary. However, prior to recolonization of the area by native plants, the area impacted could likely be recolonized by invasive non-native species found in the surrounding area. Therefore, the site should be monitored so that invasive plants do not colonize the area and prevent the establishment of native plants. Therefore, to ensure that invasive plants do not colonize the impacted area (260 square feet) Special condition No. 1 requires the applicant to monitor the spill area for two years and provide a progress report on the revegetation of the area and a vegetation monitoring and invasive plant removal plan prepared by a licensed professional with expertise in wetland restoration. All non-native plants found in the impacted area within the first two year shall be removed by hand using hand tools only. Such plan shall be reviewed and approved by the Department of Fish and Game. At the end of the two year period, if the site has not naturally restored with native wetland vegetation, the applicant shall submit an amendment to this permit to restore the site with planted native vegetation. Special condition no. 2 is to ensure that the applicant complies with and implements Best Management practices during construction consistent with the submitted Water Quality Construction Best Management Practices Manual. As conditioned, the project will not have an adverse impact on the wetlands, and is consistent with Section 30231 and 30240 of the Coastal Act.

C. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa Vista segment of the City of Los Angeles' Local Coastal Program after the City annexed the area. The proposed project is located within the City of Los Angeles' planning area of Playa Vista. While there is a certified land use plan for the area, the City of Los Angeles does not have a certified Local Coastal Program for the Playa

Vista area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. The City has not submitted a revised LCP.

The Ballona wetlands area, including Area B, has recently been acquired by the Department of Fish and Game. Presently the California Coastal Conservancy, the State Lands Commission and the Department of Fish and Game are developing a restoration plan to create a variety of native habitats on the Ballona wetlands and associated upland areas, including the project site. According to the Restoration Project website¹, the restoration project area includes about 600 acres owned by the state of California on both sides of Ballona Creek. Meetings with stakeholders, development of goals, and biological assessments began in the fall of 2005. The proposed relocation of the waste water line within the existing access road does not change any land use or any planning decision regarding the restoration of the marsh. The project as proposed and conditioned will not have any impacts on the marsh and is consistent with the habitat policies of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned 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 a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

¹ <http://www.scc.ca.gov/Ballona/index.html>,



Site

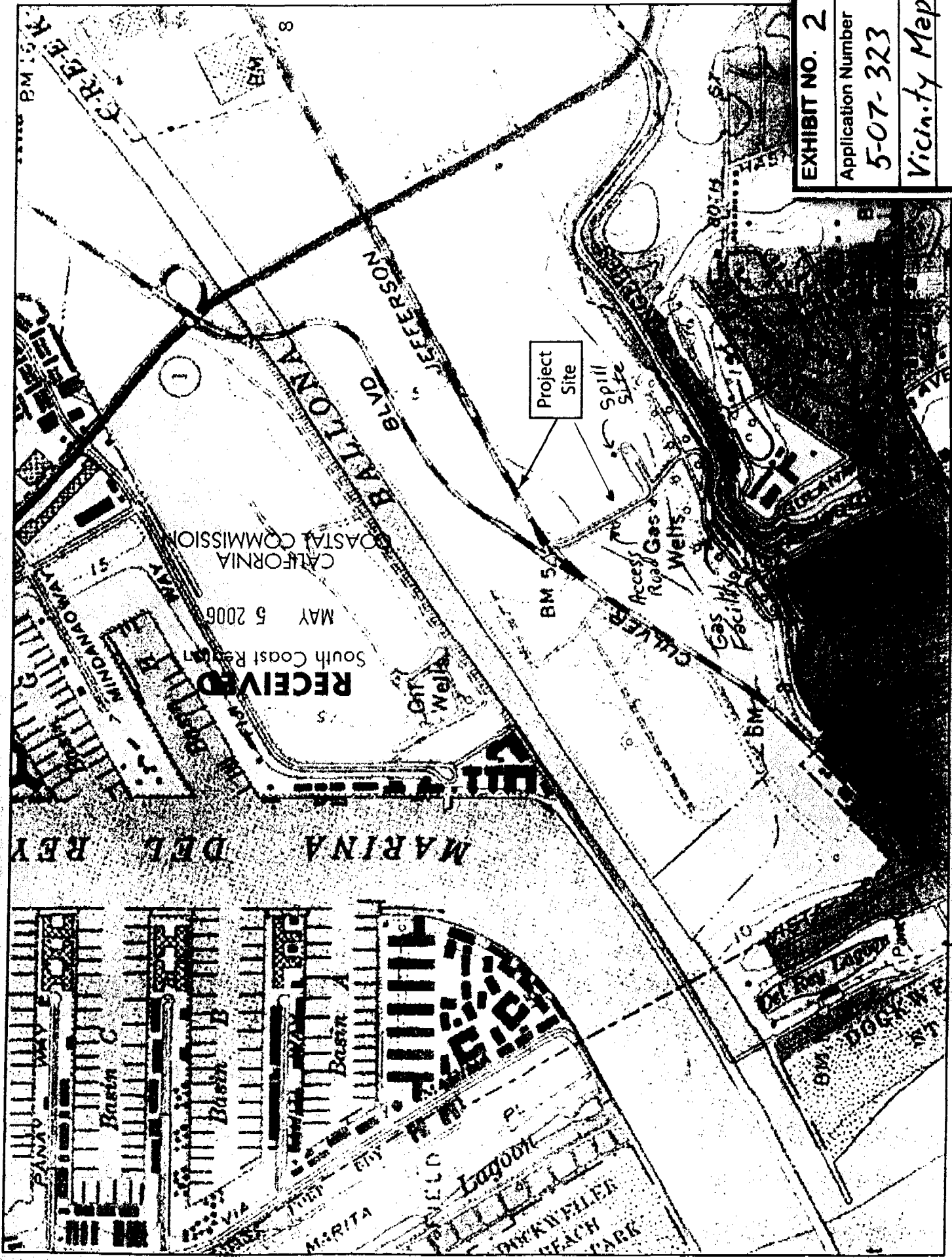


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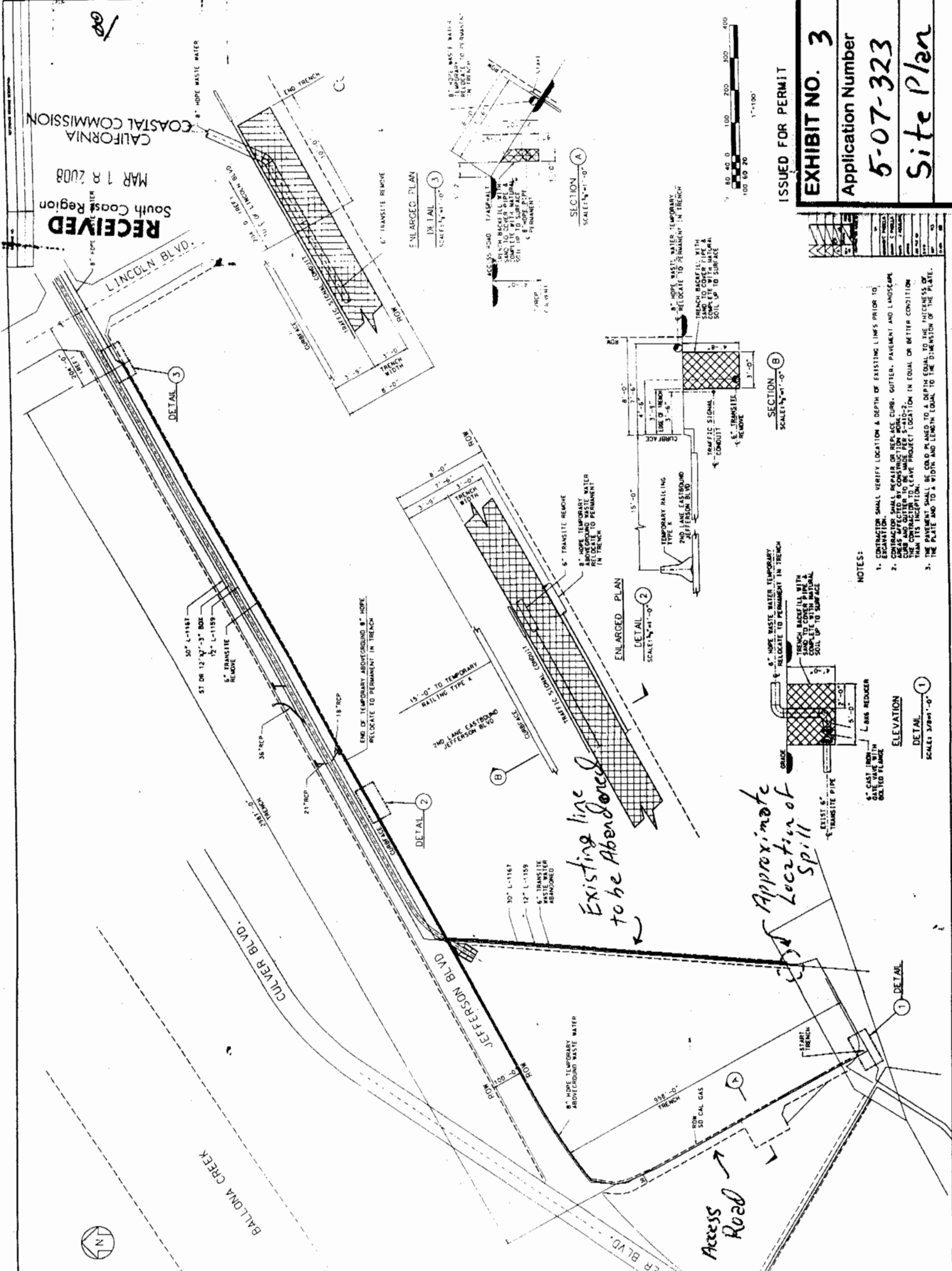
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| EXHIBIT NO. 1 |
| Application Number |
| 5-07-323 |
| Regions / Map |
| California Coastal Commission |



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| EXHIBIT NO. 2 |
| Application Number 5-07-323 |
| Vicinity Map |
| California Coastal Commission |



ISSUED FOR PERMIT

EXHIBIT NO. 3

Application Number
5-07-323

Site Plan

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local coastal program

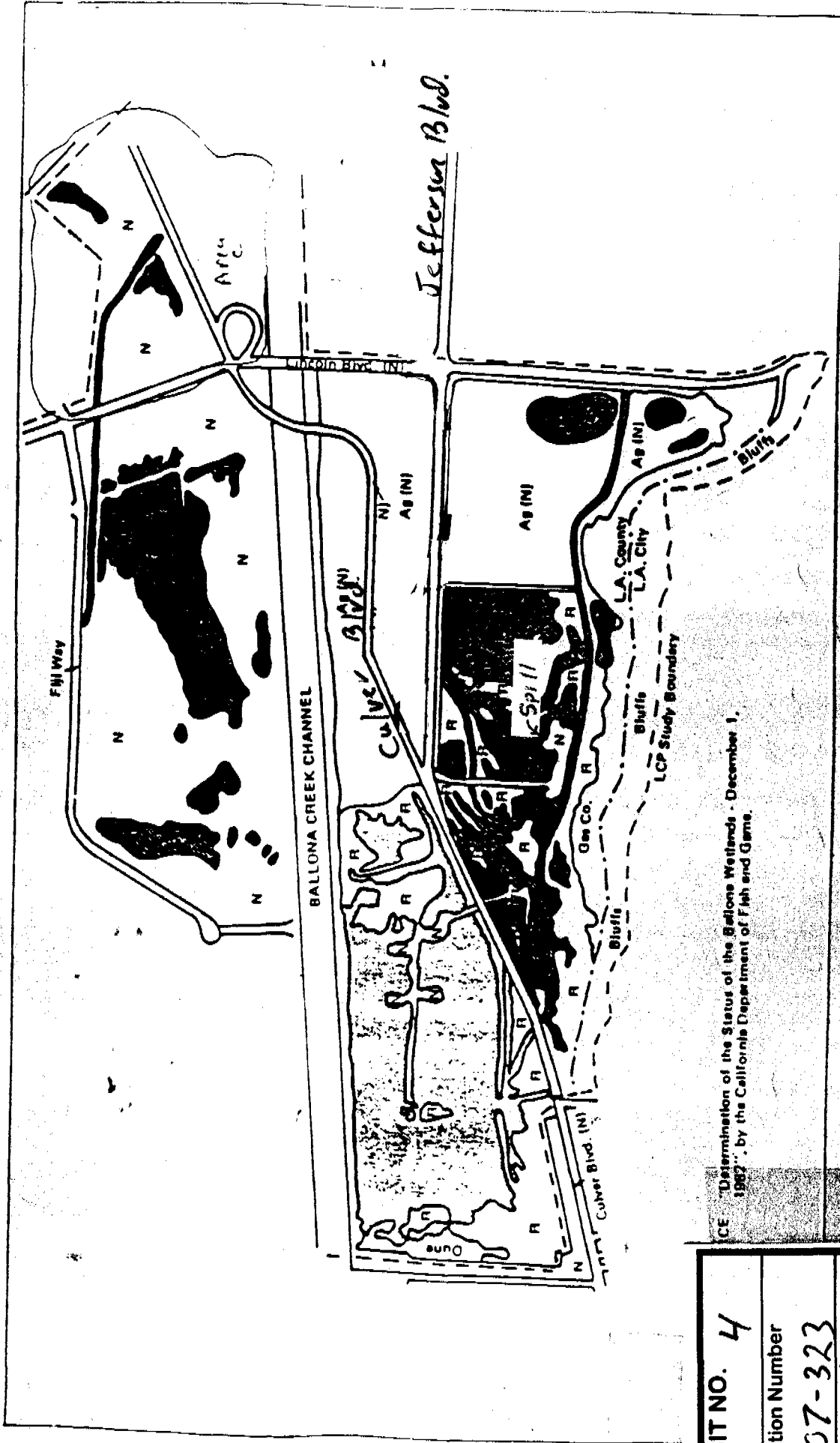
marina del rey/ballona

map 14

PRESENT STATUS OF THE BALLONA REGION



- Non-degraded wetland
- Feasibly restorable former wetland
- Former wetland not feasibly restorable
- Degrated wetland
- Former wetland not feasibly restorable
- Agricultural field
- Environmentally sensitive upland



ICE "Determination of the Status of the Ballona Wetlands - December 1, 1982" by the California Department of Fish and Game.

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| EXHIBIT NO. | 4 |
| Application Number | 5-07-323 |
| | Wetland Map |
| California Coastal Commission | |