

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 9-16-0990

Applicant: Venoco, Inc.

Location: Casitas Pier, 5661 Carpinteria Ave., City of Carpinteria, Santa Barbara County (Exhibit 1).

Project Description: Temporarily repair four dilapidated fender piles on the west side of Casitas Pier by installing replacement piles over the existing pile stubs.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Venoco, Inc. proposes to repair four failed fender piles on the west side of Casitas Pier, located in the City of Carpinteria in Santa Barbara County (see Exhibit 1). Repairs will involve placing an overshot pile over the existing pile stubs and then filling the annuli space between the old and new piles with concrete.

The most significant potential impact to coastal resources is disturbance to harbor seals inhabiting a rookery and haul-out area located approximately 100 to 300 feet east of the base of

the Casitas Pier (see Exhibit 2). Work will take place during the pupping season, which extends from December 1 to May 31. To ensure that impacts to harbor seals are avoided, Venoco has included several mitigation measures in the proposed project: (1) conducting all work with divers and avoiding the use of in-water mechanized equipment, (2) ensuring Pier activities are consistent with normal year-round operations, and (3) implementation of Venoco's Marine Wildlife Protection and Training Plan (see Exhibit 3). The Marine Wildlife Protection and Training Plan includes measures related to worker training, marine mammal monitoring including the establishment of a 500 foot exclusion zone, and reporting requirements if disturbance occurs. In addition, the Commission has included **Special Condition 1** requiring Venoco to submit a revised Marine Wildlife Protection and Training Plan that stipulates that the marine mammal observer: (1) not be assigned other project-related duties, (2) maintain a daily log of observations, and (3) submit a final report to the Executive Director. **Special Condition 1** also requires that project-related noise be minimized to the extent feasible. In addition, Venoco has included water quality protection measures in the proposed project to ensure that the biological productivity and quality of coastal waters is maintained. With these measures in place, the potential for adverse impacts to marine resources will be minimized.

Commission staff recommends **approval** of coastal development permit application 9-16-0900, as conditioned. The standard of review for proposed project is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – City of Carpinteria designated harbor seal restricted access area

Exhibit 3 – Venoco’s Marine Wildlife Protection and Training Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit 9-16-0990 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit 9-16-0990 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.

II. STANDARD CONDITIONS

This permit is granted 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special condition:

1. **Marine Wildlife Protection and Training Plan (MWPTP). PRIOR TO ISSUANCE OF THIS PERMIT,** the Applicant shall prepare a revised MWPTP for review and approval by the Executive Director. In addition to the protection measures for Casitas Pier included in the project description and MWPTP submitted with the CDP application, the revised MWPTP shall include the following elements:
 - A minimum of one qualified marine mammal observer shall be present to conduct observations during all project-related activities. The observer shall be dedicated to observing marine wildlife and shall not be assigned other project-related duties.
 - The observer shall maintain a daily log of observances that shall be of sufficient detail to determine whether observable effects to marine mammals are occurring.
 - The observer shall have the appropriate safety and monitoring equipment adequate to conduct his or her activities.
 - Noise associated with project activities shall be reduced or minimized to the extent feasible.
 - A final report summarizing the results of monitoring activities shall be submitted to the Executive Director and other appropriate agencies no more than 90 days following completion of the project. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine wildlife sightings (species and numbers); (ii) any wildlife behavioral changes, including disturbance as described above; and (iii) any project delays or cessation of operations due to the presence in the project area of marine wildlife species subject to protection.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Venoco proposes to repair up to four fender piles on the west side of Casitas Pier, located along the Santa Barbara Channel on state tidelands granted to the City of Carpinteria and leased by Venoco (see Exhibit 1). These piles require replacement to address corrosion and physical damage from many years of use. Venoco seeks approval of these temporary repairs in advance of the 2016/2017 storm season. A subsequent, more permanent repair plan will be implemented after the storm season through a separate application. The Commission previously approved repairs in 2003 to 19 pilings at the pier to address corrosion (CDP E-02-019).

The pier was built in the mid- to late-1960s and extends approximately 1250 feet from shore (see Exhibit 1). The pier is used by the Applicant to service offshore oil and gas operations. Approximately 50 to 75 feet east of the pier are an oil pipeline, gas pipeline, and electrical cable

that come ashore from various offshore platforms. The pier is also within approximately 100 to 300 feet of a rocky shoreline area used by Pacific harbor seals (*Phoca vitulina richardsi*) as a pupping, rookery, and haul-out area.

Fender pile replacement will implement a technique that re-uses the existing pile stubs protruding from the seafloor rather than driving new piles. Divers deployed from the pier platform will first remove debris and the damaged fender piles from the work area. Divers will then guide an overshot pile over the top of the existing piling stub while seawater is pumped down the pile. This washover method allows the steel pile to settle into the substrate, maximizing contact with the existing pile stub. Once the replacement fender pile is in place, divers will install a cathodic protection bonding strap. Next, welders will connect the top of the replacement pile to the main horizontal fender beam. Once the pile is secured in place, divers will guide the placement of cement into the annuli space between the old pile stub and the newly installed overshot pile. Once all four piles have been cemented, divers will remove any project-related equipment and debris from the seafloor and water column. Debris will be properly disposed of and all project equipment and personnel demobilized from the site. Work will take place over a two week period and will occur only during daylight hours. For safety reasons, workers may occasionally need to work a short time past sundown to complete an ongoing task.

B. OTHER AGENCY APPROVALS

U.S. Army Corps of Engineers (USACE)

The USACE issued approval of the project under Nationwide Permits #3 (Repair and Maintenance) and #33 (Temporary Construction) on December 1, 2016.

Regional Water Quality Control Board (RWQCB)

Venoco applied for a standard Section 401 water quality certification from the Central Coast RWQCB on 11/11/16. The application is pending.

City of Carpinteria (City)

Venoco submitted an application for a Building permit from the City on 12/15/16. The application is pending.

C. COMMISSION'S PERMIT AUTHORITY FOR REPAIR AND MAINTENANCE ACTIVITIES

This proposal consists of repair and maintenance activities. 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 described in Section 13252 of the Commission's 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.

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

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. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.... (emphasis added)

The proposed project qualifies as a repair and maintenance under Section 30610(d) of the Coastal Act and Section 13252 of the Commission's regulations because the project: (a) does not involve an addition to or enlargement or expansion of the Pier and (b) does not involve replacement of 50% or more of the Pier. Although the proposed repair and maintenance activities will not add to or enlarge the Pier, the proposed work involves placing construction materials, removing and placing solid materials, and the temporary use of mechanized equipment, in and within 20 feet of coastal waters. The proposed repair project therefore requires a coastal development permit under CCR Section 13252.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authorities, the Commission reviews whether the proposed method of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. 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.

D. MARINE RESOURCES

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

The primary potential impacts associated with the piling repairs are disturbance to harbor seals and adverse water quality effects due to pouring concrete within coastal waters.

Marine Mammals: Project activities could adversely affect marine mammals in the vicinity, particularly harbor seals using a rookery and haul out area to the east of the pier (see Exhibit 2). Harbor seals are protected under the federal Marine Mammal Protection Act, which prohibits "take" of marine mammals¹. The seals use the area for hauling out year round, but the area is of particular importance during pupping season from approximately December 1 to May 31 each year and during molting season during June and July each year. Seals are more sensitive to disturbance during these periods – during pupping season, the seal pups may be abandoned if the adults are disturbed, and pups may not have gained sufficient skills to survive in the water. During molting season, the seals have less protection from the cold and may need longer periods outside of the water to warm themselves.

¹ The definition of "take" under the Act includes intentional or unintentional harassment, any act that could cause injury or death, and any action that changes the behavior of the animal.

The City has adopted several ordinances meant to protect the harbor seal colony, including designating the beach and the adjacent bluffs in the City's General Plan as Environmentally Sensitive Habitat Area, and closing the beach to public access during the December 1 to May 31 pupping season each year to prevent disturbance to the seals (e.g., disruption of pregnant or nursing seals, abandonment of newborn pups, etc.). The closure applies to the beach 750 feet on either side of the seal haulout area, which includes the beach below Casitas Pier. Waters out to 1000 feet offshore are closed to personal watercraft during the same period. The area at the top of the bluff above the pier and rookery area is used for public access and for observing the seals. The seal rookery is actively monitored by Seal Watch, a local volunteer organization that has kept records of seal use at the rookery for over ten years.

Venoco proposes to conduct repair work on the fender piles during January and possibly February of 2017. This work is necessary to ensure the safety of the Pier during the 2017 storm season. However, because work will take place during the seal pupping season, there is a potential for disturbance to seals at the rookery. To ensure that seals at the rookery are adequately protected, Venoco has minimized in-water activities at the base of the Pier. All work will be done by divers and no in-water mechanized equipment will be used, thus minimizing underwater noise and activity. Project-related work on the Pier, including delivery of equipment and material, is consistent with normal year-round operations and will occur approximately 700 feet offshore on the end of the pier farthest from the rookery. Venoco will also implement its Marine Wildlife Protection and Training Plan (see Exhibit 3) which includes the following protection measures:

- Worker training prior to start of work
- Monitoring of the work by a trained and qualified individual, and suspension of marine work if marine mammals are observed within 500 feet of the marine work site
- Actions to be taken in the event that project-related activities result in disturbance to marine mammals as determined by the designated marine mammal monitor, including:
 - Stop construction work and take reasonable measures to avoid further disturbance
 - Recordation of the disturbance and actions taken
 - Communication and coordination with City of Carpinteria, Coastal Commission, and other agencies as appropriate (e.g., California Department of Fish and Wildlife, National Marine Fisheries Service)
 - Communication with local Carpinteria Seal Watch

In addition to Venoco's proposed measures, **Special Condition 1** requires Venoco to submit a revised Marine Wildlife Protection and Training Plan that stipulates that the marine mammal observer: (1) not be assigned other project-related duties, (2) maintain a daily log of observations, and (3) submit a final report to the Executive Director. **Special Condition 1** also requires that project-related noise be minimized to the extent feasible. With these measures in place, the potential for adverse impacts to marine mammals from harassment associated with project activities will be minimized.

Water Quality and Benthic Habitat: Project activities include preparing the site, moving sand away from the pilings, and pouring concrete into the annuli between the overshot pier and the old pier, each of which have the potential to exceed water quality standards and cause harm to nearby marine organisms. Venoco included several measures in the project to avoid and minimize the potential for these impacts to occur, including the following:

- Divers will guide an overshot pile over existing pile stubs while pumping seawater down the pile to allow the overshot pile to settle in the substrate. A small amount of bottom sediment near the base of the pile could be suspended in the water column, but the project is in a high-energy environment subject to high levels of sand movement where the resulting turbidity would be temporary and similar to normal conditions at the site.
- To avoid or minimize the leakage of wet concrete into the water column, divers will place sandbags at the base of the overshot pile at the mudline to form a temporary seal. During the concrete pour, divers will use an electronic communication system to maintain voice contact with personnel on the pier, and will observe the level of concrete within the pile to ensure that the piles are not overfilled. In the event that cement is observed exiting the annulus, the cement pour will be controlled or temporarily suspended to eliminate any discharge of cement into the water column.
- The applicant will remove and properly dispose of all project-related debris, including any concrete that is not contained in the annuli of the new steel piles, from the seafloor and Pier.

Additionally, the project will be subject to conditions of a Section 401 standard water quality certification issued by the Regional Water Quality Control Board, which is likely to include additional conditions meant to avoid and minimize adverse impacts to water quality. With the above measures in place, the proposed project will minimize turbidity and avoid discharges of concrete into marine waters. Thus, for the reasons stated above, the Commission finds that, as conditioned, the proposed project will maintain marine resources and sustain the biological productivity and quality of coastal waters and is consistent with Coastal Act Sections 30230 and 30231.

E. SPILL PREVENTION AND RESPONSE

Section 30232 of the Coastal Act states:

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.

This Coastal Act policy includes two primary requirements – first, that proposed projects include measures to protect against spills; and second, that they include measures for effective containment and cleanup.

Protection against spills: The project activities would occur in and immediately above a sensitive coastal area subject to strong wave action. The project could result in spills from equipment or vehicles on the pier or the nearby parking area.

The Casitas Pier is part of the Applicant's Carpinteria Facility, and as such, is subject to conditions of Venoco's "Santa Clara Unit Oil Spill and Contingency Plan" (approved by the California Office of Spill Prevention and Response and the U.S. Bureau of Safety and Environmental Enforcement in 2013 and 2014, respectively), which includes detailed spill prevention and response measures. In addition to these measures, Venoco proposes the following specific measures as part of the project:

- The Applicant will conduct daily inspections of the equipment and vehicles for leaks.
- Drip pans will be placed under all fuel-containing equipment and vehicles, and sorbent materials will be kept on hand. Vehicles parked on the pier will be parked over areas with a concrete surface.
- The Applicant will maintain an emergency response trailer with spill cleanup equipment at the parking area adjacent to the pier.
- The project site is approximately one-quarter mile from the equipment yard of its primary spill response contractor, Clean Seas, Inc. The Applicant will ensure that Clean Seas is on stand-by during the project to ensure a quick response, if needed.
- All project-related equipment will be refueled offsite, with the exception of the pier crane and forklift, which will be fueled according to the procedures described in the Casitas Pier Fueling Procedure (included in the Application) that includes measures to minimize the risk of fuel entering coastal waters.

Containment if spills occur: Should a spill occur, it would occur immediately above coastal waters and sensitive nearshore habitat. However, because no equipment containing fuel will be directly in the water, and with the measures described above, any fuel spilled would be on the pier or parking area where the spill response measures could be effectively implemented before fuel reaches the water.

Therefore, the Commission finds that the proposed development includes necessary measures to prevent and contain spills and is consistent with Section 30232 of the Coastal Act.

F. EXCAVATION AND FILL IN COASTAL WATERS

Section 30233 of the Coastal Act states:

(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 in 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.*

The excavation, removal, or any other artificial disturbance of any sediment or soil in coastal waters constitutes “dredging” and is therefore subject to the policies of Coastal Act Section 30233. The proposed project involves excavating approximately 3.2 cubic yards of sediment and filling this excavated area with approximately 2.8 cubic yards of steel pipe and concrete on the seafloor.

Projects that include excavation or fill of coastal waters must meet the three tests of Coastal Act Section 30233(a). The first test requires that the proposed activity fit into one of seven categories of uses enumerated in Coastal Act Section 30233(a)(1-7). However, in this case, because the Commission is solely reviewing the method by which the applicant executes the repair and maintenance activities, the first test under Section 30233(a) is not applicable. 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.

The second test of Section 30233 requires an assessment of whether there are feasible less environmentally damaging alternatives. As discussed above, the purpose of the proposed project is to repair failing fender pilings that enable safe transfer of personnel and equipment between marine vessels and the Casitas Pier. Allowing the existing pilings to remain in place undermines the stability of the Pier and could lead to unsafe conditions for boat crews and Pier workers and an increased likelihood of a spill of hazardous materials into the marine environment. Therefore, avoiding the work, or the “no project” alternative, is not an environmentally preferable option. Repairing the pilings could be done with no increase in fill if the existing pilings were removed and replaced with new pilings of the same materials and dimensions. However, this method could result in additional water quality concerns, due to the disturbances caused by pulling the existing pilings, and would likely increase the length of time needed to complete the project, thus causing additional disturbance to coastal resources. In addition, driving new piles into the seafloor could result in acoustic impacts to seals and other marine mammals in the vicinity. Because the work will be carried out during the pupping season, these impacts could be significant. Finally, the pilings are subject to a high degree of scour due to their location in a high-energy surf zone and due to the significant amount of seasonal sand movement in the area. Thus, alternative materials, such as plastic sleeves, are not likely to be as durable as concrete and could result in plastic residue entering the water, causing adverse water quality and biological effects. If plastic or a similar material was used, it would likely need to be replaced more quickly than concrete, thus causing more frequent adverse effects to coastal resources. Based on the above considerations, the Commission therefore finds that there are no feasible less environmentally damaging alternatives to the proposed excavation and fill, thus meeting the second test of Coastal Act Section 30233.

The third test under section 30233 requires that the project include feasible mitigation measures to minimize adverse environmental effects. Venoco has proposed several mitigation measures related to marine mammal monitoring, water quality and spill prevention and response, as described in other sections of this report. In addition, **Special Condition 1** requires Venoco to submit a revised Marine Wildlife Protection and Training Plan that stipulates that the marine mammal observer: (1) not be assigned other project-related duties, (2) maintain a daily log of observations, and (3) submit a final report to the Executive Director. **Special Condition 1** also requires that project-related noise be minimized to the extent feasible. With these conditions in place, the Commission finds that the third test of Coastal Act Section 30233(a) has been met.

For the reasons above, and as conditioned, the Commission has determined that the proposed project, as conditioned, has no feasible less environmentally damaging alternatives and includes feasible mitigation measures, and is therefore consistent with Section 30233 of the Coastal Act.

G. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs

and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Casitas Pier is leased by the Applicant and used for oil and gas-related work. Public use is infrequent and is not the primary use of the pier.

Access to the pier is via a service road that leads to a parking area on the coastal bluff overlooking the pier. Venoco is the primary user of the road and the parking area, although members of the public use them for coastal access, primarily to the bluffs overlooking the seal rookery. The Seal Watch group and the general public use the area immediately to the east of the parking area to observe and document seal use at the rookery.

Project activities will occur largely on and below the pier and in Venoco's existing Pier parking areas. These activities are not expected to significantly affect public access, since the public uses the pier infrequently and the project activities will take up only a small part of the parking area, leaving adequate space for members of the public to access the coastal bluff area. In addition, access along the beach along either side of the Pier is restricted during the seal pupping season to minimize harassment to the seals, as allowed under Coastal Act Section 30212. Coastal access via Dump Road and the Carpinteria Bluffs coastal trail will be unaffected by the proposed project (see Exhibit 2).

Therefore, the Commission finds that the proposed development will not adversely affect public access to coastal areas and is consistent with Section 30210 and 30212 of the Coastal Act.

H. SCENIC AND VISUAL QUALITIES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded area.

The proposed project will result in minor and temporary visual effects during construction due to the presence of heavy equipment and construction-related activities on the pier. These project elements will be visible from the beach and nearby coastal bluffs; however, because the

construction is temporary and relatively minor, and because the pier is generally subject to similar equipment and activity, the proposed project will not result in significant adverse impacts to coastal views. Thus, the Commission finds that the proposed development will not adversely affect scenic coastal views and is consistent with Section 30251 of the Coastal Act.

I. 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 Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Venoco, Inc., Coastal Development Permit Application and accompanying documents. Originally submitted November 14, 2016 and supplemented on 12/14/16.

Electronic communications from Keith Wenal, Venoco, Inc and Tim Murphy, AECOM (Applicant's agent), to Kate Huckelbridge, California Coastal Commission, dated 11/4/16, 11/9/16, 12/6/16, 12/15/16, 12/19/16, 12/20/16 and 12/21/16.

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Venoco, Inc.
 Casitas Pier Fender Pile Repair Project

AECOM
 October 2016

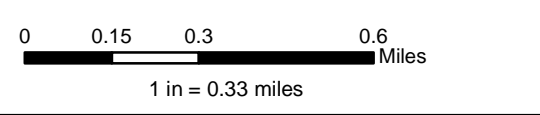


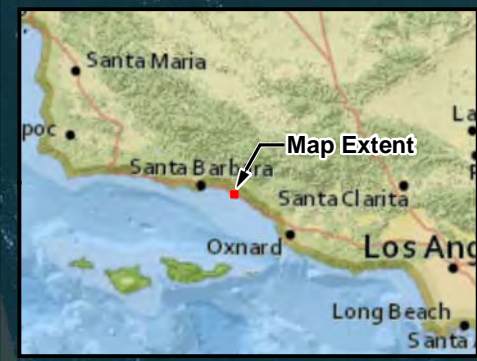
Figure 1. Location Map

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Legend

- ▬▬▬▬▬▬ City of Carpinteria designated harbor seal restricted access area - December 1 to May 31 (750 ft each side of Casitas Pier)
- ▭▭▭▭▭▭ Predominant Harbor seal haulout/rookery area
- ▭▭▭▭▭▭ Santa Barbara County Assessor Parcels



Venoco, Inc.
Casitas Pier Fender Pile Repair Project

Source: [1] World Imagery, ESRI, 2015. [2] National Geographic World Map, 12/11/2013.

AECOM

October 2016

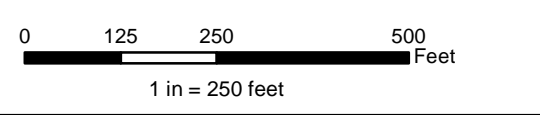
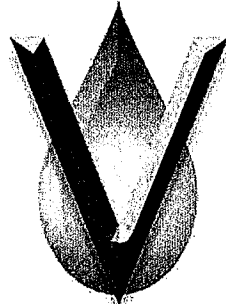


Figure 4. City of Carpinteria designated harbor seal restricted access area



VENOCO, INC

Marine Wildlife Protection and Training Plan

Purpose

Venoco Inc. is dedicated to continuous efforts to improve the compatibility of our operations with the marine ecosystems while economically developing energy resources in environmentally sound manner including the protection of marine wildlife.

The objective of this plan is to provide guidelines and information in support of the health and stability of the marine mammals encountered during business operations.

Regulatory Information

The National Framework for Establishing and Managing Marine Protected Areas provides the general guidelines to the National Oceanic and Atmospheric Administration (NOAA), Marine Mammal Protection Act and Endangered Species Act training across California. Specific programs detailing the conservation, protection and use of the marine environment and its resources have been developed and implemented by a variety of regulating agencies at all regional levels.

Programs specific to training on marine mammals awareness and protection have been developed by the Federal and State regulating agencies with involvement of local resource users, interested and affected parties and is the basis for Venoco's Marine Wildlife Protection Plan training.

Venoco Inc. Marine Mammal Awareness Training and Protection Practices

All Venoco assets conducting marine operations will be provided marine mammal awareness training annually. Venoco routine contractors conducting marine operations and contractors performing one-time projects with marine impacts will be required to complete marine mammal awareness training annually or as needed using Venoco provided training materials or other similar training methods and materials approved by Venoco.

Marine mammal awareness training will consist of viewing the following marine mammal's protection training videos and discussing the protection practices outlined below. Training is documented and maintained by Venoco.

1. BOEMRE approved: Pacific Operations Offshore LLC Wildlife & Fisheries Training video; and
 2. United States Navy Marine Species Awareness Training (MSAT) video;
- All marine mammals are protected under the Marine Mammal Protection Act of 1972 (MMPA). Some of these animals are also protected under the Endangered Species Act (ESA). These laws prohibit the **take** of any marine mammal except by permit or exception.

- The terms to take means to harass, hunt, capture, or kill any marine mammal, or attempts of such conduct. Any action by people, or vessels or aircraft they're operating in the vicinity of marine mammals that substantially alter the behavior of those animals, may be a violation of the law. The act may be subject to a civil penalty of as much as \$10,000 for each violation or imprisonment for as much as one year or both.
- Human activities in the vicinity of marine mammals may harass these animals, resulting in a range of impacts. Activities that harass marine mammals can cause detrimental effects such as separation of mother whales and their calves, disruption of migratory patterns; disruption of social groups such as killer whale pods; interference in breeding and reproduction activities and abandonment of nursing pups or rearing activities.
- People, vessels or land-based equipment or operations should not perform any action that substantially disrupts the normal behavior of a marine mammal. Such actions include negligent or intentional operation of an aircraft, vessel, equipment or individual acts that result in a substantial disruption of a marine mammal's normal behavior. These actions could be considered harassment and would be violations under the Marine Mammals Protection Act.

All marine vessel operators must develop and implement a plan that focuses on observation, recognition and avoidance procedures when marine mammals are encountered at sea. Minimum components of the plan must include:

1. Existing and new vessel operators shall be trained by a marine mammal expert or by utilizing materials and information produced by experts to recognize and avoid marine mammals prior to project related activities. Training sessions shall focus on the identification of marine mammal species the specific behavior of species common to the project area and barge routes, and awareness of seasonal concentrations of marine mammal species. Vessel operators shall complete retraining annually, or as needed for specific projects.
2. A minimum of two mammal observers shall be placed on all vessels during the spring and fall gray whale migration periods (generally December through May), and during periods/seasons when marine mammals are known to be in the project area and along barge route in relatively large numbers. Observers can include the vessel operator and /or crew members, as well as any project worker that has received proper training.
3. Vessel operators will make every effort to maintain a distance of 1,000 feet (305) from sighted whales and other threatened or endangered marine mammals or marine turtles.

4. Vessel speed shall be limited to 16 mph (14 knots) while in the area of all marine mammals
5. Support vessels will not cross directly in front of migrating whales or any other threatened or endangered marine mammals or marine turtles.
6. When paralleling whales, supply vessels will operate at a constant speed that is not faster than the whales.
7. Vessel operators will not herd or drive whales.
8. Female whales will not be separated from their calves.
9. If a whale engages in evasive or defensive action, vessels will drop back until the animal moves out of the area.
10. Any and all collisions with marine wildlife will be reported promptly to the Federal and State agencies listed at the end of this Plan.

The Venoco Casitas Pier and the Carpinteria Harbor Seal Rookery

Venoco Inc. operates the Casitas Pier to support its offshore operations and to provide support services to other Santa Barbara Channel platform operators. The Casitas Pier operates 365 days a year and activities can occur around the clock. The Casitas Pier is immediately adjacent to the Carpinteria Harbor Seal rookery and Venoco is responsible for ensuring activities on and around the pier do not impact the rookery, nor adversely impact the seal population.

All Venoco Casitas Pier personnel and contractor associates will be provided this information on an annual basis to maintain awareness and prevent adverse impacts to the rookery or seal population.

Haul-outs:

Harbor seals utilize specific shoreline locations on a regular basis as resting places (haul-outs). Haul-outs include beaches, rocks, log booms, floats and buoys. Seals will return to these locations to haul-out but any shoreline or floating feature with easy access to the water can serve as a resting spot.

Harbor seals rest out of the water for several hours each day to regulate body temperature, interact with each other, and sleep. Harbor seals are vulnerable on land and are therefore wary of being approached while out of the water. Some seals may however tolerate activity close by. The most frequent reported encounters with seals out of the water involve pups that are too young to have developed protective wariness (escape response).

The majority of pups are born at protected haul-out sites, which are called rookies, but a female may give birth anywhere that there is easy access to the water's edge. Nursing pups may remain with their mothers for 4 to 6 weeks and then are weaned to forage and survive on their own.

Human Interference:

Harbor seals are less mobile and therefore more vulnerable to disturbance or predation while out of the water. Adult seals are more wary and escape to the water more quickly than pups. Females will flee if disturbed or approached and leave their pups behind.

A female seal is more likely to return to reclaim her pup once the disturbance near the pup goes away. If activity continues near the pup, the female may eventually give up trying and the pup will be abandoned. A nursing pup that is separated from its mother will not survive.

The Carpinteria Harbor Seal Preserve and rookery is home to almost 100 adult seals that give birth to their cubs on the Carpinteria shoreline. The Carpinteria Beach is closed 750 feet on either side of the rookery (their nesting area) from December through May to allow the females to give birth and raise their pups.. The seals utilize this section of beach all year

long, at low tide they like to rest in the uncovered beaches. Unlike its larger cousin, the Elephant Seal, harbor seals are not prone to migrating and tend to stay year-round.

Prohibitions:

No person, except those authorized by a representative of the National Marine Fisheries Services or accompanied by an authorized employee of the National Marine Fisheries Service, shall approach any rookery or hauling grounds nor pass beyond any posted sign forbidding passages from December 1st through May 31st.

Activities occurring on or near the pier must be conducted in a way as to prevent, to the extent possible, disturbance of the seal haul-out and specifically during December 1st through May 31st.

Marine Wildlife Notifications and Contact List

Primary Notifications

Stranding Coordinator, Southeast Region

Joe Cordaro (currently)
National Marine Fisheries Service
Long Beach, California 90802-4213
Telephone: (562) 980-4017

California Department of Fish and Game

Enforcement Dispatch Desk
Long Beach, California 90802
(562) 590-5132 or (562) 590-5133

California State Lands Commission

Environmental Planning and management Division
Sacramento, California 95825-8202
(916) 574-1890

Other Contacts

National Marine Fisheries Service (NMFS)

Southwest Regional Office
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213
(562) 980-4000

Oiled Wildlife Care Network

University of California, Davis
One Shields Avenue
Davis, CA 95616
(530) 752-4167