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# W11a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 9-17-0531

**Applicant:** Venoco, Inc.

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

**Project Description:** Replace thirteen fender piles on the end of Casitas Pier, including after-the-fact authorization for the removal of two damaged piers.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION

Venoco proposes to replace up to thirteen fender piles on the end of Casitas Pier (6 on the west side, 7 on the east side), located along the Santa Barbara Channel on state tidelands granted to the City of Carpinteria and leased by Venoco ([Exhibits 1 and 2](#)). New piles will be of the same construction and shape as the existing piles and will be installed through vibratory pile driving, and impact pile driving, if necessary. Venoco also seeks after-the fact approval for the

unpermitted removal of two damaged pilings from the west side of Casitas Pier that took place in early 2017.

The proposed project has the potential to adversely affect marine mammals and other marine organisms from elevated levels of underwater sound associated with pile driving, and adverse water quality effects from project-related activities. Of particular concern are harbor seals that inhabit a rookery and haul-out area located approximately 100 to 300 feet east of the base of the Casitas Pier ([Exhibit 3](#)). To ensure that impacts to harbor seals and other marine mammals are avoided, Venoco proposes several mitigation measures that include conducting proposed work in the fall, prior to December 1, to avoid the harbor seal pupping season, using a vibratory hammer unless an impact hammer is absolutely necessary, and implementing a soft start procedure and sound reduction measures if impact pile driving is used. Venoco also proposes to implement its Marine Wildlife Protection and Training Plan, including measures related to worker training, marine mammal monitoring, 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 requires a minimum of two marine mammal observers that are not assigned other project-related duties and the establishment of both a shutdown and a disturbance zone based on Level A and Level B Harassment thresholds. Furthermore, to protect marine mammals and fish, **Special Condition 2** requires Venoco to conduct hydroacoustic monitoring during initial pile driving activities to verify the size of the shutdown zone for marine mammals and to ensure that the peak and accumulated sound levels established by the interagency Fisheries Hydroacoustic Working Group in its June 2008, memorandum are not exceeded. 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.

A violation of the Coastal Act exists on the subject property including, but not limited to, the unpermitted removal of two damaged pilings from the west side of the Casitas Pier in early 2017. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all the terms and conditions of the permit will result in resolution of the above described violation.

Commission staff recommends **approval** of coastal development permit application 9-17-0531, as conditioned. The standard of review for proposed project is the Chapter 3 policies of the Coastal Act. The **motion** to implement this recommendation is on **Page 4**.

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### **EXHIBITS**

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[Exhibit 2 – Casitas Pier and project staging location](#)

[Exhibit 3 – City of Carpinteria designated harbor seal restricted access area](#)

[Exhibit 4 – Level A Harassment Hazard Zone – Vibratory Pile Driving](#)

[Exhibit 5 – Level B Harassment Hazard Zone – Vibratory Pile Driving](#)

[Exhibit 6 – Level A and B Harassment Hazard Zones – Impact Pile Driving](#)

[Exhibit 7 – NMFS Marine Mammal Acoustic Threshold Worksheet](#)

[Exhibit 8 – Venoco’s Marine Wildlife Protection and Training Plan](#)

## I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit 9-17-0531 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 9-167-0531 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 Permittee 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) Pile driving shall not occur between December 1<sup>st</sup> and June 31<sup>st</sup>.
  - (b) An initial ramp-up period shall occur when starting pile-driving activities to avoid potential impacts to marine mammals that may be undetected in the Shutdown zone.
  - (c) The pile driver shall be operated at its lowest practicable power setting and shall employ the use of sound dampening techniques and/or devices (such as pile cushions or caps) if such techniques and/or devices can be safely used without interfering with effective operations.
  - (d) A minimum of two qualified marine mammal observers, approved by the Executive Director, shall be present to conduct observations during all project-related activities. The observers shall be dedicated to observing marine wildlife and shall not be assigned other project-related duties.
  - (e) The observers shall maintain a daily log of observances that shall be of sufficient detail to determine whether observable effects to marine mammals are occurring. All disturbances, whether they are project-related or not, and the cause for the disturbance, if known, shall be recorded. At a minimum, observations shall include:
    - i. Date and time that monitored activity begins or ends
    - ii. Construction activities occurring during each observation period
    - iii. Weather parameters (e.g., percent cover, visibility)
    - iv. Water conditions (e.g., sea state, tide state)
    - v. Species, numbers, and, if possible, sex and age class of marine mammals
    - vi. Description of any observable marine mammal behavior patterns, including bearing and direction of travel, and if possible, the correlation to sound pressure levels (SPLs)
    - vii. Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point
    - viii. Description of implementation of mitigation measures (e.g., shutdown or delay)
    - ix. Locations of all marine mammal observations
    - x. Other human activity in the area.
  - (f) For pile driving activities, the monitors shall establish two monitoring zones: a shutdown zone and a disturbance zone:
    - i. Shutdown zone: The shutdown zone shall be located within 51.84 meters of the sound source unless otherwise indicated by hydroacoustic monitoring required under Special Condition 2. Prior to the start of pile driving activity, the shutdown

zone shall be monitored for 30 minutes to ensure that it is clear of marine mammals. Pile driving shall only commence once observers have declared the shutdown zone clear of marine mammals. If the shutdown zone is not clear of marine mammals, pile driving shall not commence until the shut-down zone is clear. Any animals in the shutdown zone prior to commencement of pile driving shall be allowed to remain in the shutdown zone and their behavior will be monitored and documented. If the 51.84 m shutdown zone is not entirely visible (e.g., due to dark, fog, etc), pile driving shall not commence or proceed if it is underway. If a marine mammal approaches or enters the shutdown zone during the course of pile driving operations, activity shall be halted and delayed until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without redetection.

- ii. Disturbance zone: The disturbance zone shall be located within 1,858 meters of the sound source unless otherwise indicated by hydroacoustic monitoring required under Special Condition 2. If a marine mammal is sighted within the disturbance zone, the observer shall record the information described in (e) above. Observations made outside the shutdown zone shall not result in shutdown; that pile segment would be completed without cessation, unless the animal approaches or enters the shutdown zone, at which point all pile driving activities shall be halted. Monitoring shall take place from 15 minutes prior to initiation through 30 minutes post-completion of pile driving activities. Pile driving activities include the time to install a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes. If pile driving ceases for more than 30 minutes, the 15 minute pre-pile driving monitoring effort shall take place prior to onset of pile driving.
- (g) The observer shall have the appropriate safety and monitoring equipment adequate to conduct his or her activities.
- (h) Noise associated with project activities shall be reduced or minimized to the extent feasible. Communication between workers shall occur at a low enough volume so as not to disturb the seals, and loud speakers and other voice or sound amplification shall be avoided. In addition, all non-critical vehicle-related noise, such as back up signals, shall be avoided.
- (i) Only vehicles critical to project operations shall be allowed on the pier or near the foot of the pier. Staging and parking of non-critical vehicles shall not occur on the pier or the paved turnaround at the base of the pier.
- (j) A final report summarizing the results of monitoring activities shall be submitted to the Executive Director no more than 90 days following completion of the project. The report shall include reporting of marine wildlife observations (see (e) above), description of any project delays or cessation of operations due to the presence in the project area of marine wildlife species subject to protection, and an evaluation of the effectiveness of monitoring protocols.

2. **Acoustic Monitoring Plan.** PRIOR TO ISSUANCE OF THIS PERMIT, the Permittee shall prepare a revised Acoustic Monitoring Plan for review and approval by the Executive Director. The revised Acoustic Monitoring Plan shall be substantially similar to the

Preliminary Acoustic Monitoring Plan submitted to NMFS as part of the Incidental Harassment Authorization (IHA) application and shall include the following elements:

- (a) The Plan shall be consistent with guidance provided by NMFS as part of the IHA process.
- (b) Underwater hydroacoustic monitoring shall be carried out during the first full day of pile driving to confirm the maximum distance from the work site at which the recorded peak sound pressure level (SPL) exceeds Level A Harassment thresholds for marine mammals (i.e., peak sound pressure of 218 dB re 1  $\mu$ Pa or calculated cumulative sound exposure level (SEL) of 185 dB re 1  $\mu$ Pa<sup>2</sup> – sec for harbor seals) as described in the NMFS IHA for the proposed project. The Plan shall fully describe monitoring equipment, locations and protocols.
- (c) If monitoring results indicate that the size of the shutdown zone, which is determined by the distance between the work site and the location at which sound levels exceed the Level A thresholds for marine mammals, should be adjusted based on actual recorded sound levels, the Permittee shall immediately notify the Executive Director of the change. Notification shall include a summary of monitoring results and a justification for the change to the shutdown zone.
- (d) The Plan shall include protocols for communicating monitoring results including any changes to the size of the shutdown zone to the approved marine mammal monitors.
- (e) To prevent adverse impacts to fish from elevated levels of underwater sound associated with pile driving, an underwater acoustic monitoring device capable of recording both peak and accumulated sound pressure levels shall be placed at an appropriate distance from the site of active pile driving to fully monitor the Level A Harassment zone for fish. The data collected by this device shall be monitored throughout the course of pile driving operations.
- (f) As specified in the interagency Fisheries Hydroacoustic Working Group June 12, 2008, memorandum, pile driving activity shall immediately cease if at any time: (a) the recorded peak sound pressure level exceeds 206 dB re 1  $\mu$ Pa; or (b) the calculated cumulative sound exposure level (SEL) exceeds 183 dB re 1  $\mu$ Pa<sup>2</sup> - sec.
- (g) If the cumulative sound exposure level threshold is exceeded, pile driving shall cease for as long as possible without risking sediment consolidation and not less than 30 minutes.
- (h) If the peak sound pressure level threshold is exceeded and/or if the marine mammal monitor observes dead or injured fish in the vicinity of active pile driving operations, the Harbor District shall implement additional feasible power reduction and/or sound dampening measures necessary to reduce the peak sound pressure level below the threshold.
- (i) No more than 30 days after the completion of pile driving activities, the Permittee shall submit a final report to the Executive Director. The final report shall include a description of all pile driving activities, a description of the acoustic monitoring equipment and protocols, results of hydroacoustic monitoring, and a description of any observable fish, marine mammal or bird behavior.

3. **Unpermitted development Condition Compliance.** WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant

shall satisfy all conditions of this permit that are prerequisite to the issuance of this permit.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

Venoco proposes to replace up to thirteen fender piles on the end of Casitas Pier (6 on the west side, 7 on the east side), located along the Santa Barbara Channel on state tidelands granted to the City of Carpinteria and leased by Venoco ([Exhibit 1](#)). These piles allow for safe transfer of equipment and personnel between vessels and the Pier. They require replacement to address corrosion and physical damage from many years of use that lead to the failure of a few of the fender piles in August of 2016. Venoco seeks approval for these repairs to allow continued use of the west side of the Pier during the 2017/2018 storm season. The Commission previously approved repairs in 2003 to 19 pilings at the pier to address corrosion (CDP E-02-019).

Venoco also seeks after-the fact approval for the unpermitted removal of two damaged pilings from the west side of Casitas Pier that took place in early 2017.

The pier was built in the mid- to late-1960s and extends approximately 1250 feet from shore ([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 ([Exhibit 3](#)).

Venoco will replace fender piles with new piles of the same construction and shape, consisting of a 48-50 foot long, 16-inch diameter upper section and a 12 foot long 14-inch by 73-inch H-pile lower section. New piles will be installed through pile driving supported from the Pier platform. Prior to installation, divers, using the on-site crane as necessary, will remove debris and damaged fender piles from the work area. Damaged piles will be cut above the mudline and removed. Divers will position new piles adjacent to the existing pile stub and then exit the water. A vibratory pile driver will be used to drive the pile into the seabed to an elevation approximately 12 feet below the mudline or to refusal. Although it is anticipated that all pile driving can be accomplished using a vibratory hammer, Venoco proposes to use an impact hammer to drive piles to their final position if necessary. Once the replacement pile is installed, welders will connect the top of the replacement pile to the main horizontal fender beam. Once all piles are installed, all project-related debris will be removed from the seafloor and from the Pier and disposed of at an appropriate facility. Project staging will take place on a paved area to the north of the Pier ([Exhibit 2](#)). Work will take place over a two to three week period and will occur during daylight hours only.

### **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) on August 18, 2017. This approval is contingent on issuance of a CDP and a Section 401 Certification from the Regional Water Quality Control Board.

**National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA)**

Venoco filed an Incidental Harassment Authorization (IHA) request with NMFS Permits and Conservation District, Office of Protected Resources on June 13, 2017. NMFS published a proposed IHA in the Federal Register on September 7, 2017. A final decision is expected after the close of the comment period on October 10, 2017.

**Regional Water Quality Control Board (RWQCB)**

Venoco applied for a standard Section 401 water quality certification from the Central Coast RWQCB in June of 2017. 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 replacement of the fender pilings are disturbance to marine mammals and fish from elevated levels of underwater sound associated with pile driving and adverse water quality effects from project-related activities.

#### Marine Mammals

Venoco proposes to install up to thirteen new piles beneath the Casitas Pier. After removing damaged piles, Venoco proposes to install replacement piers using vibratory and impact pile driving techniques. Based on previous projects, Venoco expects that sediment conditions below the Pier will be sufficiently soft to allow the use vibratory pile driving for all piles. Up to six piles could be installed per day, with 25 minutes of pile driving anticipated per pile (for a total of 2.5 hours of pile driving per day). In the unlikely event that impact pile driving is necessary, installation of a single pile will require an estimated 400 hammer strikes over 15 minutes, and up to six piles could be installed per day (for a total of 1.5 hours of pile driving per day). The proposed pile driving would result in the generation of elevated levels of underwater sound in nearshore waters known to support several species of marine mammals and other marine organisms.

In addition to Coastal Act marine resource protection policies, marine mammals are protected under the Marine Mammal Protection Act (MMPA). Pursuant to the MMPA, Venoco has applied to the National Marine Fisheries Service (NMFS) for an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. As part of its application, Venoco submitted information regarding the status and trends, distribution and habitat preferences, and behavior and life history of potentially affected species. Out of a total of 30 species of marine mammals that could occur in the project area, only three species, harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and bottlenose dolphins (*Tursiops truncatus*), are expected to be in the immediate vicinity of the Pier at the time when construction is proposed, and thus subject to “take” (as defined under the MMPA) from project activities.

Harbor seals can be found in the project area year-round. The Casitas Pier is immediately adjacent to a rookery and haul-out area located just east of the Pier ([Exhibit 3](#)). The seals use the area for hauling out year round, but the area is especially important 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. Estimates of the seal population in the project vicinity, taken over the last 20 years during the pupping and molting seasons, have ranged from 400 to 700 animals. However, during the period of June 1 through November 30, when the beach surrounding the haul-out area is open to the public, the numbers of harbor seals present is dramatically reduced.<sup>1</sup>

The City of Carpinteria 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 haul-out area, which includes the beach below Casitas Pier ([Exhibit 3](#)). 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. Based on a review of the available observational data, similar past experience in the project vicinity, and project timing (fall season, during daytime hours), NMFS estimated that a range of zero to 50 harbor seals may be present on the beach and in the ocean within the project vicinity during work periods.

California sea lions and bottlenose dolphins also frequent the project area and may be present during project activities. California sea lions are regularly observed hauled out on mooring buoys southeast of the Pier, and occasionally an individual has been observed stranded on the harbor seal haul-out area. NMFS estimates that a range of zero to 15 California sea lions may be present in the project vicinity during proposed pile-driving activities. Bottlenose dolphins range from San Francisco to Baja California and are generally found within 0.6 miles of the shoreline. Previous projects have reported a range of 2 to 32 animals within site of the Pier, with an average pod size of 8. Based on this information, NMFS estimates that 2 to 32 animals may be present within the project area during the proposed work period.

Proposed pile-driving activities have the potential to generate levels of underwater sound that could adversely impact marine mammals in the vicinity. Marine mammals rely on sound to navigate, and find food, mates, and companions. According to NMFS's proposed IHA:

*Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the*

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<sup>1</sup> NMFS. 2017. Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Casitas Pier Fender Pile Replacement. Notice of Proposed Action. Published in the Federal Register on September 7, 2017.

*following; temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson et al., 1995; Gordon et al., 2004; Nowacek et al., 2007; Southall et al., 2007; Gotz et al., 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds.*

Elevated levels of airborne sound could also result in adverse impacts to marine mammals. Behavioral responses to elevated levels of airborne sound would be similar to responses to underwater noise.

To estimate the level of MMPA “take” of marine mammals it may authorize, NMFS used best available science to develop acoustic thresholds above which marine mammals are expected to be harassed or injured. NMFS predicts that marine mammals are likely to be behaviorally harassed (Level B Harassment) when exposed to underwater anthropogenic noise above received levels of 120 dB re 1  $\mu$ Pa (rms) for continuous (e.g. vibratory pile-driving, drilling) and above 160 dB re 1  $\mu$ Pa (rms) for non-explosive impulsive (e.g., seismic airguns, impact pile driving) or intermittent (e.g., scientific sonar) sources. Noise levels at which auditory injury (Level A Harassment) is expected depends on the hearing sensitivity of the type of marine mammals. Level A harassment thresholds for harbor seals, California sea lions and bottlenose dolphins are provided in Table 1 below.

Table 1: Level A Harassment Thresholds for Marine Mammals

Marine Mammal Hearing Group	Impulsive sound, peak sound pressure (dB re 1 $\mu$ Pa)	Impulsive sound, cumulative sound exposure level (dB re 1 $\mu$ Pa <sup>2</sup> s)	Non-impulsive sound, cumulative sound exposure level (dB re 1 $\mu$ Pa <sup>2</sup> s)
Phocid pinniped (i.e., harbor seal)	218	185	201
Ottariid pinniped (i.e., California sea lion)	232	203	219
Mid-frequency cetacean (i.e., bottlenose dolphin)	230	185	198

Venoco used an underwater sound propagation model ([Exhibit 7](#)), available through NMFS, to determine the distances at which Level A and Level B harassment levels would be exceeded for the proposed project. For Level A Harassment, the largest impact threshold distance is associated with impact pile driving. The threshold for Level A Harassment is exceeded at 51.8 meters for harbor seals, 3.8 meters for California sea lion, and 3.45 meters for bottlenose dolphins ([Exhibits 4 and 6](#)). However, marine mammals are expected to be transiting in and out of the project area and are unlikely to be exposed to the full daily impact. Furthermore, with the implementation of marine mammal monitoring, discussed in more detail below, Venoco will be

required to stop pile driving if a marine mammal enters the Level A Harassment zone. Thus, Level A Harassment of marine mammals from project activities will be avoided.

For Level B Harassment, the impact threshold for the proposed activities is exceeded at 1,848 meters from the source for vibratory pile driving and 34 meters for impact pile driving ([Exhibits 5 and 6](#)). This encompasses all of the project area, and thus, it is expected that the animals present in the vicinity of the Pier will experience Level B harassment. Based on the population estimates described above, up to 50 harbor seals, 15 California sea lions and 32 bottlenose dolphins could experience Level B harassment from pile driving associated with the proposed project. In its proposed IHA, NMFS authorizes these levels of take for the proposed project.

To reduce impacts to marine mammals, Venoco has proposed a series of mitigation measures, including:

- Conducting proposed work in the fall, prior to December 1, to avoid the harbor seal pupping season
- Performing pile driving with a vibratory hammer unless it becomes absolutely necessary to use an impact hammer
- If impact pile driving is used, Venoco will implement the following:
  - A gradual ramp-up of pile driving activities, deployed initially and if activities have ceased for more than 30 minutes
  - Steel pile drive caps will be installed to uniformly distribute the force of the impact hammer and increase pile driving efficiency
  - A wooden cushion block will be installed between the steel pile drive cap and the impact hammer to reduce the sound level from each strike

Furthermore, Venoco will also implement its Marine Wildlife Protection and Training Plan ([Exhibit 8](#)) which includes the following protection measures:

- Worker training prior to start of work
- Monitoring of the work by NOAA-approved monitor(s)
- 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)

In addition to the measures proposed by Venoco, NMFS has required several additional mitigation measures related to marine mammal monitoring and best practices for pile driving activities. To ensure that Venoco's proposed measures are consistent with the marine resource protection requirements of the Coastal Act (as well as with NMFS's requirements under the MMPA) and that the protective measures achieve their intended outcome, the Commission finds that **Special Condition 1** is needed to assure success of Venoco's commitments and additionally

require (1) a minimum of two marine mammal observers that are not assigned other project-related duties, (2) establishment of both a shutdown and a disturbance zone based on Level A and Level B Harassment thresholds, (3) maintenance of a daily log of observations and (4) submission of a final report to the Executive Director. **Special Condition 1** also requires that project-related noise be minimized to the extent feasible and staging and parking of non-critical vehicles occur away from the base of the pier.

The Level A and Level B Harassment thresholds and the corresponding radius of the shutdown and disturbance zones that Venoco is required to monitor under Special Condition 1 are based on best available data and sound propagation modeling. The methodology and model that Venoco used to derive the estimate is supported by NMFS and provides the best estimate of Level A and Level B Harassment zones short of building a complex 3D model. However, to ensure that the modeling results are accurate, **Special Condition 2** requires Venoco to conduct hydroacoustic monitoring during initial pile driving activities to verify the size of the shutdown zone. If hydroacoustic monitoring indicates that these zones should be adjusted to accurately reflect the thresholds for Level A Harassment, **Special Condition 2** requires that Venoco make the appropriate adjustments and provide the Executive Director with the hydroacoustic monitoring results and justification for any necessary changes. Venoco will also be required to communicate monitoring results including any changes to the shutdown zone to the marine mammal monitors required by Special Condition 1. With these measures in place, the potential for adverse impacts to marine mammals from harassment associated with project activities will be minimized.

#### Fish and Benthic Habitat

Venoco conducted an assessment of fish and benthic habitat in the project area. This analysis included a diver survey, conducted in April 2017, to characterize the seafloor substrate under and around the Pier. Results of the survey indicate that the seafloor substrate under the pier is predominantly coarse sand. The one exception is a small area of exposed low-relief hard substrate on the shoreward and northern side of the Pier. Project activities will be focused on the seaward end of the Pier and will not result in any direct impacts to hard-bottom substrate. The survey did not find any eelgrass (*Zostera marina*) present in the project area. Several factors, including water depths greater than 12 feet, shallow light penetration, high turbidity, high wave energy and surge conditions, and shading by the Pier make the establishment of eelgrass around the Pier unlikely. Thus, the project will not result in impacts to eelgrass or potential eelgrass habitat.

Although the project will not result in direct impacts to potential fish habitat areas, elevated underwater sound levels resulting from pile driving may result in adverse impacts to fish and invertebrate species that use the project area. While the current level of scientific understanding of these impacts remains incomplete, several studies carried out in recent years suggest that physical injury to fish may result from both instantaneous exposure to a maximum sound pressure level as well as from accumulated exposure to a lower sound level over a longer period of time. As a result of these studies, in 2008, an interagency working group comprised of representatives of state and federal resource management agencies from California, Oregon, and Washington developed recommendations of peak and accumulated sound levels to be used as thresholds for injury to fish. These thresholds, a peak sound level of 206 dB re: 1  $\mu\text{Pa}_{\text{peak}}$  and

accumulated sound exposure level of 183 dB re: 1  $\mu\text{Pa}^2$ , were specifically developed for sounds associated with pile driving activities in fresh and estuarine waters that may support threatened or endangered fish species.

To ensure that impacts to fish are minimized, the Commission is requiring Special Condition 2 which, in addition to requiring hydroacoustic monitoring for protection of marine mammals, also requires Venoco to monitor sound levels to ensure that the peak and accumulated sound levels established by the interagency Fisheries Hydroacoustic Working Group in its June 2008 memorandum are not exceeded. If the accumulated sound exposure level of 183 dB re: 1  $\mu\text{Pa}^2$  is exceeded, Special Condition 2 requires Venoco to cease pile driving operations for as long as possible without risking sediment consolidation and not less than 30 minutes, to allow any fish exposed to this injurious accumulated sound level to recover. If the peak sound level of 206 dB re: 1  $\mu\text{Pa}_{\text{peak}}$  is exceeded, Venoco shall implement additional power reduction and/or sound dampening measures necessary to reduce the peak sound pressure level below the threshold necessary to protect marine fish. Finally, because acoustic monitoring required under Special Condition 2 will pick up any underwater sound sources in the vicinity of the project area and account for these sound sources in the calculation of the accumulated sound exposure levels, the potential for adverse cumulative impacts to fish and marine mammals from this and other anthropogenic sound sources in the vicinity will also be addressed. Thus, with this condition in place, impacts to fish and invertebrate species are expected to be temporary with a rapid return to normal recruitment, distribution and behavior.

#### Water Quality and Benthic Habitat

Project activities could result in water quality impacts due to increased turbidity and contamination from in-water construction materials. During removal of damaged piles and installation of new piles, a small amount of bottom sediment near the base of the piles could be suspended in the water column. However, based on the April 2017 survey report described above, the seafloor substrate under the pier is predominantly coarse sand. The larger grain size of this type of substrate settles more quickly than finer sediments, and thus any project-related turbidity would be temporary and short-lived. Furthermore, the project is in a high-energy environment subject to high levels of sand movement. Based on these conditions, any project-related turbidity would be similar to normal conditions at the site. Thus, turbidity-related impacts will not be significant.

Construction materials, including coatings applied to reduce corrosion, could degrade and enter the water column, resulting in contamination of ocean waters surrounding the Pier. To reduce the potential for water quality impacts, all in-water construction materials, including steel piles and untreated lumber will be designed for use in a marine environment. In addition, Venoco will use epoxy coatings to protect the pilings from corrosion. Venoco will also remove and properly dispose of all project-related debris from the seafloor and Pier. Finally, the project will be subject to conditions of a Section 401 standard water quality certification issued by the Regional Water Quality Control Board, which may include additional conditions meant to avoid and minimize adverse impacts to water quality.

#### Conclusion:



With the above measures in place, the proposed project will protect marine mammals and other marine organisms, minimize turbidity and avoid discharges of contaminants into marine waters. Thus, for the reasons stated above, the Commission finds that, as conditioned, the proposed project will maintain marine resources, sustain the biological productivity and quality of coastal waters and maintain healthy populations of all species of marine organisms 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 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.*

*(4) 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.*

*(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(6) Restoration purposes.*

*(7) Nature study, aquaculture, or similar resource dependent activities.*

The proposed project involves the fill of coastal waters with approximately 8.1 cubic yards (approximately 39 square feet) of steel pipe and is therefore subject to the policies of Coastal Act Section 30233.

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 replace 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 creates 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 including the adjacent harbor seal rookery. 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 or wood pilings, are not likely to be as durable as steel 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 steel, 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, and that the project as conditioned therefore meets 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 requires (1) a minimum of two marine mammal observers that are not assigned other project-related duties, (2) establishment of both a shutdown and a disturbance zone based on Level A and Level B Harassment thresholds, (3) maintenance of a daily log of observations and (4) submission of a final report to the Executive Director. **Special Condition 1** also requires that project-related noise be minimized to the extent feasible and staging and parking of non-critical vehicles occur away from the base of the pier. Furthermore, Special Condition 2 requires Venoco to conduct

hydroacoustic monitoring during initial pile driving activities to ensure protection of marine mammals. 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, represents the least environmentally damaging feasible alternative and includes feasible mitigation measures, and is therefore consistent with Section 30233 of the Coastal Act.

## **G. CULTURAL RESOURCES**

Coastal Act Section 30244 states:

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

The project site, located along the resource-rich shoreline of Santa Barbara County, has the potential to contain cultural and archeological resources. To assess the potential for project-related impacts to known and unknown cultural resources, Venoco conducted a cultural review of the project area. This analysis included record searches that identified one previously identified archeological site that encompasses much of Venoco's onshore Carpinteria facility and is highly disturbed. Despite the level of disturbance, Venoco opted to relocate its proposed staging area from the parking area just north of Dump Road to a site further north on the other side of the train tracks ([Exhibit 2](#)). Relocation of the staging area will move it outside of the Area of Potential Effect (APE) and thus avoid potential impacts to the known archeological site. Venoco also conducted a sacred land file search with the Native American Heritage Commission and reached out to Native American contacts for information on known cultural resources. No known cultural resources in the APE were identified.

Thus, the Commission finds that the proposed project would protect cultural and archeological resources and be consistent with Coastal Act Section 30244

## **H. PUBLIC ACCESS AND SCENIC QUALITIES**

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.*

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.*

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 ([Exhibit 2](#)). 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 a staging area across the railroad from Venoco's existing Pier parking areas. These activities would not significantly affect public access, since the public uses the pier infrequently and the project activities will not take up any of the parking area, leaving adequate space for members of the public to access the coastal bluff area. Coastal access via Dump Road and the Carpinteria Bluffs coastal trail will be unaffected by the proposed project.

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. In addition, pile driving activities are likely to result in elevated noise levels at the Pier. These project elements will be visible and audible 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, activity and elevated noise levels from normal Pier operations, the proposed project will not result in significant adverse impacts to coastal views and the public's ability to enjoy the coast.

Therefore, the Commission finds that the proposed development will not adversely affect public access to coastal areas or affect scenic coastal views and is thus consistent with Sections 30210, 30212 and 30251 of the Coastal Act.

## **I. VIOLATION**

A violation of the Coastal Act exists on the subject property including, but not limited to, the unpermitted removal of two damaged pilings from the west side of Casitas Pier that took place in

early 2017. The piles were damaged in the 2016/2017 storm season and were removed using the crane located on the Pier. After discussion with Commission staff, the applicant submitted an application for the proposed project that includes after-the-fact authorization to remove the two damaged piles. Issuance of the CDP and compliance with all of the terms and conditions of this permit will result in resolution of the aforementioned violation of the Coastal Act on the subject property.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without a coastal permit. In fact, approval of this permit is possible only because of the conditions included herein and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

In order to ensure the unpermitted development component of this application is resolved in a timely manner, the subject permit will issue upon Commission approval, with all Special Conditions required to be fulfilled within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause, as required by **Special Condition 3**. Failure to comply with the terms and conditions of this permit may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. Only as conditioned is the proposed development consistent with the Coastal Act.

## **J. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit amendment, as conditioned, 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.

The proposed development has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing marine resource will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and 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 June 14, 2017 and supplemented on July 28, 2017.

Venoco, Inc., Marine mammal Incidental Harassment Authorization (IHA) application, provided to NOAA's Office of Protected Resources in Maryland. Originally submitted on June 13, 2017 and supplemented on July 28, 2017 and August 21, 2017.

National Marine Fisheries Service, Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Casitas Pier Fender Pile Replacement: Notice of Proposed Action. Published in the Federal Register on September 7, 2017

Electronic communications from Keith Wenal, Venoco, Inc and Tim Murphy, AECOM (Applicant's agent), to Kate Huckelbridge, California Coastal Commission, dated 6/14/17, 7/18/17, 8/17/17, 8/25/17, 9/7/17, 9/21/17, 9/26/17 and 9/27/17.

Electronic communication from Paula Richter, Central Coast Regional Water Quality Control Board, to Kate Huckelbridge, California Coastal Commission, dated 8/2/17.