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# W12a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 9-20-0268

**CSLC:** State Lands Commission

**Location:** 15 Lookout Park Rd., Summerland, Santa Barbara County (**Exhibit 1**).

**Project Description:** Re-abandonment of four leaking legacy oil wells. Two of the wells are located in the intertidal zone and two are located in subtidal waters off Summerland, CA.

**Staff Recommendation:** Approval.

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### SUMMARY OF STAFF RECOMMENDATION

The State Lands Commission proposes to permanently re-abandon four leaking legacy oil wells located in the subtidal and intertidal zone offshore Summerland, Santa Barbara County. The legacy wells date to the largely unregulated development of the

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<sup>1</sup> On April 16, 2020, Governor Newsom signed Executive Order N-52-20, which suspended certain Coastal Act and Permit Streamlining Act deadlines for a period of 60 calendar days. Accordingly, the Permit Streamlining Act deadline for Commission action on this permit is actually December 20, 2020, rather than October 21, 2020.

Summerland Oil Field in the late 19th and early 20th centuries and periodically leak crude oil. Two legacy wells, C.H. Olsson 805 (Olsson) and Duquesne Wharf 910 (Duquesne), are located onshore in the intertidal zone. Two additional legacy wells, NorthStar 815 (NorthStar) and Treadwell 10 (Treadwell) are in the subtidal zone in approximately 6-15' of water, 130-300 ft. offshore, respectively.

The proposed operation would require the use of heavy equipment, vehicles, and specialized machinery on beach and intertidal areas, as well as the mooring and operation of a work barge and use of underwater excavation equipment for offshore wells. Depending on CSLC funding, tides, and availability of the crane barge, abandonment will occur in phases over a 2- or 3-year period. The intertidal wells can only be re-abandoned during periods of extreme low tide, whereas the offshore wells can be accessed for re-abandonment during any favorable marine weather conditions.

The Commission staff believes that with implementation of recommended **Special Conditions 2** through **5**, the project can be carried out consistent with the coastal access and marine resource protection policies of the Coastal Act. There are potential public access and safety concerns from construction staging and excavation activities on the beach. In addition to the Mitigation measures included in the EIR, and incorporated into this permit under **Special Condition 1**, **Special Condition 2** would protect public beach access and beach access parking by requiring CSLC to conduct temporary parking restrictions outside of high season use, if feasible. If, due to the limited availability of favorable tidal windows, work must be conducted during summer or high use times, CSLC will provide notice to the public and to the Executive Director. This project also has the potential to adversely affect marine mammals and other marine organisms. The EIR included several mitigation measures, incorporated into this permit as **Special Condition 1**, to protect marine wildlife from elevated levels of underwater sound associated with demolition and construction, protect water quality, and maintain public safety and access. In addition, to maintain the integrity of the primarily soft-bottom habitat, **Special Condition 3** requires removal of all concrete debris from the ocean floor **Special Condition 4** ensures implementation of the marine wildlife protection plan described in the EIR and requires that the qualifications of the CSLC marine mammal monitor be provided to the Executive Director for approval and that the applicant submit to the Executive Director the Final Marine Wildlife Monitoring Report, which will contain daily logs of species observations and incidents during project activities. Although eelgrass has not been observed in the project areas, **Special Condition 5** requires pre-project eelgrass surveys to document, avoid, and if necessary, mitigate any eelgrass impacts.

With these conditions in place, the project will be carried out consistent with the coastal access, environmentally sensitive habitat area, and marine resource protection policies of the Coastal Act. Commission staff thus recommends **approval** of coastal development permit application 9-20-0268. The standard of review for the 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

[Exhibit 1](#) – Project Location

[Exhibit 2](#) – Project Staging Location

[Exhibit 3](#) – Well Abandonment Schematic

[Exhibit 4](#) – Offshore Wells Exclusion Zone for Marine Wildlife and Public Safety

[Exhibit 5](#) – C.H. Olsson 805 Well Public Access and Beach Closure Zone

[Exhibit 6](#) – Duquesne Well Public Access and Beach Closure Zone

[Exhibit 7](#) – EIR/Addendum Mitigation Measures

## I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit 9-20-0268 pursuant to the staff recommendation.*

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

Resolution:

*The Commission hereby approves Coastal Development Permit 9-20-0268 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 Conditions:

1. **Environmental Impact Report Mitigation Measures.** This permit incorporates those mitigation measures identified in the July 2017 *Final Environmental Impact Report for the Becker and Legacy Wells Abandonment and Remediation Project* and the January 2020 *Addendum to Environmental Impact Report Becker and Legacy Wells Abandonment and Remediation Project* concerning marine habitats, biological resources, cultural resources, and public access, that are attached to this report as **Exhibit 7**.
2. **Public Access:** The Permittee shall avoid construction activity during holiday weekends and summer high season to the extent feasible. If work must be conducted during holiday weekends or the summer high season, the Permittee shall notify the public through posting of a notice at least 2 weeks in advance of activities that includes information regarding the proposed work, expected duration of activities, and extent of public access restrictions, consistent with the requirements in EIR Mitigation Measure HAZ-1. This notice shall also be submitted to the Executive Director.
3. **Underwater Debris Removal:** All concrete debris and any other project-related materials shall be removed from the project area, including intertidal and subtidal areas, and disposed of in an appropriate onshore facility, prior to or at the end of the project.
4. **Marine Wildlife Protection:**

The following conditions for marine wildlife protection are in addition to the mitigation measures for biological resources in the EIR and Addendum, incorporated into this CDP under **Special Condition 1**:

- a. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the qualifications of the CSLC marine wildlife monitor shall be provided to the Executive Director for review and approval.
- b. **WITHIN 30 DAYS OF COMPLETION OF PILE DRIVING ACTIVITIES**, the marine wildlife monitor shall submit the Final Marine Wildlife Monitoring Report required under Mitigation Measure BIO-4c to the Executive Director.
5. **Eelgrass Survey and Mitigation:** **PRIOR TO COMMENCEMENT OF PROJECT ACTIVITIES**, the Permittee shall conduct pre-project eelgrass surveys to determine whether eelgrass is present in the project area. If eelgrass is detected, project activities should be planned to avoid it as much as possible. A post-project

eelgrass survey shall be conducted within 30 days of the completion of project activities to determine if eelgrass was lost or damaged due to project activities. The survey protocols shall conform to the methods described in the California Eelgrass Mitigation Policy (CEMP). The Permittee shall provide survey results to the Executive Director within 30 days of completing each survey. If impacts are detected during the post-project survey, the CSLC shall submit an eelgrass mitigation plan, consistent with the requirements of CEMP, to the Executive Director within 30 days of submittal of the post-project survey.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The State Lands Commission proposes to permanently re-abandon four leaking legacy oil wells located in the subtidal and intertidal zone offshore Summerland, Santa Barbara County (**Exhibit 1**). The legacy wells date to the largely unregulated development of the Summerland Oil Field in the late 19th and early 20th centuries and periodically leak crude oil. Two legacy wells, C.H. Olsson 805 (Olsson) and Duquesne Wharf 910 (Duquesne), are located onshore in the intertidal zone accessible by land (**Exhibit 2**). Two additional legacy wells, NorthStar 815 (NorthStar) and Treadwell 10 (Treadwell) are in the subtidal zone in approximately 6-15' of water, 130-300 ft. offshore, respectively.

Abandonment activities are proposed to occur in phases over a 2- or 3-year period. The intertidal well re-abandonment activities are dependent on extreme low tide cycles which only occur a few times a year. The specific abandonment schedule depends on CSLC funding, tides, and availability of the crane barge. According to CSLC, the State's SB44 annual budget funds earmarked for this project are insufficient to allow all wells to be done in a single year, and thus, well abandonment activities are likely to span multiple years.

The onshore well abandonment approach consists of exposing the leaking wellhead, installing steel pipe pile and a cylindrical cofferdam around the well using a vibratory hammer, and encapsulating the leaking wellhead using cement and a welded steel plate (**Exhibit 3**). The exposure of the wells will occur by excavating 8-10' of sand around the wellhead during the low tides. The sand will be allowed to naturally refill the excavated hole by tidal action between work windows. This approach proved successful for the abandonment of the nearby Becker well in 2018. The offshore well approach involves a crane barge anchored over the wellheads, and divers exposing the leaking wellheads by temporarily displacing sand with water jetting tools. Once the well cap has been exposed, cold cutting methods and jack hammers will be used to break up the cement well cap to access the original wellhead. Well abandonment activities will follow the same procedure as the onshore wells described above after the old barrel and well cap has been removed. Extensive details on the procedures for all four wells can be found in the January 2020 Addendum to the Final EIR (Addendum). All vehicles and equipment will be removed permanently after completion of re-abandonment activities

on a well and natural processes will be allowed to recontour any disturbances to the beach or seafloor.

Post-construction monitoring is planned to assess the success of the project activities. The hydrocarbon seepage from the wells is very noticeable from above the water. As a result, drone surveys will be conducted to monitor the wells for seepage. These surveys will occur periodically to ensure hydrocarbons are no longer seeping from the re-abandoned wellheads.

## **B. OTHER AGENCY APPROVALS**

### **U.S. Army Corps of Engineers (USACE)**

The CSLC applied for Nationwide Permit 18 on April 24, 2020 and the application is under review.

### **Central Coast Regional Water Quality Control Board**

The CSLC was issued a Section 401 Water Quality Certification, #34220WQ10 on June 5, 2020.

### **Santa Barbara County Planning and Development**

Because the proposed project is partially on land, CSLC applied for a Coastal Development Permit, which was deemed complete on June 23, 2020.

### **Tribal Outreach and Consultations**

During the process of reviewing CSLC's CDP application for the proposed project and developing this recommendation, Commission staff contacted representatives from Native American Tribes understood to have current and/or historic connections to the project area. These outreach efforts followed those of CSLC in March 2017 during preparation of the EIR. These Tribes include the Barbareno/Ventureno Band of Mission Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Northern Chumash Tribal Council, the yak tityu tityu yak tihini – Northern Chumash Tribe, Santa Ynez Band of Chumash Indians, and the San Luis Obispo County Chumash Council. Contact information for these Tribal Representatives was gathered from the Native American Heritage Commission's Native American Contact Lists. Staff received a comment regarding monitoring for Tribal resources from Julie Tumamait-Stenslie of the Barbareno/Ventureno Band of Mission Indians. The comment was forwarded to CSLC and her concerns were addressed. At the time of publication of this staff report and recommendation, no additional questions or concerns had been brought to the attention of Commission staff by representatives of the other Tribes.

## **C. ABANDONMENT OF WELLS**

This proposed project seeks to permanently re-abandon oil wells in the coastal zone. Coastal Act Section 30262(a)(9) states:

*In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.*

In considering a permit application for abandonment projects pursuant to the above-cited authority, the Commission reviews whether the proposed method is consistent with the Chapter 3 policies of the Coastal Act. Evaluation of the abandonment method proposed as part of this project relied on previous well abandonment projects as well as the Becker and Legacy Wells Abandonment and Remediation Project Final EIR (EIR) and Addendum to assess the approach. The re-abandonment of the Becker well in 2018 used a jack-up barge, 80' by 100' in size, to provide access to the Project site from the ocean and was used during all construction and abandonment activities at the well. Five alternatives were analyzed in the EIR with the expectation that future re-abandonment activities might use approaches that were not preferable for the Becker well. These included using small and large cofferdams around the wells, building temporary piers from the beach to access the wells, and enhancing ocean barges (or using multiple barges) for offshore activities; the proposed project's approach comes from one of these alternatives. The Commission authorized tests of re-abandonment methods and activities by the CSLC in a series of waivers (9-15-1312-W, 9-17-0517-W, and 9-15-0387-W) at Summerland Beach. Several best practices were identified for use in future well abandonments, including the use of cofferdams to prevent water quality impacts, encapsulating the leaking wellhead using cement and a welded steel plate, and accessing the onshore wells by driving heavy equipment across the beach. CLSC has incorporated these best practices into the proposed project.

In conclusion, the Commission finds that the proposed method of well abandonment is protective of marine habitat and environmental quality and employs of the best achievable technology and is thus consistent with Coastal Act Section 30262(a)(9).

#### **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 environmental 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 re-abandonment of the four legacy wells are disturbance to marine mammals from elevated levels of underwater sound associated with concrete demolition and vibratory hammer use, adverse water quality effects from project-related activities, and impacts to benthic habitat.

### Marine Mammals

Numerous studies have identified at least thirty-four species of marine mammals that live in or migrate through California waters. The project area serves as habitat for a variety of these marine mammals. The most common include several whale species – the California gray whale (*Eschrichtius robustus*), the blue whale (*Balaenoptera musculus*), humpback whale (*Megaptera novaeangliae*), sperm whale (*Physeter macrocephalus*), and Minke whales (*Balaenoptera acutorostrata*); toothed whales - common dolphins (*Delphinus capensis* and *D. de/phis*), Dall's porpoise (*Phocoenoides dalli*), and others; two pinniped species- California sea lions (*Zalophus californianus*) and harbor seals (*Phoca vitulina*); and Southern sea otters (*Enhydra lutris nereis*). All marine mammals are protected by the federal Marine Mammal Protection Act (MMPA), which prohibits the intentional taking<sup>2</sup> of any marine mammal without a permit. Additionally, several of the marine mammal species found in the project area are protected by the federal Endangered Species Act (ESA), including the humpback whale, blue whale, sperm whale, which are listed as endangered. Potential project-related impacts to marine mammals include disturbance due to noise, the presence of equipment on the beach, and vessel traffic.

Noise-related impacts could result from noise generated by equipment and work vessels used in the project. The project involves the use of heavy equipment, cutting torches, motor vehicles, and vessels, all which would create underwater noise that could result in disturbance to marine mammals and other marine species. Noise-related impacts would be relatively short-term, lasting for a maximum of 3-4 days at a time for three of the four wells (possibly nine days for the Treadwell well), and abandonment activities for the wells will be spread over 2-3 years.

Because marine mammals are protected under the MMPA and some are protected under the ESA, any adverse effect or “take” may be considered significant.

Extensive discussion of several mitigation measures is presented in the EIR and Addendum as Mitigation Measure BIO-4a, b, and c. These include installation of specific sheet pile type (H-type) to reduce noise, use of a vibratory hammer in all pile driving activities, “soft start” procedures when using vibratory hammers that will give marine wildlife the opportunity to move away from the sound source and monitoring for marine

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<sup>2</sup> 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.

mammals and sea turtles within a pre-determined avoidance zone. An analysis conducted in the EIR showed that noise levels generated by non-impulsive or continuous noise sources, such as a vibratory hammer, had in-water acoustic threshold levels of 120 dB. The distance to this threshold was found to be 150 m without a cofferdam, which is the established exclusion zone for marine mammal species (**Exhibit 4**). To ensure that the 150 m avoidance zone is enforced, a marine wildlife monitor will be on-site at Lookout Park and will alert the Project Manager when animals are spotted in the project area to temporarily halt activities. Mitigation Measure NOI-1 in the EIR also stipulates that construction activities involving the installation of sheet pile shall be conducted only between the hours of 8 a.m. and 5 p.m. Monday through Friday to reduce any nighttime noise levels. These measures are incorporated into this CDP under **Special Condition 1**. In addition to the requirements included in the EIR, **Special Condition 4** adds that the qualifications of the CSLC marine wildlife monitor be provided to the Executive Director for approval and the marine wildlife monitor submit to the Executive Director the Final Marine Wildlife Monitoring Report being prepared for CSLC within 30 days of completion of pile driving.

With these conditions in place, underwater noise and related impacts to marine species associated with project activities will be minimal and healthy populations of all species of marine organisms will be maintained.

#### Water Quality

Project activities could result in water quality impacts due to increased turbidity and from contaminated water during the capping process of the wells. Excavation of sand to expose the offshore wells will increase turbidity temporarily. However, sand, as opposed to silt or clay, generally settles quickly and thus increases in turbidity are expected to be 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 will likely be similar to normal conditions at the site. Thus, turbidity-related impacts are expected to be minor and temporary.

Of more concern is the potential for hydrocarbons to enter the water and/or sand (causing water quality impacts later) during the process of excavation, removal of existing wellcaps, and plugging of the wells. A cofferdam around a well is expected to contain leakage of hydrocarbons into the environment. If oil is seen on the surface of the water within the cofferdam, it will be skimmed and disposed of appropriately. In addition, the CSLC has developed a protocol to monitor for increased oil leakage during construction including divers underwater and personnel on land watching from Lookout Park and Summerland Beach. During test exposures of Treadwell 10 and NorthStar 815, no discernible increase in either the oil leak rate at the well or accumulation of oil on the beach was evident. More detailed information regarding oil spill prevention and response is described in Section E below.

Two mitigation measures in the EIR address contaminated sands and water. Mitigation Measure HAZ-2a states that all contaminated sands and/or soils encountered during the excavation around the well shall be removed from the site and disposed of at an appropriate facility. Mitigation Measure HAZ-2b stipulates that all contaminated water

encountered during the construction and abandonment shall be removed from the site and disposed of at an appropriate facility. The cofferdam, monitoring, and mitigation measures combine to reduce the potential for negative water quality impacts from hydrocarbons.

The project is subject to the conditions of a Section 401 standard water quality certification issued by the Regional Water Quality Control Board, which include additional requirements meant to avoid and minimize adverse impacts to water quality.

Finally, it is important to note that the purpose of the proposed project is to eliminate existing oil leaks into the marine environment from these wells. Thus, even though the proposed project may result in temporary impacts to water quality, the overall result of the project will be an improvement in water quality and marine habitat in the project vicinity, which is consistent with the requirement in Sections 30230 and 30231 to restore water quality and marine resources, where feasible. To ensure the abandonment activities are successful, CSLC will conduct post-construction monitoring. The hydrocarbon seepage from the wells is very noticeable from above the water. As a result, drone surveys will be conducted to monitor the wells for seepage. These surveys will occur periodically to ensure hydrocarbons are no longer seeping from the re-abandoned wellheads.

#### Benthic Habitat

The benthic habitat offshore of Summerland near the two legacy wells is primarily sandy bottom with little hard substrate (e.g., rocky reef), as described in the EIR. As a result, no impact to hard substrate is anticipated from anchoring or other project activities and no anchoring plan is necessary.

Effects to soft sediment biota from the proposed project are anticipated to be minimal and short-term. In addition to being a relatively small area of disturbance compared to the preponderance of soft-bottom habitats offshore the central coast of California, potentially affected benthic infauna are common species that would readily repopulate the disturbed area after the work is completed. Because the benthic habitat disturbance does not involve the removal of sediment, and due to the proximity of the disturbed sediments to undisturbed sediments, the amount of time required for benthic organisms to recover would be minimized. To ensure this habitat remains intact, **Special Condition 3** requires removal of all concrete debris generated by project activities, such as remains from existing wellcaps.

Eelgrass (*Zostera pacifica*) occurs in approximately 18- to 40-foot water depths on soft bottom along the southern Santa Barbara mainland coast. According to California Department of Fish and Wildlife studies cited in the EIR, eelgrass is not present in areas immediately offshore of Summerland. However, eelgrass can colonize favorable habitat locations, and could be present in the project area prior to commencement of project construction. Similarly, giant kelp (*Macrocystis pyrifera*), can occur in the area but may be ephemeral in longevity. To minimize impacts to potential marine habitat areas, **Special Condition 5** requires that CLSC conduct pre-project surveys of the project

vicinity to determine if eelgrass is present. If eelgrass is detected, project activities should be planned to avoid it as much as practicable. A post-project eelgrass survey shall be conducted within 30 days of the completion of project activities to determine if eelgrass was damaged during project activities. If impacts are detected, CSLC will submit to the Executive Director an eelgrass mitigation plan that provides for restoring eelgrass.

Conclusion:

By implementing the above measures, and as conditioned, the Commission finds that the project will minimize impacts to marine resources, protect the 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.*

The Coastal Act requires that any project with the potential to result in spills of oil or other hazardous materials into the environment include: (1) measures to protect against spills, and (2) measures for effective containment and cleanup.

The proposed project activities will occur on and in the nearshore area adjacent to a public beach. The project can result in spills from equipment or vehicles on the beach, the nearby parking area, or in the ocean. In addition, removing the existing wellcaps may release additional oil by increasing the flow rate of oil leaking from the wells. Based on the test exposures of Treadwell 10 and NorthStar 815, no discernible increase in either the oil leak rate at the well or accumulation of oil on the beach was evident. However, the risk of an oil spill is still present.

The EIR presents the main portions of the oil spill contingency plan that addresses any potential leakage or spill of oil or materials to the sensitive marine environment. A spill prevention plan would be used for each of the four legacy wells, modified for use of the barge and additional equipment. Oil spill prevention procedures would include holding pre-job contractor meetings to review the abandonment procedures and to discuss responsibilities and job/oil spill contingencies as well as conducting daily safety meetings with all workers present. In the case of a noticeable increase in oil leak rate, an oil spill response trailer will be staged in Lookout Park for the duration of the project. The trailer includes sorbent boom and oil snare, a skiff, plastic pans and tubs and other critical equipment that could be necessary as part of an oil spill response. Furthermore, equipment will be provided with drip pans to provide secondary containment of accidental leaks and no refueling of equipment will be necessary for these short duration jobs. In addition, the CSLC has contracted a third-party Oil Spill Response

Organization (Patriot Environmental), to be on call and available to respond to an oil spill. These mitigation measures are incorporated into this CDP through **Special Condition 1**.

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

## **F. PUBLIC SAFETY, ACCESS AND RECREATION**

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 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

The proposed project could result in adverse effects to public safety and access from temporarily reduced parking, closed sections of the beach, excavation of the wells by sand removal, and exclusion zones around the offshore wells. Beach activities that could be impacted include shore fishing, recreation, and walking/running; potentially affected ocean activities include swimming, boating, and fishing.

Re-abandonment activities for the onshore wells are expected to have a larger impact to public access than activities for the offshore wells. For re-abandonment of onshore wells, as many as 60 public parking places will be temporarily out of service for staging and installation of equipment at Lookout Park. In addition, a temporary closure of a 300' section in either direction of the beach wells and offshore area will be required for safe operation of the abandonment activities (**Exhibits 5 and 6**). Mitigation Measure HAZ-1 in the EIR requires that CSLC delineate the work area with safety tape placed 300' around each site, post project personnel on the beach to ensure public safety and provide public noticing of the project. The notice will be placed at the entrance of the parking lot to inform the public of temporary lot closure at least 2 weeks prior to activities. Summerland Beach is expected to remain open to the public for the duration

of activities, which could be up to 4 days for each onshore well. Because of the low-tide dependency as noted in the Project Description, specific work windows may overlap with high-use times (e.g., holiday weekends or summer). **Special Condition 2** requires CSLC to avoid the high-use times as much as is feasible. For example, favorable tide cycles occur on December 13-16, 2020 (peak low tide of -1.4 or less occurring every afternoon). There may be future acceptable tide cycles during a high-use time, which the CSLC may need to capitalize on to prevent further release of oil onto Summerland Beach and into surrounding waters. If this is the case, the CSLC will submit a notice to the Executive Director detailing the expected duration of activities and degree of public access impact.

Offshore well abandonment will impact public access by restricting some parking and the ocean areas around each well. Staging of an oil spill response trailer and equipment will require the use of 17 public parking spaces at Lookout Park, marked off with cones and yellow construction tape. A Notice to Mariners will be issued through the United States Coast Guard (USCG) two weeks prior to each well re-abandonment to inform boaters (both commercial and recreational) of project activities. If boaters come within the 150 m exclusion zone, they will be asked to leave the area. In the past, USCG has offered support to keep the area free of kayakers or other ocean users for their safety. The Joint Oil/Fisheries Liaison Office will also be contacted to help notify area fishermen of the proposed activities. Beach fishers will have access to the entire beach area except for the temporarily Closed Beach Area. According to the Addendum, complete re-abandonment could take 9 days at the Treadwell well and 4 days at the North Star well. **Special Condition 2** applies to the offshore wells as well, requiring scheduling to avoid high-use times on the beach, such as weekends, holidays, and summer as much as is feasible.

With these measures incorporated, the proposed project has been designed to minimize impacts to public access and recreation. The impact to public access to the project area and to beach parking at Summerland will be very short – the most significant impacts (associated with the onshore wells) lasting for only 4 days at a time for three of the four wells. The public will be allowed to access the remaining portions of the beach that are not within the temporarily Closed Beach Areas. In addition, because the project will result in improved public safety (e.g., removal of oil from the environment), the project will provide a long-term permanent benefit to the public.

Therefore, as proposed, the Commission finds that proposed project will minimize adverse effects to public safety and access to coastal areas and is thus consistent with Sections 30210, 30211, and 30220 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 proposed project involves excavation of nearshore and offshore areas and could result in discovery or disturbance of cultural or Tribal resources. Section 4.5 of the Addendum analyzed potential significant impacts to cultural resources associated with legacy well abandonment. Based on review of available data regarding archaeological and historic data and the results of previous seafloor surveys, CSLC did not identify any known cultural resources within the area and concluded that no significant impacts would occur. During and since the 2018 Becker well abandonment, no previously unknown shipwrecks or cultural resources were identified during pre-Project surveys, well abandonment, or during any offshore surveys for legacy well investigatory purposes.

The potential for project activities to result in the discovery of previously unknown cultural or tribal resources is considered very low. All excavation areas are located in intertidal and nearshore subtidal areas. These areas are very active hydrodynamically, with sand constantly moving on and off the beach. It is unlikely that artifacts or other resources would be found in these types of dynamic environments. Furthermore, access and staging are occurring in developed areas (i.e., parking lots and paved roadways down to the beach). However, to ensure that any resources that may be discovered are protected, the EIR included Mitigation Measure CR-3, incorporated into this CDP under **Special Condition 1**, that requires CSLC to follow standard protection and notification protocols if human remains are identified.

As noted in Section IV.B., Commission staff conducted outreach out to local Tribal governments regarding the proposed project and received one response, which was addressed by CSLC.

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

#### **H. 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 project is conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures protecting marine resources, public access, water quality, and cultural resources are to be implemented to minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant

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adverse impact which the activity may have on the environment, and there are no remaining significant impacts within the meaning of CEQA.

Therefore, the Commission finds that the project includes all feasible mitigation measures, would be the least environmentally-damaging feasible alternative and is consistent with the requirements of CEQA.

## **APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

State Lands Commission, Coastal Development Permit Application and accompanying documents. Originally submitted April 24, 2020.

State Lands Commission. July 2017. Final Environmental Impact Report for the Becker and Legacy Wells Abandonment and Remediation Project.

State Lands Commission. January 2020. Addendum to Environmental Impact Report Becker and Legacy Wells Abandonment and Remediation Project.

Electronic communications from Reid Blaich, Interact PMTI, to Doug George, California Coastal Commission, dated 6/10/20, 7/10/20, 7/15/20.

Electronic communications from Eric Gillies and Jennifer Mattox, State Lands Commission, to Doug George, California Coastal Commission, dated 7/9/20, 7/12/20, 7/17/20.