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Filed	1/16/21
180 th Day:	7/15/21
270 th Day:	10/13/21
Staff:	CT-SF
Staff Report:	4/29/21
Hearing Date:	5/11/21

STAFF REPORT: REGULAR CALENDAR

Application No.:	9-20-0457
Applicant:	Sothern California Gas Co.
Location:	Goleta Slough, Goleta, Santa Barbara County (Exhibit 1).
Project Description:	Abandonment and removal of out-of-service natural gas pipeline and replacement of elevated pipeline support.
Staff Recommendation:	Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Southern California Gas Company (SCG) is proposing to remove and abandon-in-place various segments of its Line 80, an approximately 3,300 foot long, eight to twelve inch diameter natural gas pipeline that passes through unincorporated Santa Barbara County and the cities of Goleta and Santa Barbara. Line 80 is part of SCG's La Goleta Storage Field and has been cleaned, sealed, and out-of-service since roughly 2018. The first two segments of Line 80 are within the Commission's retained permit jurisdiction and SCG has applied to the Commission for a CDP for the removal of Segment 1 and the abandonment-in-place of Segment 2. The other two segments of Line 80 are within Santa Barbara County's certified LCP jurisdiction and are the subject of a CDP application submitted by SCG to Santa Barbara County's Planning Division.

Segment 1 of Line 80 is an approximately 500 foot long above-ground section that passes through an area of ESHA and salt marsh wetland habitat adjacent to Goleta Slough. SCG proposes to fully remove this segment along with the approximately 23 elevated supports that maintain it in place. Segment 2 is an approximately 130 foot long below-ground section that passes under Tecolotito Creek and emerges in Santa Barbara County's LCP jurisdiction within Goleta Beach County Park. SCG proposes to abandon Segment 2 in place. In addition to this proposed work on Line 80, SCG also proposes to remove and replace an elevated pipeline support structure on the adjacent Line 159.

To carry out the proposed activities on Line 80 and the Line 159 support, SCG proposes to construct a temporary vehicle access ramp between Ward Memorial Blvd. (State Route 217) and the proposed work sites. This ramp would result in approximately 6,000 square feet of vegetation clearance and grading and would be made of engineered fill material that would be brought on site and then removed at the completion of project activities.

The proposed pipe support replacement and pipeline abandonment and removal activities have the potential to result in adverse impacts to approximately 3/4 acre of wetlands and ESHA. In addition, a recreational and coastal access bicycle trail located adjacent to the project area may be adversely affected during the project.

To address these issues, SCG is proposing to implement a variety of avoidance and minimization measures to reduce potential risks to biological resources and to help ensure that safe access and use of the bicycle trail is maintained throughout the project period. To help further ensure that adverse impacts to public access, recreation, sensitive habitats and wetlands are minimized and appropriately mitigated, **Special Condition 1** would require the protection and repair of the bicycle trail if it is damaged due to project activities; **Special Condition 2** would limit project activities during the bird nesting and breeding season; **Special Condition 3** would build on the biological resource measures proposed by SCG by additionally requiring SCG to develop and submit a revised revegetation and restoration plan to the Executive Director for review and approval. The plan would include additional performance standards and measures to help ensure the rapid and complete restoration of habitat areas damaged and disturbed by project activities. In addition, **Special Condition 4** would require the development and implementation of a spill prevention, containment and response plan; **Special Condition 5** would require the use of erosion control measures to protect wetlands and water quality, and **Special Condition 6** would require a focused special status plant survey prior to the initiation of project activities. If such plants are observed in the project disturbance areas and cannot be avoided, SCG would be required to apply for a CDP amendment that identifies the type and extent of anticipated adverse impact to rare plants and proposes an approach to offset them.

The proposed project qualifies as a repair and maintenance project that would generally be exempt from permitting under the Coastal Act; however, because the project involves the clearing of more than 500 square feet of vegetation and would involve the

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removal of vegetation within an ESHA, it requires a permit. In considering a permit application for a repair or maintenance project such as this, the Commission evaluates whether the proposed method of repair and maintenance conforms with the Coastal Act and does not evaluate the underlying development's conformity with the Coastal Act. As conditioned, the method of repair in this case is consistent with the ESHA, wetlands, water quality, coastal access and recreation policies (Sections 30210, 30211, 30213, 30230, 30231, 30233 and 30240) of the Coastal Act.

The staff recommends that the Commission **approve** SCG's CDP application no. 9-20-0457. The motion and resolution are on Page 5 of this report. The standard of review for this CDP application is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 - Revegetation and Restoration Plan](#)

[Exhibit 3 – Habitat and Wetland Map](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit Application No. 9-20-0457 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the 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 Application No. 9-20-0457 for the proposed development 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

1. **Bicycle Trail.** To protect the bicycle trail adjacent to the project area from possible damage, steel plates shall be placed across all areas proposed to be used for heavy equipment or material transit. Any damage that occurs to the bicycle trail as a result of project activities, including the transit or passage of project vehicles and equipment or transport of materials, shall be repaired by SCG as soon as feasible following the completion of pipeline removal and abandonment but in any event will be repaired no later than 60 days after completion of project work. The goal of the repairs shall be to return the bicycle trail to full service at no less than its pre-project condition.

2. **Protection of Environmentally Sensitive Habitat Areas.** All project activities shall occur outside of the bird breeding season (February 1 through August 31) to the maximum extent feasible. If project activities do occur between February 1 and August 31, a qualified biologist shall be retained to conduct a preconstruction survey within 500 feet of the study area, approximately 1 week prior to construction to determine presence/absence of active nests adjacent to the project area. If signs of breeding or nesting behavior are observed or active nests located, no project activities shall occur within 300 feet (500 feet for raptors) of such areas/nests and the biologist shall immediately notify the Executive Director and CDFW. No project activities shall occur in such areas until any young birds have fledged and left the area and CDFW and the Executive Director have provided written confirmation that project activities may begin.

3. **Wetland Mitigation.** Prior to the initiation of project construction or pipeline removal and abandonment activities, SCG shall submit for Executive Director review and approval a revised version of the project Revegetation and Restoration Plan ([Exhibit 2](#)) that provides for mitigation for the permanent loss of wetland habitat at a 4:1 ratio and temporary impacts to ESHA or wetland habitat at a 1:1 ratio, or at a higher ratio if required by another planning or permitting agency. This plan shall also be expanded and/or revised to include:
 - (a) Documentation of the total areal extent of permanent wetland impacts associated with project activities.
 - (b) Identification of restoration sites in the project area and their areal extent.
 - (c) A description of restoration activities including specific methodologies for invasive species removal and native vegetation planting and maintenance. The plan shall require the use of local container stock in place of seed, whenever possible as well as the use of supplemental watering if drought conditions are present or anticipated.
 - (d) Interim and final performance criteria for each of the three years of post-planting site monitoring that reflect a goal of restoring all wetland areas disturbed by project activities to pre-project conditions at the end of one year and achieving 90 percent native species vegetative cover (i.e. 90 percent of vegetative cover comprised of native species) at the end of three years for pickleweed mat and quailbush scrub restoration areas (as shown in Figure 1 of [Exhibit 2](#)).
 - (e) A monitoring plan that describes the type of monitoring activities that will be used to assess whether SCG is meeting the required wetland restoration performance criteria.

- (f) An adaptive management plan that includes contingency measures in case performance criteria are not achieved.
- (g) A timeline for restoration implementation, monitoring and reporting activities.

Compliance with this plan shall include annual monitoring and reporting to the Executive Director for three years. If monitoring results show that pickleweed mat and quailbush scrub habitat subjected to temporary adverse impacts due to project activities (as shown in Figure 1 of [Exhibit 2](#)) have not been fully restored to pre-project conditions within one year, SCG shall submit an application for an amendment to this permit that proposes mitigation for remaining wetland impacts at a 4:1 mitigation to impact ratio. If at the completion of the three year monitoring and reporting period (dated from the completion of planting activities), the Executive Director determines that the other performance criteria described within the plan have not been met, SCG shall submit, within 120 days of the Executive Director's determination, a new Revegetation and Restoration Plan for Executive Director review and approval that proposes additional restoration activities to address the performance criteria that were not satisfied. This new Revegetation and Restoration Plan shall be implemented by SCG upon approval.

4. **Spill Prevention, Containment and Response Plan.** Prior to the initiation of project construction or pipeline removal and abandonment activities, SCG shall submit for Executive Director review and approval a Spill Prevention, Containment and Response Plan. The plan shall include measures to prevent, contain and respond to the release or spillage of concrete slurry during preparation for pipeline abandonment-in-place as well as the accidental discharge or release of fuel, oil, or hydraulic fluid from project machinery or equipment. No project activities shall begin until the plan is approved by the Executive Director and, once approved, the plan shall be implemented and adhered to by SCG during all project activities.
5. **Erosion Control.** During construction, use and removal of the engineered fill access ramp, SCG shall implement dust control measures and install and maintain in working condition erosion control devices adequate to prevent release of fill material or sediment into adjacent habitat areas or Atascadero Creek. Such measures may include use of straw wattles, construction and silt fencing, mats, rumble strips, and other standard construction best-management-practices.
6. **Rare Plant Survey and Protection.** Prior to the initiation of project construction or pipeline removal and abandonment activities, SCG shall submit for Executive Director review and approval the results of a focused botanical survey conducted in the pickleweed mats habitat community during the blooming season prior to the start of construction. If plants from rare or special status species (such as Coulter's saltbush, Davidson saltscale, southern tarplant, or estuary seablite) are observed in areas that would be disturbed by construction activities and avoidance is not feasible, SCG shall submit an application for an amendment to this permit that includes the number, species and area of rare or special status plants that would be lost or damaged and proposes mitigation based on those estimates.

7. **Liability for Costs and Attorneys' Fees.** By acceptance of this coastal development permit (CDP), the Applicant/Permittee agrees to reimburse the California Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

Southern California Gas Company (SCG) is proposing to abandon and remove Line 80, an out-of-service natural gas pipeline that passes through unincorporated Santa Barbara County and the cities of Goleta and Santa Barbara, and to carry out associated equipment removal and replacement activities. The pipeline is approximately 3,300 feet in length and for planning and permitting purposes has been divided into four segments ([Exhibit 1](#)). Segments 1 and 2 are within the Commission's retained permit jurisdiction and are the subject of SCG's CDP application to the Commission. Segments 3 and 4 are located within Goleta Beach County Park in an area covered by Santa Barbara County's certified LCP and are the subject of a CDP application submitted to Santa Barbara County.

Segment 1 is an approximately 500 foot long section of eight inch diameter pipeline that branches off of Line 159 near the edge of Goleta Slough's Atascadero Creek and is supported approximately one foot above-ground by 23 individual support structures. Segment 1 and its supports are located entirely within an area of salt marsh wetlands adjacent to Atascadero Creek, a tidally influenced creek that is one of the primary features of the Goleta Slough. SCG proposes to deconstruct and remove the entirety of Segment 1 along with its 23 supports.

Segment 2 is an approximately 130 foot long below-ground section of pipeline that passes approximately seven feet below the bed of Tecolotito Creek and emerges in Santa Barbara County's LCP jurisdiction within Goleta Beach County Park. SCG proposes to abandon Segment 2 in place by separating it from adjoining segments where it enters and exits the ground on either side of Tecolotito Creek, filling it with concrete grout and sealing both its ends with metal plates.

In addition to this proposed work on Line 80, SCG also proposes to remove and replace an elevated pipeline support structure on the adjacent Line 159. The support to be removed is made of creosote-treated posts and is located near the edge of Goleta Slough's Atascadero Creek. This support would be removed and replaced with a new

pipeline support located outside of the creek channel and would extend less than two feet above the ground surface.

To carry out the proposed activities on Line 80 and the Line 159 support, SCG also proposes to construct a temporary access ramp between Ward Memorial Blvd. (State Route 217) and the proposed work sites. This ramp would result in approximately 6,000 square feet of habitat disturbance due to vegetation clearing and grading and would be made of nearly 200 cubic yards of engineered fill material that would be brought on site to construct the ramp and removed at the completion of project activities. The location of this access ramp and the anticipated work and disturbance areas for the proposed Line 80 and Line 159 work are shown on [Exhibit 1](#).

B. Consultations and Other Agency Approvals

Santa Barbara County

In addition to considering the issuance of a CDP under its certified LCP for the abandonment and removal of Segments 3 and 4 of Line 80, Santa Barbara County (County) is also the lead agency for the project under the California Environmental Quality Act (CEQA). Commission staff coordinated with County planning staff during the review of SCG's CDP applications and the development of its CEQA document.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) is responsible for reviewing and authorizing those aspects of the project that may affect the streambeds of Atascadero or Tecolotito Creeks. SCG has requested a Streambed Alteration Agreement from CDFW for the proposed abandonment-in-place of Line 80 below Tecolotito Creek as well as the removal of Line 159 support structure from the bank of Atascadero Creek. Commission staff reached out to CDFW staff regarding the status and results of its review of these proposed activities.

Tribal Governments

As part of its preparation of a CEQA Initial Study/Mitigated Negative Declaration (MND) for the project, on December 23, 2020, Santa Barbara County (County) provided project materials and information to Julie Tumamait-Stenslie, Chair, Barbareno/Ventureno Band of Mission Indians and Kenneth Kahn, Tribal Chairman of the Santa Ynez Band of Chumash Indians. This County notice provided the opportunity for consultation under AB 52 and included a description of the proposed project and a summary of the methods and results from a cultural resources study carried out for the project. As discussed in the County's MND, "The Santa Ynez Band of Chumash Indians responded on December 23, 2020, requesting no further consultation on the project. No further comments were received and no tribal cultural resources were identified on the subject parcel."

In April of 2021, Commission staff also contacted both the Barbareno/Ventureno Band of Mission Indians and the Santa Ynez Band of Chumash Indians to provide project information and request information about any remaining questions or concerns either

Tribe may have about the project. Representatives of the Barbareno/Ventureno Band of Mission Indians responded to Commission staff with several questions regarding the project location and scope that were subsequently addressed. No additional questions or concerns were identified by representatives of either Tribe.

C. Permit Authority, Extraordinary Methods of Repair and Maintenance

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. In some situations, repair and maintenance also includes removal and abandonment. This is described in the Commission's September 5, 1978 guidance document titled, "Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements" (1978 Guidance), which clarifies that repair and maintenance activities for natural gas storage or distribution and transmission facilities can include removal of piping and "replacement, repair, relocation, abandonment and removal work to gas storage facilities." However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact, as enumerated in Section 13252 of the Commission'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. [EMPHASIS ADDED]

Section 13252 of the regulations (14 CCR 13000 et seq.) provides, in relevant part:

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits...[EMPHASIS ADDED]

The proposed work on SCG's Line 80 is a repair and maintenance activity because it is consistent with activities described in the 1978 Guidance and the work does not involve an addition to or enlargement of the subject pipeline. Although certain types of maintenance projects are exempt from coastal development permit requirements, Section 13252 of the regulations requires a coastal development permit for activities that are located in environmentally sensitive habitat areas or in close proximity to coastal waters or streams and include the placement or removal of solid material and/or the presence of mechanized equipment. In addition, the 1978 Guidance also specifies that "Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation..."

The proposed pipeline and structural support removal and replacement activities for Line 80 and Line 159 would be located adjacent to Atascadero and Tecolotito Creeks, within coastal salt marsh habitat and within 300-feet of similar contiguous habitat occupied by the Belding's savannah sparrow, a state listed endangered species. These activities would require the disturbance and destruction of vegetation and the use of construction vehicles and mechanized equipment within wetlands. Additionally, the activities would also involve the construction of a new temporary access road/ramp that would entail approximately 6,000 square feet of grading and vegetation removal. Thus, these project elements require a coastal development permit under Section 13252(a)(3) of the regulations.

Although Section 13252(a)(3)(B) of the regulations states that repair and maintenance activities that are specifically described in the 1978 Guidance shall not be subject to coastal development permit requirements described above, this section goes on to state that this exemption shall not apply if such activities "will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean." Since proposed activities will unavoidably affect wetland habitat, will occur in close proximity to areas occupied by special status species, and involve clearing more than 500 square feet of vegetation, the exemption from coastal development permit requirements described under Section 13252(a)(3)(B) of the regulations does not apply to the proposed project.

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

D. Wetlands and Water Quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams.

Section 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.
- ...
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

The segments of Line 80 within the Commission's retained CDP jurisdiction pass through salt marsh wetland habitat and approximately seven feet below the bed of a tidally-influenced coastal creek, Tecolotito Creek. The proposed abandonment and removal of these pipeline segments would result in a limited amount of excavation as well as temporary habitat disturbance associated with the movement and use of equipment and establishment of work areas. In total, SCG estimates that the proposed project would result in the temporary disturbance of approximately 2/3 of an acre of salt marsh wetlands comprised of pickleweed mats and quailbush scrub and interspersed with areas colonized by non-native annual grasses and mustard (as shown in [Exhibit 3](#)). This area of disturbance would also include those portions of the access ramp installation area in which wetland habitat is present.

The proposed removal of the pipeline support structure for Line 159 and its replacement would also adversely affect wetland habitats. During the removal of the existing support, two approximately eight-inch diameter timber posts would be cut off one foot below ground surface and removed and an existing steel support beam that is partially buried would be excavated and removed. This removal work is anticipated to result in the temporary disturbance of approximately 110 square feet of wetlands along the edge of Atascadero Creek, primarily unvegetated mudflats and habitat dominated by mats of pickleweed. Because Line 159 passes through wetland habitat and is required to have a structural support prior to passing over Atascadero Creek, installation of the replacement support would also occur in wetlands. This element of the proposed project would include drilling two reinforced concrete support posts into the wetlands to a depth of approximately 40 feet as well as the installation of a cross beam to support Line 159. In total, this work is estimated to result in the permanent loss of approximately 42 square feet of wetland habitat.

The proposed temporary and permanent placement of materials and equipment in wetlands described above is considered "filling" these wetlands and is only allowable under the Coastal Act if three separate tests are met, each of which is described in Section 30233(a) of the Coastal Act.

Allowable Uses

The first test for a proposed project involving fill is whether the fill is for one of the seven allowable uses under Section 30233(a). However, in this case, as the Commission found in its review of previous repair and maintenance projects on the subject pipeline (including CDP No. 9-13-0344), 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.

Alternatives

The second test for a proposed project involving fill is that "there is no feasible less environmentally damaging alternative."

Regarding the proposed installation of the replacement pipeline support on Line 159, Commission staff considered several alternatives, including (1) removal of the existing degraded support without installation of a replacement; (2) the replacement of the degraded support at its existing location adjacent to the bank of Atascadero Creek; and (3) the replacement of the support at a new location outside of the creek channel.

As discussed by SCG in its CDP application, replacement of the pipeline support that is currently located in the bank of Atascadero Creek is required to satisfy state and federal regulations regarding natural gas transportation safety:

The rationale for the pipe support replacement is due to the Code of Federal Regulation rule (49 CFR 92.161) issued by the U.S. Department of Transportation and a 2016 CPUC audit finding. CPUC cited SoCalGas with a probable violation for the wood supports on the pipeline. 49 CR 192.161 states: “each support or anchor on an exposed pipeline must be made of durable, noncombustible material.” Previous wooden pipe supports were replaced under CDP 9-13-034. This is one of the last wooden supports on line 159 slated for replacement. The condition of the support is a deteriorated state...

As such, removal of the existing support without installation of a replacement is not a feasible alternative. Similarly, the type of support used for Line 159 is also carefully regulated. SCG is proposing to install a support structure comprised of two reinforced concrete posts that would extend between one and two feet above the ground surface and be drilled to a depth of 40 feet belowground. SCG has limited flexibility in the type of support to use for the pipeline and has selected a design that is intended to comply with state and federal regulations and provide an appropriate level of structural and seismic safety. Other designs and configurations that do not meet these requirements and comply with those regulations would not be feasible.

The evaluation of feasible less environmentally damaging alternatives is therefore focused on the location of the replacement support structure rather than its installation and design. Commission staff therefore considered two alternative sites for the structure: the same site as the existing structure and a new location further from Atascadero Creek.

Of these alternatives, the proposed location for the new support approximately ten feet landward of Atascadero Creek would be less environmentally damaging than reusing the site of the current support because installation of a support structure at the landward site would not adversely affect the flow of the creek or occupy the ecologically sensitive habitat along the creek bank. In addition, installation activities at this new location would not trigger the same level of discharge of sediment or turbidity into creek waters. Further, while the proposed site for the new support structure is in wetland habitat, it is an area below and adjacent to Line 159 that has been subjected to chronic disturbance due to the presence of the pipeline and its periodic maintenance. The site supports a limited amount of native vegetation and is dominated by invasive plant species such as annual grasses and mustard. As such, the installation of the proposed replacement

pipeline support structure at this location is the least environmentally damaging feasible alternative.

Regarding the temporary placement of construction materials and equipment in wetlands associated with the proposed removal of Segment 1 of Line 80 and abandonment-in-place of Segment 2, Commission staff also evaluated the abandonment-in-place of both Segments 1 and 2 and a number of alternative project configurations. These alternatives included several options for siting the vehicle access corridor, project staging areas and pipeline cleaning and flushing activities. The proposed project is the least environmentally damaging alternative because: (1) while it would involve temporary adverse impacts to wetlands associated with the removal of Line 80, that removal would result in the creation of new wetland habitat and long-term enhancement of existing wetland habitat surrounding the pipeline corridor (due to the elimination of ongoing habitat disturbance associated with the presence and maintenance of the pipeline); (2) it includes limited use of the Atascadero Creek Bike Lane and the shortest possible vehicle and equipment access corridor from Ward Memorial Blvd. to reduce the amount of habitat disturbance that would occur during vehicle, equipment and personnel passage to and from the pipeline corridor; and (3) it would make use of areas dominated by invasive plant species for pipeline flushing, cleaning and grouting activities to protect against the potential spill or discharge of contaminated water or concrete grout into more intact areas of wetland habitat.

Mitigation Measures

The third and final test for a proposed project involving fill is that “feasible mitigation measures have been provided to minimize adverse environmental effects.” The proposed project, including the five recommended Special Conditions, includes a variety of mitigation measures to minimize potential and anticipated adverse environmental effects.

Wetland Habitat

As noted above, approximately 2/3 of an acre of the proposed project’s disturbance footprint is within ESHA and wetland habitats. These habitats are comprised of a salt marsh that supports wetland vegetation, predominantly pickleweed, as well as areas of quailbush scrub plant communities.

To mitigate for adverse impacts to these habitats, SCG prepared a Revegetation and Restoration Plan as part of its CDP application (included as [Exhibit 2](#)) and is proposing to implement it at the conclusion of pipeline removal and abandonment activities. However, the restoration plan relies primarily on the passive recovery of disturbed and damaged wetland habitat and ESHA. This would be achieved through (1) preserving and dispersing disturbed topsoil and vegetation clippings in disturbed areas, as feasible, following the completion of project activities; (2) a single effort to disperse native seed mixes within disturbed areas; (3) select installation of passive erosion control measures such as fiber rolls; (4) and twice yearly maintenance visits to address issues that may arise with erosion control measures and to evaluate and respond to colonization of restoration areas by invasive plant species. No use of container plans or irrigation is

proposed and no quantitative success criteria are identified in the Revegetation and Restoration Plan. The identified restoration goals are limited to 2:1 mitigation for permanent loss of wetlands due to the installation of a new support structure for Line 159 and restoration of disturbed wetland and ESHA to pre-project conditions (which include significant presence of invasive plant species), to be determined qualitatively through visual assessments of before/after photographs and average estimates of percent vegetative cover and species dominance.

These goals and the proposed Revegetation and Restoration Plan fall short of typical Commission requirements for restoration of wetland habitats and ESHA, including those included in prior CDPs issued to SCG for previous repair and maintenance activities in the same project area. Specifically, in CDP Amendment No. 9-13-0344-A1 issued to SCG in 2015 for repair and maintenance activities in the same location (including installation of an identical access ramp to that currently proposed), the Commission required 4:1 mitigation for permanent loss of wetland habitat; use of local container stock in place of seed or non-local sources, whenever possible; interim and final performance criteria for three years post-planting that reflect a goal of achieving 90 percent vegetative cover of the restoration site with native species; and contingency requirements to be implemented if performance and success criteria are not achieved. These more stringent restoration measures and standards are necessary to compensate for the temporal and spatial loss of wetland habitat and ESHA that would occur as a result of the proposed project and to help ensure that its adverse environmental effects are minimized. Without such measures and standards, recovery of disturbed and damaged habitat is likely to occur more slowly and the eventual composition and quality of the restored habitat would be degraded. As such, **Special Condition 2** requires SCG to prepare and submit a revised Revegetation and Restoration Plan that includes the additional measures and standards described above and previously approved by the Commission in CDP Amendment No. 9-13-0344-A1.

Tidewater Goby

As noted in the MND prepared for the project by Santa Barbara County, several aspects of the project have the potential to adversely affect individuals and habitat of the tidewater goby, an estuarine fish species federally listed as threatened:

The project area adjacent to Atascadero Creek is designated federal critical habitat for the Tidewater goby species. This area is also designated federal critical habitat for southern California steelhead (low potential to occur) onsite. Project activities that may cause impacts to aquatic wildlife are limited to the removal of the [Line 159] support span located within a tidally influenced area of Atascadero creek. Project excavation has the potential to increase sedimentation into the creek from soils and accidental fuel spills during construction or concrete slurry release during abandonment of Segments 2 located under Tecolotito Creek/Goleta Slough, which could lead to contamination of soils, and water quality degradation.

To minimize the potential occurrence of these adverse impacts, SCG is proposing to include several measures in its project: (1) limit removal work to dry or low tide

conditions when the support posts are not within or surrounded by the waters of Atascadero Creek; (2) surround the work area with silt curtains to contain displaced sediments and prevent movement of sensitive fish species into the work area; and (3) limit removal work to slightly below the existing mudline to expedite its completion and minimize sediment disturbance. In addition, **Special Condition 4** would further minimize the potential for adverse impacts to sensitive habitat and water quality resulting from an uncontrolled spill of hazardous materials or concrete during the removal of the Line 159 support and grouting of Segment 2 of Line 80 by requiring SCG to develop and implement a Spill Prevention, Containment and Response Plan.

Special Status Plant Species

The project MND also identifies several rare wetland plant species that may be found within the proposed access ramp area and work site along Line 80 and describes how the activities that would occur in that area may adversely affect them:

The four special status plant species that have a moderate or high potential to occur onsite are Coulter's saltbush, Davidson's saltscallion, southern tarplant, and estuary seablite. These species were not observed during the biological field investigations. However, if they are discovered onsite, construction efforts could impact these species through direct injury or mortality to individuals. This could occur during the use of heavy construction equipment for hauling slurry to abandon the pipelines, removal of existing Line 80 pipeline and footings, and/or preparing the site for access. Accidental fuel spills during construction or a concrete slurry release during pipeline abandonment, could also lead to contamination of soils, and habitat degradation.

Although none of these species were observed within the proposed project disturbance areas during pre-project planning and botanical surveys, the most recent of those surveys was carried out in 2018 so the results may no longer represent current conditions. To help ensure that special status plant species in the project disturbance areas are identified and appropriately protected, **Special Condition 6** would require SCG to carry out a focused botanical survey of those areas prior to initiating work on the access ramp or pipelines and to provide the survey results to the Executive Director for review and approval. If special status plants are observed and cannot be avoided, SCG would prepare and submit a CDP amendment application that includes the number, species and area of rare or special status plants that would be lost or damaged and proposes mitigation based on those estimates.

Water Quality

Several aspects of the project have the potential to result in adverse impacts to water quality within Atascadero and Tecolotito Creeks and Goleta Slough. Specifically, the proposed removal of the failing pipeline support structure adjacent to the bank of Atascadero Creek may result in the release of sediment, turbidity or debris into the creek. In addition, the proposed abandonment-in-place of Line 80 below Tecolotito Creek involves the injection of concrete grout into the line and has the potential to result in the spill or release of concrete slurry into creek waters. Further, the grading and

installation of engineered fill associated with the proposed access ramp may generate or exacerbate soil erosion into adjacent wetlands or slough channels.

To minimize such adverse impacts to water quality, SCG is proposing to carry out all removal activities on the Line 159 support at low tide when the tidally-influenced waters of Atascadero Creek have receded below the work area. In addition, **Special Condition 5** would require SCG to install appropriate erosion control devices during construction, use and removal of the access ramp as well as to implement standard BMPs for erosion prevention and dust control. Further, **Special Condition 4** would require SCG to develop and implement a Spill Prevention, Containment and Response Plan for Executive Director review and approval that would include measures to prevent, contain and respond to the release or spillage of concrete slurry during preparation for pipeline abandonment-in-place as well as the accidental discharge or release of fuel, oil, or hydraulic fluid from project machinery or equipment during other project activities. Implementation of these protective measures and special conditions would help ensure that adverse impact to water quality from the proposed project would be avoided and minimized.

Belding's Savannah Sparrow

The Belding's savannah sparrow is listed as endangered under the California Endangered Species Act and the Goleta Slough is known to support the northernmost breeding population of this sensitive bird species. The Belding's savannah sparrow is endemic to salt marsh areas and is known to inhabit these areas on a year-round basis, foraging, nesting and establishing breeding territories exclusively in areas dominated by pickleweed vegetation. The small size, light-brown color and tendency to remain close to the ground among low-lying pickleweed makes the Belding's savannah sparrow difficult to observe and survey, especially outside of its mid-March to July breeding season. Female birds can be especially hard to find, even during the breeding season, because they do not engage in the easily observed territory calls and demarcation behavior of male birds.

While no Belding's savannah sparrows were found within the project's proposed disturbance footprint during biological surveys carried out during project planning, observations of this bird have been made in prior years within and adjacent to the project area. The secretive nature of the Belding's savannah sparrow and the limited survey effort dedicated to determining the presence and absence of these birds in the project area does not guarantee that these birds are not present at the site of proposed project or would not be present at the time project activities begin.

To ensure that potential and anticipated impacts to the Belding's savannah sparrow and its salt marsh wetland habitat are minimized and appropriately mitigated, the Commission is requiring in **Special Condition 2** that a pre-construction avian survey be conducted in the area of potential disturbance surrounding and including the pipeline access corridors and work areas to determine the presence of breeding Belding's savannah sparrows within these areas. **Special Condition 2** also requires that project activities cease if breeding or nesting Belding's savannah sparrows are observed within

300 feet of the project's disturbance footprint. In addition, the Commission is requiring in **Special Condition 2** that, to the extent feasible, all project activities be carried out after August 31 and before February 15, to minimize the possibility of adverse impacts to breeding Belding's savannah sparrows and in **Special Condition 3** that disturbed vegetation is fully restored through implementation of an approved Revegetation and Restoration Plan.

Conclusion

With implementation of the project's proposed resource protective measures and **Special Conditions 2 through 5**, the Commission believes that all feasible measures will be undertaken to minimize adverse environmental impacts and that wetlands that are unavoidably disturbed by the pipeline inspection and maintenance activities will be restored in a timely manner. The Commission therefore finds the project, as conditioned, consistent with Coastal Act Sections 30231 and 30233.

E. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

- b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Proposed project activities would occur in and near Goleta Slough, an area that consists largely of ESHA as defined by both the Coastal Act and the Santa Barbara County LCP. Specifically, the proposed project area includes a vegetation-covered slope between Ward Memorial Blvd. (State Route 217) and proposed work sites on Line 80 and Line 159 adjacent to Atascadero Creek that the Commission has previously determined to be wetland ESHA (most recently in findings associated with CDP Nos. E-11-031, 9-13-0344, and 9-13-0344-A1). Within this area, recently found to support quailbush scrub and salt marsh wetlands (primarily, pickleweed mats) by SCG's consultant biologists, SCG is proposing to construct a temporary access ramp of the same type and configuration as the one approved by the Commission in CDP Amendment No. 9-13-0344-A1. Construction of the access ramp would involve approximately 6,000 square feet of vegetation removal and grading and the placement of nearly 200 cubic yards of engineered fill material.

As the Commission found in its approval of CDP Amendment No. 9-13-0344-A1,

Because the project consists of repair and maintenance of existing facilities, and some of the structures being maintained are located in ESHA [and separated from

existing access roads by ESHA], there are no alternative locations for the project that could entirely avoid ESHA.

In those findings, the Commission further determined that the habitat within the proposed access ramp disturbance footprint had already been significantly disturbed as a result of past repair and maintenance activities by SCG (such as the periodic vegetation clearing permitted by the Commission in 2012 through CDP No. E-11-031) and that it supported a high level of invasive plant species. Additionally, the Commission required the full restoration of the ramp footprint and construction disturbance area once use of the ramp for the 2015 project (CDP Amendment No. 9-13-0344-A1) was completed and it was removed. Further, the Commission found that best management practices should be implemented to control erosion from the access ramp while it was in place. Supported by these findings, the Commission concluded in its review of CDP Amendment No. 9-13-0344-A1 that:

...no alternative methods of accomplishing the proposed repair and maintenance project are available that would avoid or lessen impacts to ESHA, the project has been designed to ensure that the method of repair and maintenance used by SCG limits impacts to ESHA to the maximum extent feasible, and the project will not significantly degrade ESHA and will in fact increase the acreage of high quality habitat available for wildlife on the site [once the required restoration is complete]. The Commission concludes the proposed repair and maintenance project is therefore consistent with Coastal Act Section 30240.

The access ramp element of the currently proposed project is the same as that previously approved by the Commission as described above and the habitat present today is similar to that which previously existed, with the slight exception that it appears to support a higher concentration of native species representing the quailbush plant community.

As such, the proposed re-installation, temporary use, and removal of an engineered fill access road within an approximately 6,000 square foot area previously used for that purpose would be expected to again be consistent with the Coastal Act's ESHA policies if the same resource protective measures used before were implemented once more. The recovery of the site to native habitat following SCG's past projects indicates that these measures were successful in allowing the project's adverse impacts to ESHA to be minimized. Specifically, the site should be fully restored to native habitat upon removal of the temporary access ramp and during its use, erosion control measures should be in place. To help ensure that these measures are implemented, **Special Condition 3** would require the development and implementation of a restoration plan that includes the full restoration of the access ramp area with the same mix of native vegetation currently found in the area as well as an reduction in the presence of invasive plants. Additionally, **Special Condition 5** would require the implementation of erosion control BMPs during all ground disturbing activities, including construction, use and removal of the access ramp. These BMPs would include use of dust control measures and placement of erosion control devices such as straw wattles to prevent

the possible flow of sediment from the access ramp into wetland areas or Atascadero Creek.

In addition to these measures, **Special Condition 2** would limit, to the extent feasible, project activities during the bird breeding and nesting season, February 1 through August 31, and require a qualified biologist to carry out a pre-construction survey if any project activities need to be carried out during this period. Because observations of the Belding's savannah sparrow, a bird listed as endangered under the California Endangered Species Act, have been made near the project area, this requirement would help ensure that no occupied breeding or nesting habitat would be disturbed or removed as a result of the proposed activities.

To help ensure that special status plant species (such as Coulter's saltbush, Davidson's saltscale, southern tarplant, and estuary seablite) that may be within the proposed project work areas, including the site of the proposed access ramp and the work areas along Line 80 and at the Line 159 support structure, are appropriately identified and protected, **Special Condition 6** would additionally require focused botanical surveys to be carried out within these areas prior to the initiation of project activities. The results of these surveys would be provided to the Executive Director for review and approval and if special status plant species are observed in areas that would be disturbed by construction activities and avoidance is not feasible, SCG would be required to submit an application for an amendment to this permit that includes the number, species and area of rare or special status plants that would be lost or damaged and proposes mitigation based on those estimates. Because the last surveys for special status plants were carried out in these areas in 2018 and conditions and plant presence may have changed in the intervening years (and may change further between now and the planned start of construction), the additional surveys required in **Special Condition 6** are necessary to accurately determine the likelihood and magnitude of the project's adverse impacts to special status plants and to provide a basis for the further evaluation provided through the CDP amendment process.

With the addition of **Special Conditions 2, 3, 5 and 6**, the project has been designed to ensure that the method of repair and maintenance used by SCG limits impacts to ESHA to the maximum extent feasible, the project will not significantly degrade ESHA, and will enhance it through the removal of invasive vegetation. The Commission concludes the proposed repair and maintenance project is therefore consistent with Coastal Act Section 30240.

F. Coastal 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 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

The proposed pipeline removal and abandonment activities would involve the temporary use of an approximately 20 foot wide section of the Atascadero Creek Bike Trail, a class one paved bicycle path located between Ward Memorial Blvd. and the Goleta Slough, as shown on [Exhibit 1](#). This bike trail provides access from inland areas to the ocean, Goleta Beach County Park and Goleta Beach. Because the bike trail separates Ward Memorial Blvd. (the nearest paved route that can be used to bring machinery and equipment to the project sites) from the project work sites, SCG proposes to transit equipment and machinery across the portion of the bike trail at the top of the proposed access ramp that would be constructed. Given that the bike trail is only proposed to be crossed laterally in one limited section, this use would be limited to a short duration on select days during the approximately two month project period.

Prior to use of the bike trail, the County of Santa Barbara Department of Public Works would need to grant a road encroachment permit to SCG for this activity. This permit is expected to include several measures to ensure that public access and use of the Atascadero Creek Bike Trail would be allowed to continue in a safe manner during the proposed project. SCG has expressed its support for keeping the bike trail open for use and is not proposing to close it during the proposed project. To help ensure safety of bike trail users, SCG would employ the use of a flagger to walk in front of vehicles and equipment when crossing the bike lane, install warning signage prior to equipment movement, and place cones near the edge of the bike lane closest to the work area.

Although the County road encroachment permit is likely to establish SCG's liability for any damage to the bike lane that occurs during equipment and vehicle use associated with the project, because this permit is not yet available to review, **Special Condition 1** requires SCG to immediately repair any damage its use of the bike trail causes. More extensive use of the bike trail by SCG for equipment and vehicle access associated with past projects has resulted in cracking and damage to the paved trail. SCG successfully repaired the damaged areas in the past and the trail was returned to service. **Special Condition 1** would also require the use of steel plates to help prevent damage and help ensure that if such damage does occur again, repairs would again be undertaken quickly.

With the implementation of the proposed measures to ensure that use of the bike lane would proceed in a safe manner during the proposed project, that it would be protected from damage and quickly repaired and returned to pre-project conditions if damage occurs, the Commission finds the project, as conditioned, would not interfere with the public's right of access to the sea and would be therefore be consistent with Coastal Act Sections 30210 30211 and 30213.

G. California Environmental Quality Act (CEQA)

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

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Southern California Gas Company, 2020. Coastal Development Permit Application No. 9-20-0457 and associated file.

California Coastal Commission, June 2010. Adopted Findings in support of Coastal Development Permit No. E-10-006.

California Coastal Commission, March 2012. Adopted Findings in support of Coastal Development Permit No. E-11-031.

California Coastal Commission, October 2012. Adopted Findings in support of Coastal Development Permit No. E-12-006.

California Coastal Commission, August 2014. Adopted Findings in support of Coastal Development Permit No. E-13-0344.

California Coastal Commission, June 2014. Adopted Findings in support of Coastal Development Permit No. E-13-0344-A1.