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STAFF REPORT: REGULAR CALENDAR

Application No.: 9-21-0714

Applicant: Southern California Gas Co.

Location: Goleta Slough, Goleta, Santa Barbara County
([Exhibit 1](#)).

Project Description: Removal and replacement of two above-ground natural gas pipelines and associated support structures within the La Goleta Storage Facility.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Southern California Gas Company (SoCal Gas) is proposing to remove and replace an approximately 500-foot segment of the existing above-ground natural gas pipeline, Line 247, and two associated supports as well as to remove and replace 36 existing temporary above-ground pipe supports along approximately 1,000 feet of a separate natural gas pipeline, Line 128. The section of Line 247 proposed for replacement begins east of the Atascadero Creek Bike Path parallel to Sandspit Road and continues across Atascadero Creek through unincorporated Santa Barbara County within Goleta Slough. The proposed pipe support replacement component of Line 128 runs south of Line 247, east of Atascadero Creek. Both the Line 247 and Line 128 project components are located entirely within the Commission's retained permit jurisdiction in the La Goleta Storage Facility, an underground natural gas storage field.

The project area includes work over Atascadero Creek and through an area of environmentally sensitive habitat area (ESHA) and salt marsh wetland habitat in Goleta Slough. To carry out the proposed activities on Lines 247 and 128, SoCal Gas proposes to construct staging areas on both sides of Atascadero Creek. The staging area located west of Atascadero Creek would require the removal of native vegetation (8.7 square feet), and the staging area is required for a crane to access and remove the section of Line 247. In addition, the proposed removal and replacement of Line 247 and its support structures would result in a total of 0.16 acres of temporary adverse impacts to ESHA. The support structure replacement component of Line 128 would result in 0.37 acres of temporary adverse impacts from construction activities and 0.10 acres of permanent adverse impacts from ongoing pipeline maintenance in wetlands and ESHA. In addition, a recreational and coastal access bicycle trail located adjacent to the project area may be adversely affected during project activities because SoCal Gas proposes to transit heavy equipment and machinery across the bike trail.

To address these issues, SoCal Gas 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 protection of the bicycle trail 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; and **Special Condition 3** would build on the biological resource protection measures proposed by SoCal Gas by additionally requiring SoCal Gas to develop and submit a revised revegetation and restoration plan to the Executive Director for review and approval. The plan would include updated habitat impact acreages, 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, and **Special Condition 5** 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, SoCal Gas would be required to apply for a CDP amendment that identifies the type and extent of anticipated adverse impact to rare plants and which includes a proposed 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 the removal of vegetation within ESHA, it requires a permit. In considering a permit application for a repair or maintenance project such as this one, the Commission evaluates whether the proposed method of repair and maintenance conforms with the Coastal Act and does not evaluate the underlying use'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.

9-21-0714 (Southern California Gas Company)

The staff recommends that the Commission **approve** SoCal Gas' CDP Application No. 9-21-0714. 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. 9-21-0714 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. 9-21-0714 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, Southern California Gas Company (SoCal Gas) shall place steel plates 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 SoCal Gas as soon as feasible following the completion of pipeline and support structure work but in any event shall 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 conduct a preconstruction survey within 500 feet of the project's disturbance limits, approximately one week prior to construction to determine presence/absence of active nests within and adjacent to the project construction area. If signs of breeding or nesting behavior are observed or if active nests are 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 the California Department of Fish and Wildlife (CDFW). No project activities shall occur in such areas until breeding/nesting is completed, the young have fledged the nest and left the area, or the nest has been abandoned. In all these cases, CDFW and the Executive Director must provide written confirmation that project activities may begin.

3. **Wetland Mitigation.** Prior to the initiation of project construction, SoCal Gas shall submit for Executive Director review and approval a revised version of the project Revegetation and Plan ([Exhibit 2](#)) that provides for mitigation for the permanent loss of wetland habitat from Line 247 activities at a 4:1 ratio and from Line 128 activities at a 2:1 ratio through wetland creation, consistent with CDP Amendment No. 9-22-0353-A3. Approximately 12 square feet of permanent impacts would occur as a result of Line 247 activities and 0.10 acres of permanent impacts would occur as a result of Line 128 activities. Temporary impacts to native vegetation, including wetland and ESHA habitat, shall be mitigated at a 1:1 ratio, or at a higher ratio if required by another planning or permitting agency. Approximately 0.26 acres of temporary impacts would occur as a result of Line 247 activities and 0.37 acres of temporary impacts would occur as a result of Line 128 activities. This plan shall also be expanded and/or revised to include the following requirements:
 - (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 creation of wetland habitat, 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) The plan shall be revised to state a goal of restoring all wetland areas disturbed by project activities to pre-project conditions and stabilizing soils in areas with temporary disturbance at the end of one year. Additionally, the plan shall also state a goal of achieving 90 percent native species vegetative cover (i.e. 90 percent of vegetative cover comprised of native species) and no more than 10 percent of non-native species vegetation cover at the end of three years for 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 SoCal Gas 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. Site preparation for restoration implementation shall begin upon completion of project activities. Monitoring of the restoration area shall take place annually, and reports shall be submitted to the Executive Director by November 1st of each year. The first-year report shall be submitted by November 1st following the first growing season after implementation.

Compliance with this plan shall include annual monitoring and reporting to the Executive Director for three years. If monitoring results show that wetland and ESHA 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, SoCal Gas shall submit an application for an amendment to this permit that proposes mitigation for remaining wetland and/or ESHA 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 final performance criteria described within the plan have not been met, SoCal Gas shall submit, within 120 days of the Executive Director's determination, an application for an amendment to this permit that proposes a new Revegetation and Restoration Plan with additional restoration activities to address the performance criteria that were not satisfied. This new Revegetation and Restoration Plan shall be implemented by SoCal Gas upon approval.

4. **Spill Prevention, Containment and Response Plan.** Prior to the initiation of project construction, SoCal Gas 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 accidental discharge or release of fuel, oil, paint products, 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 SoCal Gas during all project activities.
5. **Rare Plant Survey and Protection.** Prior to the initiation of project construction, SoCal Gas shall submit for Executive Director review and approval the results of a focused

botanical survey conducted in the project construction area 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, SoCal Gas 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.

6. **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 (SoCal Gas) is proposing to remove and replace an approximately 500-foot segment of the existing above-ground natural gas transport pipeline, Line 247, and two associated supports as well as to remove and replace 36 existing temporary above-ground pipeline supports along approximately 1,000 feet of a separate natural gas pipeline, Line 128. The section of Line 247 proposed for replacement begins east of the Atascadero Creek Bike Path parallel to Sandspit Road and continues across Atascadero Creek through unincorporated Santa Barbara County within Goleta Slough. The proposed support replacement component of Line 128 runs south of Line 247 and east of Atascadero Creek. Both the Line 247 and Line 128 project components are located entirely within the Commission's retained permit jurisdiction and SoCal Gas has applied to the Commission for a single Coastal Development Permit (CDP) due to their proximity and association with ongoing operations within the La Goleta Storage Facility.

SoCal Gas proposes to replace the section of Line 247 using a crane staged outside of sensitive habitat and wetland areas, a temporary steel platform spanning the length of the pipeline using existing pipeline supports, and a temporary floating barge in Atascadero Creek. Atascadero Creek is a tidally influenced creek that is one of the primary features of the Goleta Slough. The floating barge would be removed from Atascadero Creek at the end of each workday. As part of the pipeline replacement work, two deteriorating stucco-covered wood support structures would also be removed and replaced with new steel and concrete support structures.

SoCal Gas states in its CDP application that:

Each support structure will require a 400 square foot workspace for excavation and work area. The proposed replacement support will consist of two 18-inch diameter pier foundation supports, drilled down to a minimum elevation of 15 feet and maximum of 40 feet below the existing grade. After the installation of the new support structures, the previous supports will be removed using a crew with hand tools to disassemble the structure and heavy equipment will be used to lift and remove the old materials to be hauled off site.

In addition to this proposed work on Line 247, SoCal Gas also proposes to remove and replace the existing temporary above-ground pipe supports along Line 128. A total of 36 supports would be removed, four of which are concrete and metal pilings and 32 are temporary wooden cribbing supports. Thirty-four new reinforced concrete pipe supports would be installed prior to the removal of the existing supports to allow the load of Line 128 to be transferred prior to the loss of any support capacity. Each new support would include two 2.5-foot diameter concrete piers installed at a depth of at least 25 feet below ground surface and connected above ground by a horizontal steel support.

SoCal Gas states in its CDP application that:

Each new support would require approximately 18.5 cubic yards (cy) of excavation to install (630 cy total). The interior of the supports would consist of steel rebar encased in concrete in a cylindrical fashion. The reinforced concrete supports would also carry an aluminum cable tray containing electrical conduits running along L128. An existing electrical junction box, buried conduits, and guy wire anchors supporting an existing power pole would also require removal. The electrical box would not be replaced.

To carry out the proposed activities on Line 247, SoCal Gas also proposes to use a temporary access ramp between Ward Memorial Blvd. (State Route 217) and the proposed work sites west of Atascadero Creek. This ramp was previously permitted as part of a separate adjacent project (CDP No. 9-20-0457). Following the completion of project activities for both projects, the ramp would be removed. The location of this access ramp and the anticipated work and disturbance areas for the proposed Line 247 and Line 128 work are shown on [Exhibit 1](#).

B. Consultations and Other Agency Approvals

US Army Corps of Engineers

The U.S. Fish and Wildlife Service (USFWS) is responsible for reviewing and authorizing projects that would result in impacts to federal waters. SoCal Gas has applied for a Clean Water Act Section 404 authorization and is in its final approval stages.

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 streambed of Atascadero Creek. SoCal Gas has requested a Streambed Alteration Agreement from CDFW for the proposed removal and replacement of Line 247 and associated support structures from the bank of Atascadero Creek which is in its approval stages.

Tribal Governments

In October of 2021, Commission staff contacted representatives from Native American Tribes understood to have current and/or historic connections to the project area. These Tribes included the Barbareño/ Ventureño Band of Mission Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Northern Chumash Tribal Council, San Luis Obispo County Chumash Council, Santa Ynez Band of Chumash Indians, and Barbareño Band of Chumash Indians. Contact information for these Tribal Representatives was gathered from the Native American Heritage Commission's Native American Contact List. No questions or concerns were identified by representatives of the listed Tribes.

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 replacement. 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 Title 14 of the regulations 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 SoCal Gas' Line 247 and Line 128 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 diameter breast height or clearing more than 500 sq. ft. of brush or other vegetation..."

The proposed pipeline and structural support removal and replacement activities for Line 247 and Line 128 would be located adjacent to Atascadero Creek, within coastal salt marsh habitat with suitable nesting and foraging habitat for 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. Thus, the proposed project requires 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 affect wetland habitat, will occur in close proximity to areas occupied by special status species, and will 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, but not the underlying use (e.g. the existing pipelines).

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 section of Line 247 proposed for replacement passes over Atascadero Creek and through adjacent salt marsh wetland and ESHA habitat. The proposed removal and replacement of this section of pipeline 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, SoCal Gas estimates that the proposed project would result in the temporary disturbance of approximately 0.08 acres of salt marsh wetlands comprised of pickleweed mats and quailbush scrub and interspersed with areas colonized by ice plant mats and mustard (as shown in [Exhibit 3](#)). Because Line 247 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. Two existing stucco covered wood support structures would be removed in wetland habitat by a crew using hand tools to disassemble the structures. Heavy equipment would then lift and remove the old materials to be disposed of at an appropriately certified off site facility. This element of the proposed project would include drilling two 18-inch diameter reinforced concrete support posts into the wetlands to a minimum depth of 15 feet and maximum of 40 feet. In total, this work is estimated to result in the permanent loss of approximately 16 square feet of wetland habitat.

The proposed removal and replacement of 36 existing pipeline supports along approximately 1,000 feet of Line 128 would also adversely affect wetland habitats. Similar to the adjacent Line 247, Line 128 passes through wetland habitat consisting of arroyo willow thickets and is required to have a structural support prior to passing over Atascadero Creek. Thus, installation of the replacement supports would also occur in wetlands. Thirty-four new pipeline supports would be installed prior to the removal of existing supports so that the section of pipeline can be transferred. Installation would include drilling each new pipeline support to a minimum depth of 25 feet and maximum of 40 feet in wetland habitat, as well as the installation of a cross beam to support Line 128. Only the above-grade portion of the existing pipeline supports would be removed via construction crews using hand tools to limit the disturbance in wetland areas. In total, SoCal Gas estimates that the proposed project would result in the temporary disturbance of approximately 0.07 acres of coastal wetlands comprised of discontinuous patches of arroyo willow thicket bordered by ruderal and annual grassland communities (as shown in [Exhibit 3](#)). To allow for continued maintenance and repair activities on

Line 128, SoCal Gas proposes to clear vegetation from a five-foot area along the south side of the pipeline, which is additional to the area SoCal Gas keeps clear of vegetation as part of its vegetation management and maintenance activities for the La Goleta Storage Facility (recently authorized by the Commission for five additional years through CDP Amendment No. 9-22-0353-A3). In total, the area proposed to be cleared as part of the current application is estimated to result in the permanent loss of approximately 0.03 acres 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 of pipelines in the La Goleta Natural Gas Storage Facility, 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 replacement of the section of Line 247 and replacement of pipeline supports for both Line 247 and Line 128, Commission staff considered several alternatives, including (1) removal of the existing degraded supports without installation of replacements; (2) co-locating Line 247 with an existing pipeline and use of shared supports; and (3) the replacement of the supports at a new location outside of sensitive habitat.

As discussed by SoCal Gas in its CDP application, replacement of the Line 247 pipeline supports that are currently located in the banks of Atascadero Creek is required to satisfy state and federal regulations regarding natural gas transportation safety:

The replacement of the pipeline support in the current location on the banks of Atascadero Creek is required to satisfy state and federal regulations regarding natural gas transportation safety. Similarly, the proposed type of support is also carefully regulated. SoCalGas is proposing to install a support structure comprised of 2 reinforced concrete posts that would extend between 1 - 2 feet above ground surface and be drilled to a depth of 40 feet below ground surface. SoCalGas has limited flexibility in the type of support to use for the pipeline and has selected a design that would comply with State and federal regulations and provide an appropriate level of structural and seismic safety. Other designs and configurations that do not comply with such regulations would not be allowed.

The No Project Alternative has been identified as no construction and leaving the existing structures in place with no replacement of failing structures. This alternative would not meet the California Public Utilities Commission safety requirements and failure of the pipeline support system would likely result. Failure of the pipeline support system would likely result in pipeline failure that would have adverse effects on ESHA and coastal wetlands in addition to unacceptable public safety impacts and service outages.

In addition, the existing Line 128 supports are currently failing and require replacement to maintain the integrity and continued safe use of the existing L128 pipeline. As stated by SoCal Gas in its CDP application:

As part of the overall maintenance and upkeep of L128, SoCalGas found the existing pipe supports were not adequate and would require replacement. Wood cribbing supports were installed in Spring 2021 as a temporary measure, and it was determined SoCalGas would return to install permanent supports at a later date. The objective of the proposed Project is to ensure the safety of the pipeline by completing the replacement of the existing pipe supports since the existing supports are failing.

As such, removal of the existing supports without installation of replacement supports is not a feasible alternative. Similarly, the type of support used for Line 247 and Line 128 is also carefully regulated. For Line 247, SoCal Gas is proposing to install support structures comprised of two reinforced concrete posts that would extend between one and two feet above ground and be drilled to a depth of 40 feet belowground. For Line 128, SoCal Gas is proposing to install each support structure comprised of two concrete piers that would extend approximately 21 inches above the ground surface and be drilled to a depth of at least 25 ft. belowground. SoCal Gas 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 while minimizing the disturbance footprint within sensitive habitats. Other designs and configurations that do not meet these requirements and comply with those regulations would not be feasible.

The Commission's evaluation of feasible less environmentally damaging alternatives therefore focused on the location of the replacement support structures rather than their installation and design. Specifically, alternative sites further from Atascadero Creek were considered.

Siting the new supports landward of Atascadero Creek would be less environmentally damaging than reusing the site of the current supports because installation of the support structures at the landward site would not 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. However, siting new supports in that location is not feasible because proposed pipeline

support structures are already sited at a maximum separation based on pipeline engineering requirements and cannot be moved further upland without potentially compromising the pipeline. Further, while the proposed sites for the new support structures is in sensitive habitat, they are in areas below and adjacent to Line 247 and Line 128 that have been subjected to chronic disturbance due to the presence of the pipeline, periodic maintenance, and the remains of a previous vehicular bridge that was destroyed in 1998. 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 structures at these locations is the least environmentally damaging feasible alternative.

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 on habitats and species, including wetland habitat, tidewater goby, special status plant species, water quality, and Belding’s Savannah Sparrow.

Wetland Habitat

Approximately 0.26 acres of the proposed project’s disturbance footprint is within ESHA and wetland habitats ([Exhibit 3](#)). These habitats are comprised of a salt marsh that supports wetland vegetation, including pickleweed and arroyo willow thicket plant communities, as well as areas of coyote brush scrub plant communities.

To mitigate for adverse impacts to these habitats, SoCal Gas 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 replacement activities. To mitigate for permanent impacts to native habitat, SoCal Gas proposes to create wetland and upland habitat at the Chase-Bryce well pad site at a 4:1 ratio for Line 247 and 2:1 ratio for Line 128. The permanent impacts from Line 128 are an extension of CDP Amendment No. 9-22-0353-A3 which the Commission recently approved for the management, maintenance, and repair of aboveground infrastructure at the La Goleta Natural Gas Storage Facility. These activities would include clearing vegetation from within 10 feet of pipelines, including Line 128. SoCal Gas is requesting an additional 5 feet of vegetation clearing for a section of Line 128 to maintain adequate access for necessary maintenance activities. A mitigation ratio of 2:1 was required in CDP Amendment No. 9-22-0353-A3 for the same activities on Line 128, and the same mitigation ratio is also proposed for this project. A 2:1 mitigation ratio is appropriate mitigation for these impacts because the impacted wetland habitat along the pipeline corridor has been continuously subjected to chronic disturbance due to the presence of the pipeline and periodic maintenance. The proposed mitigation would result in the creation of functioning wetland habitat away from disturbance and would be contiguous with areas of native habitat currently being restored with a possibility of expansion. The Chase-Bryce well pad site is currently in the process of being decommissioned and is ideal for native habitat creation as it is currently devoid of vegetation and it adjacent to

existing riparian and saltmarsh habitat and previously successfully restored saltmarsh habitat. To mitigate for temporary impacts to native habitat, SoCal Gas proposes to restore in-kind at a 1:1 mitigation ratio onsite at the location of the initial disturbance.

SoCal Gas describes in its CDP application the following restoration plan provisions:

All planting areas will receive natural wood mulch a minimum of three inches deep. A program of weeding non-native herbaceous species during the growing season will be implemented to reduce the presence and spread of these species in the restoration areas. All other areas of exposed soil from project disturbance activities (excluding developed roadways) would be broadcast seeded with the proposed seed mix. Commercially available seeds and container stock from local sources will be used for all restoration applications. Willow sprigs from the Project vicinity will be collected to be used during planting activities. The quality of the sprigs and seeds will be inspected and approved by the Project restoration biologist; this will either be a SoCalGas biologist or a consultant, prior to installation into the restoration areas.

The Revegetation and Restoration Plan includes maintenance, success criteria, monitoring, and contingency measures. Maintenance activities would include: 1) removal of non-native and invasive weed species from the restoration and mitigation sites with hand tools or by herbicide treatment appropriate for use along waterways during inspection and monitoring sessions; 2) debris and trash removal; 3) supplemental planting if the performance evaluation indicates that the success criteria are not being met; 4) temporary irrigation of restoration sites as necessary to ensure establishment of plants. The Revegetation and Restoration Plan would be deemed successful if after five years the restored area(s) provide at least 80% absolute cover of native vegetation. SoCal Gas also proposes to monitor plant survivorship and cover, invasive species control, irrigation status/regime, and other relevant mitigation implementation activities annually. Annual reports would be submitted to the Commission's Executive Director for up to five years to document the implementation and success of the mitigation. If the restoration does not meet the success criteria within five years, SoCal Gas will reinitiate the necessary aspects of the restoration plan to restore the areas in the same manner as described above modified as needed based on the evaluation of the maintenance and monitoring methods and will continue monitoring for the amount of time deemed necessary by the project restoration biologist to document meeting the success criteria. Special Condition 3 requires SoCal Gas to submit a revised version of its Revegetation and Restoration Plan with updated impact acreages following surveys of the project area.

Tidewater Goby

As noted in SoCal Gas' CDP application, the replacement of Line 247 has the potential to adversely affect individuals and habitat of the tidewater goby, an estuarine fish species listed as threatened under the federal Endangered Species Act:

There is high potential for tidewater goby to occur in the study area and Atascadero Creek is designated federal critical habitat for that species. In addition, Atascadero

Creek is designated federal critical habitat for southern California steelhead. Possible direct impacts from this work include contamination of soils and water quality degradation. Possible indirect impacts could result from vibrations, which could cause tidewater goby or steelhead in the area, if present, to quickly flee the area, exposing themselves to potential predators such as shorebirds and larger predatory fish.

To minimize the potential occurrence of these adverse impacts to sensitive habitat and water quality resulting from an uncontrolled spill of hazardous materials, **Special Condition 4** requires SoCal Gas to develop and implement a Spill Prevention, Containment and Response Plan.

Special Status Plant Species

SoCal Gas' CDP application also identifies several rare wetland plant species that may be found within the study area and describes how the activities that would occur in that area may adversely affect them:

Based on the negative results of the 2020 rare plant protocol surveys, no special status plant species are anticipated to occur within the study area. Should special status plant species be present, direct impacts through injury or mortality to individuals during construction is possible. This could occur during the use of heavy construction equipment required for access or pipeline excavation. Accidental fuel spills during construction could also lead to contamination of soils, and habitat degradation. Indirect impacts could result from habitat modifications by the introduction of invasive plants from construction equipment.

The six special status plant species that have a low potential to occur within the study area include Coulter's saltbush, Davidson's saltscale, salt marsh bird's beak, Coulter's goldfields, southern tarplant, and estuary seablite. Although none of these species were observed within the proposed project disturbance areas during pre-project planning and recent botanical surveys, conditions and plant presence may have changed in the time from the surveys (and may change further between now and the planned start of construction) and seed dispersal of rare plants from outside the study area cannot be ruled out. To help ensure that special status plant species in the project disturbance areas are identified and appropriately protected, **Special Condition 5** would require SoCal Gas to carry out a focused botanical survey of those areas prior to initiating work on the pipelines and supports and to provide the survey results to the Executive Director for review and approval. If special status plants are observed and cannot be avoided, SoCal Gas 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 Creek and Goleta Slough. Specifically, the proposed removal

of the failing pipeline supports adjacent to the bank of Atascadero Creek may result in the release of sediment, turbidity or debris into the creek.

To minimize such adverse impacts to water quality, SoCal Gas proposes to install appropriate erosion control devices during construction and use of the access ramp as well as to implement standard BMPs for erosion prevention and dust control. Further, **Special Condition 4** would require SoCal Gas 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 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 were made in 2016 within 0.25 miles of the study 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 help ensure that potential and anticipated impacts to the Belding's savannah sparrow and its salt marsh wetland habitat are minimized and appropriately mitigated, **Special Condition 2** would require 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** would also require 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, **Special Condition 2** would require that, to the extent feasible, all project activities be carried out after August 31 and before February 15 (in other words, outside of the bird species' typical breeding season), to minimize the possibility of adverse impacts to breeding Belding's savannah

sparrows. Finally, **Special Condition 3** would require 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**, all feasible measures would be undertaken to minimize adverse environmental impacts and restore wetlands that would be disturbed by the pipeline and support replacement activities, 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 the Coastal Act. Specifically, the proposed project area includes a vegetation-covered slope between Ward Memorial Blvd. (State Route 217) and proposed work sites along Line 128 landward of Atascadero Creek that the Commission has previously determined to be ESHA (most recently in findings associated with CDP Nos. E-11-031 and 9-22-0353-A3). Within this area, recently found to support quailbush scrub by SoCal Gas' consultant biologists, SoCal Gas is proposing to use the temporary access ramp approved by the Commission in CDP No. 9-20-0457 and remove the ramp following the completion of both projects. Both projects are expected to occur concurrently or sequentially so as to not extend the period of the ramp's presence. As part of CDP No. 9-20-0457, the Commission required SoCal Gas to fully restore the ramp footprint and construction disturbance area 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 the temporary use of the ramp for this project would not adversely impact ESHA, SoCal Gas would implement erosion control BMPs during all ground disturbing activities, including use 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 ESHA areas or Atascadero Creek.

In addition to these measures, **Special Condition 2** would preclude or 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 that may be within the proposed project work areas, including the site of the access ramp and the work areas along Line 247 and Line 128, are appropriately identified and protected, **Special Condition 5** 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, SoCal Gas 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 2021 and conditions and plant presence may change between now and the planned start of construction, the additional surveys required in **Special Condition 5** would be 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, and 5**, the project has been designed to ensure that the method of repair and maintenance used by SoCal Gas limits impacts to ESHA to the maximum extent feasible. 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 replacement 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, SoCal Gas 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 and a half month long project period.

Prior to construction, the County of Santa Barbara Department of Public Works would need to grant a road encroachment permit to SoCal Gas for this activity. This permit is expected to include several measures to help 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. Based on prior projects in this area, expected conditions would include: 1) Signs must be at least 3-foot by 3-foot with large font readable by bicyclists traveling at 15 miles an hour; 2) Signs must be water/weatherproof and posted on barricade-style post(s) so as not to blow over in the wind; and 3) Orange fencing must be used at closure points to ensure that bicyclists and pedestrians do not pass through closure points. SoCal Gas 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, SoCal Gas 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.

Similar approaches were employed to successfully avoid and minimize adverse impacts to coastal access and recreation during a prior SoCal Gas project in this same area approved by the Commission through CDP No. 9-20-0457. As the Commission found in its approval of CDP No. 9-20-0457:

Although the County's 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.

Application of the same protective measures would again be expected to avoid or minimize potential adverse impacts to coastal access and recreation from the proposed project. With the implementation of the proposed measures and the requirements in **Special Condition 1** 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

Section 13096 of the Commission's regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Southern California Gas Company, 2020. Coastal Development Permit Application No. 9-21-0714 and associated file.

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

California Coastal Commission, May 2021. Adopted Findings in support of Coastal Development Permit No. 9-20-0457.