



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** March 12, 2024  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Lisa Plowman, Director (805) 568-2086  
Director(s)  
Contact Info: John Zorovich, Deputy Director (805) 568-2519  
**SUBJECT:** **Report on Case No. 24EMP-00001: Emergency Permit to allow the repair of Freeport-McMoRan's Gaviota Desalination Plant Brine (Wastewater) Outfall Line, Third Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit Case No. 24EMP-00001, approved by the Director of Planning & Development on January 23, 2024, which authorized the excavation and repair of a portion of Freeport-McMoRan's Gaviota Desalination Plant's brine (wastewater) outfall line; and
- b) Determine that receiving and filing this report is not a project pursuant to CEQA Guidelines Section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

This item is intended to inform the Board of Planning & Development's (P&D's) issuance of an Emergency Permit (Case No. 24EMP-00001) to allow for the repair of Freeport-McMoRan's (FMOG, Applicant's) Gaviota Desalination Plant pipeline. FMOG detected moisture near the brine (wastewater) outfall line of the Desalination Plant on October 25, 2023, indicating a leak in the line. The Gaviota Desalination Plant is owned and operated by FMOG and supplies essential potable and fire water to the adjacent Freeport Gaviota Oil Heating Facility, and to the nearby Santa Barbara County Fire Department Station No. 38. Due to the detected moisture, the Desalination Plant was shut down on November 30, 2023. The available on-hand water supply was estimated to last approximately 4 to 5 weeks.

FMOG informed County P&D staff of the leak and the need for an inspection and repair of the line on December 1, 2023. Verbal authorization to move forward with emergency work was provided by the Director of Planning & Development on December 4, 2023. The project commenced on December 18, 2023, and repair work occurred through January 5, 2024. The work is now complete.

The Director approved the Emergency Permit request based on a CEQA statutory exemption (CEQA Guidelines Section 15269(b)) due to the need to maintain water flow to the Santa Barbara County Fire Department Station No. 38, which provides an essential public service. A copy of the CEQA Exemption is included as Attachment 2. This Board Agenda Letter is submitted to satisfy Article II Section 35-171.6, which requires the Director of Planning & Development to report in writing to the Board of Supervisors and the California Coastal Commission the nature of the emergency and the work involved for Emergency Permits.

An Emergency Permit does not constitute an entitlement to allow for development; an application for subsequent applicable planning permits must be submitted by the Applicant to the County within 30 days following the issuance of the Emergency Permit. For this project, a Coastal Development Permit (CDP) is required in order to permit the work described in the Emergency Permit. The Applicant will submit the CDP application by February 23, 2024, and staff will process the application as a standard permit.

**Background:**

The project is located on APN No. 081-010-003 on land owned by the Union Pacific Railroad within the coastal zone, zoned TC (Transportation Corridor), within an area known as the former Gaviota Marine Terminal. The brine water (wastewater) pipeline connects the Freeport Gaviota Desalination Plant at 17100 Calle Mariposa Reina to the Pacific Ocean along the Gaviota Coast.

The project consisted of the excavation of approximately 17.7 cubic yards of material to expose approximately 80 linear feet of line. Protective coating was applied, and the excavation was backfilled and restored to pre-project conditions. The project disturbed approximately 480 square feet of area. Equipment and personnel used existing access roads within the Gaviota Desalination Plant facility and the former Gaviota Marine Terminal. Spoil piles were kept covered with a tarp each evening and surrounded by straw waddles to prevent soil erosion and other debris from washing away. During rain events, the excavation was backfilled and not re-excavated until the rain event passed. The entire area surrounding the excavation was kept fenced during construction to prevent humans and wildlife from entering the area.

The project area is near a County-designated environmentally sensitive habitat and riparian corridor. Sensitive biological species documented in the area include Miles' milk-vetch (*Astragalus didymoca*). Alcatraz Creek, a mapped freshwater/shrub wetland is located adjacent to the repair site, and is fenced off from the repair location. The repair site is located directly west of a paved access road, within a disturbed area with small amounts of ruderal vegetation underneath the railroad trestle bridge. No impacts to sensitive species or vegetation occurred.

The repair was necessary to bring the Desalination Plant back to its full operations to support the Freeport Gaviota Oil Heating Facility and the Santa Barbara County Fire Department Station No. 38. The project constituted an emergency because the Desalination Plant provides essential potable and fire water to Fire Department Station No. 38, an essential public service to the Gaviota area. Because repairing the outfall required temporarily shutting down the Desalination Plant operations, the timeframe to permit the pipeline

repair as a “standard” project would have resulted in a loss of water supply to the Fire Station, which relies on the Desalination Plant for onsite water supply, fire suppression, and protection services.

**Fiscal and Facilities Impacts:**

County staff costs for preparing the Emergency Permit are reimbursed by the Applicant in conformance with the current Board-adopted fee ordinance. The estimated total cost to process this Emergency Permit is approximately 15 staff hours, which equates to \$4,230. Funding for this project is budgeted in the Planning and Development Department’s Permitting Budget Program as shown on page 313 of the County of Santa Barbara Fiscal Year (FY) 2023-24 Adopted Budget.

**Attachments:**

1. Emergency Permit 24EMP-00001
2. CEQA Notice of Exemption

**Authored by:**

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