

COASTAL RESOURCE ENHANCEMENT FUND

GUIDELINES

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COASTAL RESOURCE ENHANCEMENT FUND GUIDELINES

1. PURPOSE OF THE COASTAL RESOURCE ENHANCEMENT FUND

Environmental impact reports for five oil projects concluded that Santa Barbara County's coastal resources will be adversely affected by the impacts of offshore oil and gas development along or near the County's coast. Permit conditions for these County-approved offshore oil and gas projects, Point Arguello, Santa Ynez Unit, Point Pedernales, Gaviota Terminal, and Molino Gas require each project to contribute to a Coastal Resource Enhancement Fund (CREF). The permit conditions specify that for the Santa Ynez Unit and Point Arguello projects, the contribution to the CREF shall not exceed \$327,400 annually for the life of the project. For Gaviota Terminal and Point Pedernales projects, the contribution to CREF shall not exceed \$325,000. The Molino Gas project's permit requires a CREF payment of \$71,880 (in 1997 dollars) every year while the drilling rig is erected for primary drilling operations and \$17,970 (in 1997 dollars) every quarter for well workovers and abandonment procedures.

The purpose of the CREF is to provide the required mitigation for these residual and cumulative impacts that cannot be fully mitigated by other project-specific mitigation measures. The CREF is designed specifically to mitigate, to the maximum extent feasible, impacts to coastal recreation, aesthetics, tourism, and/or sensitive environmental resources. The CREF achieves mitigation by providing enhancement projects, which will compensate for the residual impacts to the County caused by these oil and gas projects that are not fully mitigated by other project-specific mitigation measures. Any future offshore oil and gas projects permitted by Santa Barbara County would be expected to participate in the CREF program consistent with the adopted guidelines.

1.1 Coastal Resource Enhancement Fund Program Approved by the Board of Supervisors

On April 18, 1988 the Board of Supervisors approved a funding approach for implementing the CREF. This approach requires four of the five affected offshore oil projects (Point Arguello, Santa Ynez Unit, Point Pedernales, and the Gaviota Terminal), to make either a front-end, five-year payment to the CREF or to make annual payments for the next five years. The CREF payments required of these projects for each five-year period are reassessed by the Board of Supervisors. The results of the past reassessments are in Table 1.

The County specified the CREF fees for the Molino Gas project in the permit, rather than resorting to five-year assessments, due to state law effective for mitigation fees approved after January 1, 1989. The Molino Gas project has paid \$71,880 to CREF in 1997 and \$21,025 when it plugged and abandoned its sole exploratory well in 2003.

Table 1. Past CREF Payments (adjusted for inflation)

	Santa Ynez Unit	Point Arguello	Gaviota Terminal	Point Pedernales	Totals
1987/88	\$240,000	\$981,000	\$480,000	\$400,000	\$2,101,000
1989	\$240,000	\$327,400	\$240,000	\$100,000	\$ 907,400
1990	\$240,000	\$327,400	\$240,000	\$ 60,000	\$ 867,400
1991	\$240,000	\$300,000	\$100,000	\$ 60,000	\$ 700,000
1992	\$240,000	\$300,000	\$100,000	\$ 60,000	\$ 700,000
1993	\$239,600	\$327,400	\$119,800	\$ 95,840	\$ 782,640
1994	\$263,560	\$327,400	\$119,800	\$ 95,840	\$ 806,600
1995	\$239,600	\$327,400	\$239,600	\$ 95,840	\$ 902,440
1996	\$239,600	\$327,400	\$119,800	\$ 95,840	\$ 782,640
1997	\$239,600	\$327,400	\$119,800	\$ 95,840	\$ 782,640
1998	\$234,450	\$299,575	\$104,200	\$130,250	\$ 768,475
1999	\$234,450	\$273,525	\$ 78,150	\$130,250	\$ 716,375
2000	\$234,450	\$247,475	\$ 78,150	\$130,250	\$ 690,325
2001	\$234,450	\$247,475	\$ 78,150	\$130,250	\$ 690,325
2002	\$234,450	\$221,425	\$ 78,150	\$130,250	\$ 664,275
2003	\$208,600	\$253,300	\$149,000	\$149,000	\$ 759,900
2004	\$208,600	\$253,300	\$149,000	\$149,000	\$ 759,900*
2005	\$208,600	\$223,500	\$ 59,600	\$149,000	\$ 640,700*
2006	\$208,600	\$223,500	\$ 29,800	\$134,100	\$ 596,000*
2007	\$208,600	\$223,500	\$ 0	\$134,100	\$ 566,200*

* See footnotes in Tables 4 and 5 below.

1.2 Mitigation Requirements

The Coastal Resource Enhancement Fund provides a mechanism for receiving and utilizing funds assessed as part of oil and gas development project approval and permit issuance. The CREF ensures that impacts identified in project Environmental Impact Reports (EIRs) are mitigated to the maximum extent feasible.

Inclusions: Provisions of the CREF are applicable to all projects related to offshore oil and gas development, where the EIR for the project identifies potential residual impacts to the County's coastal zone of one or more of the following types: coastal recreation, aesthetics, tourism and environmentally sensitive resources. Residual impacts are those impacts remaining after project-specific mitigation has been implemented.

Impacts resulting from all project phases -- including construction, operation, facility removal, and site restoration -- are subject to the provisions of the CREF.

"Residual" is emphasized above as the CREF addresses only those impacts that have not already been mitigated through project-specific conditions. Impacts that can be eliminated by project mitigation measures will continue to be addressed in that manner and only unmitigated impacts fall under the purview of the CREF.

Exclusions: To avoid duplicative mitigation, impacts addressed by any existing program (including in-lieu fee programs) are not included within the scope of the CREF. Impacts and associated mitigation programs or existing funds that are specifically excluded from the CREF are outlined below.

Local Fishermen's Contingency Fund: For coastal developments containing offshore project components such as platforms, pipelines, and piers, monies are required to be set aside in this contingency fund. Funds are specifically used to aid commercial fishermen whose gear is damaged or lost due to offshore oil or gas development.

Fisheries Enhancement Fund: Although payments to this fund are from the same type of offshore developments as referenced above, monies are targeted for improvement of commercial fisheries. The purpose of the fisheries fund is to offset losses of, or disturbances to, commercial fishing areas. Projects that may be eligible for funds from this program are: protection of certain spawning grounds; pier, dock, and harbor improvements for commercial fishermen; and various types of fishery enhancement programs.

Offsite Road Improvement Fees: Road improvement fees are required by the Santa Barbara County Public Works Department to mitigate cumulative direct and/or indirect traffic impacts. Fees are used to improve roads in impacted areas, to install traffic signals and turn lanes, to widen roads, etc.

In-Lieu Coastal Access Fees: Coastal access is an existing County requirement for projects within the coastal zone.

Socioeconomic Monitoring and Mitigation Program: This program addresses mitigation required as a result of oil development population impacts to the County, cities, or special districts and school districts.

2.0 CREF PROCESS

2.1 Fee Amounts

The procedure for calculating fee amounts for the Point Arguello, Santa Ynez Unit, Point Pedernales, and the Gaviota Terminal projects is described below. The assessment is based on the following three steps:

1. Identify residual impacts within various issue areas that contribute to an impact, either project-specific, cumulative or both.
2. Assign impact points a value between 0-5.
3. Multiply the number of impacts points for each oil project times the \$20,000 value to determine the annual contribution, adjusted every five years to reflect constant dollars, pursuant to changes in the Consumer Price Index_(The Bureau of Labor Statistics, U.S. Department of Labor, "Consumer Price Index for All Urban Consumers, Los Angeles - Long Beach - Anaheim Metropolitan Area.").

Administrative Costs: Administrative costs are covered by the CREF program. Under a five-year assessment approach the administrative costs for the CREF program are relatively minor.

Determining Fee Amounts:

1. Identify residual impacts of the types below. "Residual impacts" refer to impacts remaining after all mitigation measures have been incorporated into the project.
2. Evaluate the entire project, including onshore and offshore impacts that adversely affect residents of, or visitors to Santa Barbara County.
3. Evaluate impacts associated with all phases of the project, including construction, operation, facility removal, and site restoration.
4. Evaluate net residual impacts; include directly related beneficial impacts in the assessment of residual impacts.

Impact Types:

coastal recreation
tourism
aesthetics (visual)
environmental sensitive resources

Impact Values:

Assign a value from 0-5 to each impact category. A value of one is equivalent to low impact; five signifies high impact. Sum all values to derive a measure of total residual impact. See Tables 2-5 for a summary of the past CREF point value determinations.

In assigning values, consider the following factors:

- a. area affected by impact,
- b. duration of impact,
- c. frequency of impact,
- d. extent to which impact exceeds impact significance criteria.
- e. number of project components contributing to the impact.
- f. number of people affected,
- g. quality of resource prior to impact,
- h. priority given to impacted resource in the Local Coastal Program and other elements of the County's Comprehensive Plan.

Table 2: Santa Ynez Unit CREF Assessments

	Environ. Sensitive Resources	Aesthetics	Recreation	Tourism	TOTALS
1988	5	2	0	5	12
1989	5	2	0	5	12
1990	5	2	0	5	12
1991	5	2	0	5	12
1992	5	2	0	5	12
1993	4	2	0	4	10
1994	4	2	2	3	11
1995	3	2	2	3	10
1996	3	2	2	3	10
1997	3	2	2	3	10
1998	2.5	2	1.5	3	9
1999	2.5	2	1.5	3	9
2000	2.5	2	1.5	3	9
2001	2.5	2	1.5	3	9
2002	2.5	2	1.5	3	9
2003	2	2	1.5	1.5	7
2004	2	2	1.5	1.5	7
2005	2	2	1.5	1.5	7
2006	2	2	1.5	1.5	7
2007	2	2	1.5	1.5	7

Table 3: Point Arguello CREF Assessment

	Environ. Sensitive Resources	Aesthetics	Recreation	Tourism	TOTALS
1988	4	5	5	5	19
1989	4	5	5	5	19
1990	4	5	5	5	19
1991	3	4	4	4	15
1992	3	4	4	4	15
1993	3	4	4	4	15
1994	3	4	4	4	15
1995	3	4	4	4	15
1996	3	4	4	4	15
1997	3	4	4	4	15
1998	3.5	3	3	2	11.5
1999	2.5	3	3	2	10.5

2000	2.5	3	3	1	9.5
2001	2.5	3	3	1	9.5
2002	2.5	3	3	0	8.5
2003	2.5	3	3	0	8.5
2004	2.5	3	3	0	8.5
2005	2.5	2.5	2.5	0	7.5
2006	2.5	2.5	2.5	0	7.5
2007	2.5	2.5	2.5	0	7.5

Table 4: Gaviota Terminal CREF Assessments

	Environ. Sensitive Resources	Aesthetics	Recreation	Tourism	TOTALS
1987/88	2	4	3	3	12 (x 2)
1989	2	4	3	3	12
1990	2	4	3	3	12
1991	1	0	2	2	5
1992	1	0	2	2	5
1993	1	0	2	2	5
1994	1	0	2	2	5
1995	2	2	3	3	10
1996	1	0	2	2	5
1997	1	0	2	2	5
1998	2	0	2	2	6 (-2)*
1999	1	0	2	2	5 (-2)*
2000	1	0	2	2	5 (-2)*
2001	1	0	2	2	5 (-2)*
2002	1	0	2	2	5 (-2)*
2003	1	0	2	2	5
2004	1	0	2	2	5
2005	0.25	0	1.25	0.5	2**
2006	0	0	1	0	1***
2007	0	0	0	0	0****

* The County credited ten points spanned over five years since the first two assessments predicted three years of tanker berthing and only one year of tanker berthing occurred.

*** The CREF assessment reduces GTC by four points, commencing the quarter following purging and cleaning of all tanks and pipelines onsite. In this table, we assume purging and cleaning will occur prior to the end of 2004 (to March 1, 2005). Therefore, one point broken up among three of the four categories represent the January 1 – March 1 impact, and the one whole point in the Coastal Recreation category reflects the impact that remains (while tanks still remain onsite).

**** The CREF assessment eliminates the remaining last point, commencing the quarter following removal of all six tanks onsite. (In this table, we are assuming removal will occur prior to the end of 2006, for illustrative purposes only.)

Table 5: Point Pedernales CREF Assessments

	Environ. Sensitive Resources	Aesthetics	Recreation	Tourism	TOTALS
1987/88	2	2	1	0	5
1989	2	2	1	0	5
1990	1	1	1	0	3
1991	1	1	1	0	3
1992	1	1	1	0	3
1993	2	1	1	0	4
1994	2	1	1	0	4
1995	2	1	1	0	4
1996	2	1	1	0	4
1997	2	1	1	0	4
1998	3	1	1	0	5
1999	3	1	1	0	5
2000	3	1	1	0	5
2001	3	1	1	0	5
2002	3	1	1	0	5
2003	3	1	1	0	5
2004	3	1	1	0	5
2005	3	1	1	0	5
2006	3	.5	1	0	4.5*
2007	3	.5	1	0	4.5*

* The half point reduction in the aesthetics category applies the year following confirmation by Energy Division that the newly planted trees are established, thriving, and of adequate growth to screen the electrical substation from direct view. (In this table, we are assuming the reduction will occur in 2006, for illustrative purposes only.)

2.2 Timing of Payments

CREF fee requirements may be included as a condition of any discretionary plan or permit approved by the County. Relevant approvals and permits include, but are not limited to, Preliminary Development Plans, Final Developments Plans, Conditional Use Permits, Special Use Permits, and Specific Plans. In no case will different permits for the same project duplicate assessed fees.

The fee is assessed as an annual payment to be paid each year. Annual payments will be due by February 15 of each year. A reassessment of impacts and CREF contributions for the next five-year period will be done during the last year of the last assessment.

For all affected oil projects the CREF applies to each oil project for the life of the project. For purposes of the CREF program "life of the project" is defined as the period:

"beginning the first date of the initiation of site preparation or construction activities (a) in state or federal waters offshore Santa Barbara County, or (b) at an onshore site within the coastal zone as designated in the

County's Local Coastal Program, whichever is earlier; and ending the date County-approved site restoration has occurred at (a) the last offshore, or (b) the last onshore site that is in or adjacent to the coastal zone and associated with the project, whichever is later."

In all cases, the beginning and ending dates are determined by the Director of the Planning & Development Department.

2.3 Impact and Fee Reassessments

As impacts may not actually occur as predicted by the environmental analysis used for the initial CREF assessments, fee amounts are to be reassessed throughout the duration of offshore oil and gas development along the County's coastline. Impacts and corresponding fee amounts are to be reassessed at five-year intervals. Reassessments are to be based on information collected as part of the County's project and permit monitoring efforts.

A reassessment for the CREF does not open other conditions of the same plan or permit to reevaluation.

A reassessment may be based on the same methodology as described for the initial assessment, or based on an improved methodology if one becomes available in the intervening years and is approved by the Planning Commission and Board of Supervisors prior to its use.

3.0 USE OF FUNDS

CREF monies are to be used for a variety of coastal resource protection or improvement projects. Enhancement projects, or programs eligible to receive CREF monies, are limited to those that are offsite from and not specific to any one development project. That is, the projects eligible for funding must be above and beyond the scope of other mitigation measures required of an individual permit holder.

As the purpose of the CREF is to mitigate coastal impacts, it is the County's intent to actively seek and provide financial assistance to appropriate enhancement projects. The County Board of Supervisors will ultimately determine how CREF monies are awarded.

3.1 Eligible Enhancement Projects

All projects awarded CREF monies or support must demonstrate that they are consistent with the goals and policies of the County's Local Coastal Program (LCP). In addition, according to the specific goals of the CREF, eligible projects must emphasize one or more of the following categories:

- coastal land acquisition for public use/preservation,
- coastal restoration or habitat protection,
- coastal tourism or recreation,
- coastal quality of life.

Examples of the type of projects that might be funded are presented below. These are not intended to be all-encompassing, or exclusionary, nor necessarily to indicate the County's priorities.

Coastal Tourism and Recreation, such as projects to:

- a. Acquire new coastal recreation areas and coastal access; improve conditions or facilities at existing recreation areas. (See LCP Section 3.7.)
- b. Improve access to recreation areas for non-motorized modes of transportation (bikeways, hiking and equestrian trails). (See LCP Section 3.7.5.)

Coastal Restoration/Habitat Protection, such as projects to:

- a. restore or enhance degraded habitat areas such as wetlands. (See LCP Section 3.9).
- b. purchase land, conservation easements, or development rights in remaining habitat areas for rare and endangered native plants and animals. (See LCP Section 3.9).

Note that eligible projects are not associated with the direct mitigation measures required of an individual development. Note too, that while CREF monies may be used to acquire, improve, and maintain coastal access, such use of CREF monies is not interchangeable with, nor a substitute for, in-lieu coastal access fee requirements of specific development projects. CREF monies may be matched, however, with In-Lieu Coastal Access Fees to better implement the County's Coastal Access Plan.

Enhancement projects may be located in the unincorporated and incorporated areas of Santa Barbara County. Projects in the incorporated areas of the County, or areas subject to a certified coastal program or management program other than the County's, must be consistent with the relevant program. Certified programs include, but are not limited to, the City of Santa Barbara's Coastal Land Use Plan for the City (certified January 22, 1981) and for the Airport (certified May 20, 1983), City of Carpinteria's Coastal Land Use Plan (certified January 27, 1982), University of California at Santa Barbara's Long-Range Development Plan (certified March 17, 1981).

Eligible Project Applicants

Project proposals may be solicited from the public, public agencies, municipalities, special districts, and non-profit organizations, as appropriate for the types of projects desired. All project applicants must demonstrate that their project is for a broad public purpose.

3.2 Enhancement Project Selection Criteria and Selection Process

CREF projects for funding will be recommended to the Board of Supervisors by the Planning & Development Department (P&D). For those CREF projects under consideration that are in the jurisdiction of other County departments, such as the County Park Department, P&D, in conjunction with the appropriate department, and the Administrative Office, will provide the Board of Supervisors with an assessment of long-term fiscal impacts associated with these projects. The diversity of projects ultimately selected for funding will be at the sole discretion of the Board. The Board may give priority to projects where combined funding resources, such as matching grants or leveraged funds, can be utilized to increase the effectiveness of CREF expenditures. The Board of Supervisors will hold a public hearing to select CREF projects on the funding schedule and cycle to be determined by the Board. The Planning & Development Department will solicit public input and provide

discussion of potential CREF projects through public workshops. These workshops will be held in the North County and the South Coast area, prior to the Board's hearings on CREF project allocations.

3.3 Revised Enhancement Project Selection Criteria and Selection Process

The Board of Supervisors has expressed concerns that the selection criteria have been excessively broad. As a result, numerous proposals that have not been consistent with the major goals of the CREF program have not been screened out prior to the Board's hearing. The Board has been, in particular, concerned with projects not meeting the coastal area criterion and the acquisition criterion as was the intent of the original guidelines. Subsequently, the Board has revised the language of No. 1 Coastal Area criterion and No. 4 Acquisition Project criterion to ensure that all projects will enhance those two major goals of the CREF program.

The Board has directed Planning & Development Department Energy Division staff to advise whether or not proposed projects will be located in the coastal area or will be coastal related as described in revised No. 1 Coastal Area Criterion below. The term "coastal area" provides the Board of Supervisors with sufficient flexibility to enhance coastal resources that may extend beyond the Coastal Zone boundary, yet are still coastal related. Staff has been directed to encourage those projects, which are coastal by virtue of location or relationship. Also, staff will assign a higher priority to revised No. 4 criterion to ensure that acquisition projects will be implemented as a major goal of the CREF program.

Coastal Resource Enhancement Fund: Enhancement Project Criteria

Projects requesting funding from the Coastal Resource Enhancement Fund would be assessed according to the criteria specified below:

1. Enhancement projects must be located in the coastal area or have a coastal relationship, and must be consistent with the County's Local Coastal Program and Comprehensive Plan and with the other local jurisdictions' applicable coastal programs. Enhancement projects should be located within geographical proximity to oil and gas onshore/offshore development activities while still providing for the broadest public benefit.
2. Projects should compensate for coastal impacts due to oil and gas development, specifically for sensitive environmental resources, aesthetics, tourism, and negative effects on coastal recreation in the County.
3. Projects should provide a level of broad public benefit.
4. The intent of the CREF program is to fund coastal acquisition and capital improvement projects; therefore, projects which offer coastal acquisition and capital improvement will receive higher priority than those projects which do not.
5. Projects should utilize matching funds and/or in-kind services to the maximum extent possible.
6. Projects should be self-supporting or should require minimum on-going County operations/maintenance costs once the project is completed and implemented.
7. Projects to be funded should lack other viable funding mechanisms to complete the project.

8. The feasibility of implementing and completing the project shall be considered. Projects with a high probability of success should be given preference.

3.4 Financial Assistance Options

The Board of Supervisors may choose to award CREF monies, or support, in a variety of forms, including grants, loans, matching funds, leverage arrangements, and loan guarantees.

3.5 Enhancement Project Application Requirements

An applicant requesting CREF funds must submit the following information as part of the CREF application, but is not limited to:

- a. Project description, including sufficient detail for staff to verify project description and seek additional information, if relevant. (For example, in the case of a proposal for an easement or for the acquisition of property, applicant should provide the name, address and telephone number of the property owner, together with the assessor's parcel numbers of the properties affected and the current status of any negotiations in progress.
- b. Project budget, including detailed itemization of expenses, estimated costs of materials, etc.
- c. Project construction or implementation schedule.
- d. Schedule of milestones the applicant agrees would be fair progress check points for Energy Division project managers to track.
- e. Descriptive slides, photographs, maps to help explain the project and its setting.
- f. Detailed explanation of the public benefits of the project.
- g. Applicants proposing acquisition projects must describe how ownership of real property to be acquired will be held.
- h. Demonstration of non-profit status by attaching relevant evidence such as a declaration of the group's California State Tax Exemption status and a description of the group's voting membership including the number of voting members and the group's statement of purpose.
- i. When a city within the county (or other organization and municipality) submits more than one proposal in a given funding cycle for consideration by the Board, that city shall rank the priority of its CREF proposals and further justify the priority of each proposal in the context of its own budgetary priorities.

Additional informational requirements may be contained in the Request-For-Proposal (RFP) packages prepared annually by the Planning & Development Department, Energy Division. Potential applicants must provide all information requested in the RFP package.

3.6 Fund Deferral Program

To provide adequate funding for acquisition projects, in April 1990 the Board directed that a program deferring 1/2 of each year's contributions to allow available funds to accrue shall be implemented. These deferred funds will be used at a point when the Board decides an appropriate project has been initiated. The Board may also wish to allocate funds to staff to develop acquisition projects acceptable to CREF criteria.

3.7 Fund Administrative Guidelines: Requirements of Grantees

- a. Each grantee, except for an agency of Santa Barbara County, shall enter into a contractual agreement with Santa Barbara County. The contract shall contain provisions that require the timely and successful completion of the project as proposed. Any substantive modification to the project shall require a modification to the contractual agreement.
- b. All grantees shall commence projects within one year of the decision by the Board of Supervisors to award the CREF grant. If the project has not commenced within one year, the CREF grant shall become void and all associated money shall revert back to the CREF for new allocation. The Planning & Development Department may grant a maximum extension of one year if the grantee can demonstrate good cause for the delay.
- c. All grantees shall conduct their projects in accordance with their proposed schedule, and such schedule shall be included in the proposal. The County shall send written warning to any grantee that falls more than six months behind schedule, and the County shall send a second written warning to any grantee that falls more than nine months behind schedule. The County shall reclaim the unspent portions of all grants for projects which fall behind schedule by more than twelve months, without further notice.
- d. All grantees shall submit annual written reports on project status, including photographs to document the work completed to date. These reports shall include verification that the CREF grant is being used in accordance with the project description contained in the contract between the County and the grantee or, in the case of County agencies, in accordance with the project description as proposed. The contractual agreement shall specify when annual reports fall due.
- e. Any County agency that is a CREF grantee shall be accountable to commence and complete the CREF project as proposed. Any substantial changes in the project description must be approved by the Planning & Development Department as the administering agency, in consultation with the County Administrator's office. Changes in the project schedule of more than six months must also be approved by the Planning & Development Department in consultation with the County Administrator's office.
- f. A CREF grantee shall no longer be eligible for CREF grants or loans in the future if the grantee has defaulted on a previous CREF contract. Exceptions shall be considered only for minor defaults that do not result in a significant mis-use of the grant as determined by the county. Additionally, the county will exercise its options to seek full refund of CREF grants when a major default of the terms and conditions of the grant has occurred. County agencies that receive CREF awards shall be treated in a similar manner if the agency does not use the grant as proposed in its CREF application.

