

## NOTICE OF EXEMPTION

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Jacquelynn Ybarra, Planner, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** 081-010-003

**Case No.:** 24EMP-00001

**Location:** 17100 Calle Mariposa Reina (Lat: 34.4640716 Long: -120.0226569)

**Project Title:** Freeport-McMoRan Gaviota Desalination Plant Brine Outfall Line Repair

**Project Applicant:** David Rose, Freeport-McMoRan Oil & Gas, LLC

**Project Description:** The project is a request by Freeport-McMoRan for an Emergency Permit to inspect and repair a section of the Gaviota Desalination Plant brine (wastewater) outfall line located on a section of the Freeport-McMoRan right-of-way to the Union Pacific Railroad, parcel 081-010-003 within an area known as the former Gaviota Marine Terminal. The wastewater pipeline connects the Freeport-McMoRan Gaviota Desalination Plant at 17100 Calle Mariposa Reina to the Pacific Ocean along the Gaviota Coast.

An internal inspection detected moisture near the outfall line indicating a leak. The Desalination Plant was shut in on November 30, 2023, and repairs were conducted on December 18, 2023 through January 5, 2024. The repair work is necessary to bring the Gaviota Desalination Plant back to full operations to support the Freeport Gaviota Oil Heating Facility and the Santa Barbara County Fire Department Station No. 38.

The inspection and repair of the brine outfall line consisted of the excavation of approximately 17.7 cubic yards of material to expose approximately 80 linear feet of line. Protective coating was applied. The excavation was then 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.

The repair area is within Freeport-McMoRan's right-of-way with Union Pacific Railroad. The project area is near County-designated environmentally sensitive habitat (ESH) 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 is expected to occur.

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 storm passed. The entire area surrounding the excavation was kept fenced during construction to prevent humans and wildlife from entering the area.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** David Rose, Freeport-McMoRan

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** CEQA Guidelines Section 15269(b) (Emergency Repair for Service Facilities).

**Reasons to support exemption findings:** CEQA Guideline Section 15269(b) exempts “Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare”. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

The project constitutes an emergency because the Gaviota Desalination Plant supplies critical fire water to the Santa Barbara County Fire Department, Station No. 38. Without the full operation of the Desalination Plant, Station No. 38 would not have enough water in its distribution system for fire protection along the Gaviota coast. The Desalination Plant was shut in on November 30, 2023; available water without the restart of operations would only last approximately 4-5 weeks. As such, the timeframe to permit the project as a “standard” project would have resulted in the curtailment of essential water and fire protection services. Therefore, the project was determined to be an emergency activity in order to avoid a disruption of essential public services, and a statutory exemption applies.

**Lead Agency Contact Person:** Jacquelynn Ybarra, Planner



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**Department/Division Representative:** Errin Briggs



**Date:** January 23, 2024

CEQA Notice of Exemption  
Emergency Permit Case No. 24EMP-00001  
Freeport-McMoRan Gaviota Desalination Plant Brine Outfall Line Repair  
Attachment B

**Acceptance Date:**

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:**