



Santa Barbara County Planning and Development Department  
**Appeal Application**

<i>County Use Only</i>	Appeal Case No.:
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**STEP 1: SUBJECT PROPERTY**

081-230-021; 081-210-047; 081-150-033; -028; 081-140-025; 083-500-029; 083-430-035;  
 099-400-069; 099-040-019; -009; 133-070-015; 131-090-089; 131-190-004; and 131-030-021  
 ASSESSOR'S PARCEL NUMBER(S)

PROPERTY ADDRESS (IF APPLICABLE)

Pacific Pipeline Company

BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

**STEP 2: PROJECT DETAILS**

Development Plan/Conditional Use Permit Amendment and Coastal Development Permit Pertaining to Line 901-903 Upgrade Project

PROJECT TITLE

21 AMD-00000-00009 & 22GDP-00000-00048

CASE NO(S).

County Planning Commis: 04/26/2023

DECISION MAKER DATE OF ACTION

Is the appeal related to cannabis activities?  Yes  No

**STEP 3: APPEAL CONTACTS**

**APPELLANT**

Pacific Pipeline Company Attn: Saul Flota

NAME (if LLC or other legal entity, must provide documentation)

22777 Springwoods Village Parkway

STREET ADDRESS

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CITY, STATE ZIP

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PHONE EMAIL

**AGENT**

Pacific Pipeline Company Attn: John Fowler

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**ATTORNEY**

Pacific Pipeline Company Attn: Rebekah Bennett

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PHONE EMAIL

**STEP 4: APPEAL DETAILS**

Is the Appellant the project Applicant?  Yes  No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There was a lack of a fair and impartial hearing; or
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- Coastal Zone – Accessory Dwelling Unit appeals: Appellant must demonstrate that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act.

See attached Appeal Description letter.




**STEP 5: APPELLANT, AGENT, AND ATTORNEY ACKNOWLEDGEMENTS**

I hereby certify under penalty of perjury that I have read the information below and that:

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and
11. Pursuant to California Civil Code Section 1633.5(b), the parties hereby agree that where this Agreement requires a party signature, an electronic signature, as that term is defined at California Civil Code Section 1633.2(h), shall have the full force and effect of an original ("wet") signature. A responsible officer of each party has read and understands the contents of this Agreement and is empowered and duly authorized on behalf of that party to execute it; and
12. I understand that applicants, appellants, contractors, agents or any financially interested participant who actively oppose this project who have made campaign contributions totaling more than \$250 to a member of the Planning Commission or Board of Supervisors since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount and date of the campaign contribution and identify the recipient Board member and may be made either in writing as part of this appeal, in writing to the Clerk of the legislative body before the hearing, or by verbal disclosure at the time of the hearing; and
13. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
  - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
  - How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
  - How the approval is inconsistent with Section 35.106 (Noticing).

**REQUIRED SIGNATURES**

I have read and understand the above acknowledgements and consent to the submittal of this application.

 SIGNATURE - APPELLANT	Saul Flota, Pacific Pipeline Company PRINT NAME	5/5/23 DATE
 SIGNATURE - AGENT	John Fowler, Pacific Pipeline Company PRINT NAME	5/5/23 DATE
 SIGNATURE - ATTORNEY	Rebekah Bennett, Pacific Pipeline Company PRINT NAME	5/5/23 DATE

**Appeals to the Planning Commission.** Appeals to the Planning Commission must be filed with Planning and Development no later than 10 days following the date of the decision, along with the appropriate fees. Please contact P&D staff below for submittal instructions and to determine the appropriate fee.

South County projects: [front@countyofsb.org](mailto:front@countyofsb.org) or (805) 568-2090  
 North County projects: [nczoning@countyofsb.org](mailto:nczoning@countyofsb.org) or (805) 934-6251

**Appeals to the Board of Supervisors.** Appeals to the Board of Supervisors must be filed with the Clerk of the Board and must be filed no later than 10 days following the date of the decision, along with the appropriate fees. Appeal instructions are located online at the Clerk of the Board website: <https://www.countyofsb.org/2837/Filing-Land-Use-Appeals-Claims>

May 8, 2023

Santa Barbara County Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street, Room 407  
Santa Barbara, California 93101  
Attn: Clerk of the Board

Re: Pacific Pipeline Company Appeal of the Planning Commission's April 26, 2023 Denial of Development Plan/Conditional Use Permit Amendment and Coastal Development Permit Pertaining to Line 901-903 Upgrade Project (21 AMD-00000-00009 & 22CDP-00000-00048)

Dear Chair Williams and Honorable Supervisors:

On behalf of the Pacific Pipeline Company ("**PPC**"), please accept this appeal of the Planning Commission's denial of the Development Plan/Conditional Use Permit Amendment and Coastal Development Permit Pertaining to Line 901-903 Upgrade Project (21 AMD-00000-00009 & 22CDP-00000-00048) ("the Upgrade Project"). The following is a concise summary of the reasons for the appeal:

The Planning Commission's denial of PPC's Upgrade Project to add pipeline safety valves is: inconsistent with the provisions and purposes of the County's Zoning Ordinances, AB 864, and CEQA; preempted by state and federal law; and in error, not supported by the evidence, and an abuse of discretion.

Expounding on the concise summary above, PPC offers the following background and specific grounds for appeal. PPC reserves the right to supplement this appeal with further issues, evidence and argument.

### **INTEREST OF APPELLANT**

PPC is both the applicant and an aggrieved party here. PPC acquired Lines 901 and 903 from Plains Pipeline LP ("**Plains**") on October 13, 2022 and is now legal title owner and successor in interest to Plains. PPC submitted an application for change of ownership under Santa Barbara County Ordinance 25B on November 1, 2022. The application, deemed complete on February 24, 2023, includes the identity of the new owner, PPC, and an agreement by PPC to comply with the conditions of all County permits issued for the pipelines. The Planning Director approved the transfer of ownership on March 13, 2023.<sup>1</sup> PPC has taken on responsibility for maintaining

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<sup>1</sup> There is an appeal of the change of owner/operator currently pending before the Santa Barbara County Planning Commission.

and inspecting the pipelines, and is recognized as their sole owner by the state and federal regulators responsible for oversight of pipeline safety. PPC pays taxes to the County, and is the recognized owner in various other contexts. PPC also appeared at the public hearings on March 1 and April 26, 2023 in connection with the decision appealed. Thus, PPC is the owner, operator, and an aggrieved party.

## BACKGROUND

AB 864 is a recently enacted statute requiring pipeline operators with assets in environmentally and ecologically sensitive areas of the coastal zone to implement best available technologies to reduce the potential volume of releases. The proposed amendments to the Final Development Plan/Conditional Use Permit (“**FDP/CUP**”) are limited to the installation of sixteen (16) safety valves, each having independent utility, on existing Lines 901 and 903 to meet the requirements and compliance deadlines of AB 864. The lines are designated as “active” by the Pipeline and Hazardous Materials Safety Administration (“**PHMSA**”) and the Office of State Fire Marshal (“**OSFM**”) and remain subject to state and federal pipeline inspection, maintenance, and safety regulations administered by OSFM, including the requirements of AB 864. OSFM, the state agency certified by PHMSA to have exclusive jurisdiction to regulate and oversee safety of intrastate hazardous liquid pipelines and implementation of AB 864, has reviewed and approved the safety valves and installation schedule. Similarly, approvals for the installation of safety valves on other non-coastal segments of these pipelines have already been issued by OSFM, Kern County, and San Luis Obispo County. The proposed amendments to the FDP/CUP and acknowledgement of multiple applicable exemptions from the California Environmental Quality Act (“**CEQA**”) that would permit installation of the safety valves were approved by the Santa Barbara County Zoning Administrator after substantial review and at the recommendation of the Planning and Development Department. The Planning and Development staff also supported the amendments to the FDP/CUP to permit installation of the safety valves, which the Planning Commission disregarded when it issued its findings and denied the Upgrade Project.<sup>2</sup>

## SPECIFIC GROUNDS FOR APPEAL

The Planning Commission’s denial is inconsistent with the provisions and purposes of the County’s Zoning Ordinances, AB 864, CEQA, and the terms of a settlement agreement affirming that the County is precluded from regulating pipeline operations and safety under well-established principles of state and federal law; the denial was in error and constitutes an abuse of discretion; and the denial is not supported by the evidence, as follows:

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<sup>2</sup> The appeals filed in the Planning Commission pertained to only nine of the 16 proposed valves approved by the Zoning Administrator. The Gaviota Coast Conservancy’s appeal was limited to seven valves in the Coastal Zone and only six of the 16 valves are located on Landowner properties. Notwithstanding the limited scope of those appeals, the Planning Commission’s findings related to the Upgrade Project appear to extend to all 16 valves. This too was in error.

- 1) The Planning Commission’s determination is contrary to the express provisions and purposes of AB 864, its rulemaking, and intent of the state agency charged with implementation and exclusive statutory oversight to regulate pipeline safety. In 2015, the California Legislature enacted AB 864 to require pipeline operators with assets in environmentally and ecologically sensitive areas of the coastal zone to implement “best available technologies” to reduce the potential volume of release for the protection of state waters and wildlife—e.g., “leak detection technologies, automatic shutoff systems, *or* remote controlled sectionalized block valves, or any combination of these technologies.”<sup>3</sup> As emphasized during the July 14, 2015 Senate Committee on Natural Resources and Water Bill Analysis and the September 1, 2015 Senate Rules Committee Bill Analysis, “[e]arly oil spill detection technology and automatic shut off controls are *critical tools* in preserving California’s ocean waters, coast line, and wildlife.”<sup>4</sup> OSFM has sole responsibility for regulating pipeline safety and determining what constitutes the best available technology in this circumstance.<sup>5</sup>

The Planning Commission, in denying PPC’s ability to add safety valves to the existing pipeline system, conjured a finding that the addition of those safety valves “would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.”<sup>6</sup> This finding is contrary to the express provisions and purposes of AB 864—a law enacted to *improve* pipeline safety and *reduce* the risks associated with potential releases of oil along pipelines in the coastal areas of California—and its implementing regulations, and OSFM’s approval of the safety valves. This finding is also contrary to the analysis of County staff, which acknowledged that the original Environmental Impact Report (“EIR”) already addressed the risks and impacts associated with accidental releases of oil from the pipelines and that, based on a prepared risk analysis, retrofitting the pipeline would significantly reduce the amount of fluid released in the event of a potential line rupture:

- “Installation of the proposed BAT [Best Available Technology] elements will reduce the baseline worst case spill volume of 3,622.20 bbls to 1,871.40 bbls, a 48% reduction *from existing conditions*. Therefore, while impacts from a potential oil spill continue to be significant and unavoidable, the proposed project will reduce the potential volume of an oil spill by installing additional check and motor operated valves.”<sup>7</sup>

<sup>3</sup> Gov. Code., § 51013.1(b)(1) (emphasis added).

<sup>4</sup> Emphasis added.

<sup>5</sup> See Gov. Code, §§ 51013.1(g)(2), 51010 [“It is the intent of the Legislature . . . that the State Fire Marshal shall exercise *exclusive safety regulatory and enforcement authority* over intrastate hazardous liquid pipelines. . . .”] (emphasis added).

<sup>6</sup> Santa Barbara County Planning Commission (April 26, 2023), Finding 1.1.e.

<sup>7</sup> Santa Barbara County Planning Commission Staff Report (Feb. 2, 2023), Attachment C1 – Addendum, p. C1-15; see also Santa Barbara County Planning Commission Coastal Zone Staff Report (Feb. 2, 2023), p. 31 (emphasis added).

- “As identified by the [OSFM’s] approved BAT Implementation Plan, the additional valves included in the proposed project will *significantly reduce the volume* of a potential pipeline release by affording the operator more control to limit the volume of a spill.”<sup>8</sup>

Consequently, the Planning Commission finding was in error and its denial of the safety valves constitutes an abuse of discretion.

- 2) The County’s Coastal Zoning Ordinance does not apply to those safety valves located outside the California Coastal Zone. In denying the safety valve installations, the Planning Commission referred to findings emanating from three sections of the County’s Coastal Zoning Ordinance (Article II)—Sections 35-169.5.3, 35-172.11.2, and 35-174.10.2. However, the County’s Zoning Ordinance only applies to proposed developments within the California Coastal Zone.<sup>9</sup>

Here, the Upgrade Project includes numerous valves that are outside the Coastal Zone: CHK2-610P, MOV2-690P, MOV2-1010P, CHK2-1110P, MOV2-1190P, MOV2-1290P, CHK3-210P, MOV3-290P, and CHK3-490P. Because several of the safety valves are to be installed entirely outside of the Coastal Zone, the cited Ordinance sections provide no basis to deny approvals for these particular valve installations and the Planning Commission failed to proceed in the manner required by law by doing so.

- 3) Uncontroverted evidence demonstrates that the MOV valves within the Coastal Zone are compatible with the established physical scale of the area.<sup>10</sup> Under Section 35-169.5.3 of the Coastal Zoning Ordinance, the County decision-maker must find that the proposed development (safety valves) will be “compatible with the established physical scale of the area.” The Planning Commission found that, simply because they would involve some permanent above-ground equipment, the MOV valve stations would be visible from public viewsheds and incompatible with the surrounding rural landscape. That finding contradicts the only expert evidence provided on the record, as well as County staff’s own statements and evidence.

Pleinaire Design Group’s Visual Station Impact Analysis states that in its visibility analysis on six (6) proposed MOV stations, only four (4) valves would be visible from Highway 101, and none would be visible from any public location.<sup>11</sup> Even so, the documentary evidence shows that the valves are much less intrusive than the host of other electrical, water, existing valves, and additional infrastructure in the viewshed. The

<sup>8</sup> Santa Barbara County Planning Commission Staff Report (Feb. 2, 2023) Attachment C1 – Addendum, pp. C1-11 and C1-12 (emphasis added).

<sup>9</sup> Santa Barbara County Coastal Zoning Ordinance, § 35-169.2.1 (applying to “development or use in the Coastal Zone of the County”).

<sup>10</sup> The only motorized valves within the Coastal Zone include: MOV1-210P; MOV1-220P; MOV1-610P; MOV1-790P; MOV1-890P; & MOV1-990P.

<sup>11</sup> Santa Barbara County Planning Commission Staff Report (Feb. 2, 2023) Attachment I.

Planning Commission's finding is therefore contrary to the evidence, and does not serve as a basis to deny installations of all sixteen safety valves.

- 4) The County's Coastal Zoning Ordinance section 35-169.5.3 does not apply to check valves that are entirely below ground and invisible on the landscape. The Planning Commission found that the safety valves will be incompatible with the established physical scale of the area along the Gaviota Coast, as they would add industrial infrastructure to a rural landscape. In addition to being legally and factually wrong—the landscape already contains a myriad of electrical, water, valves, and other industrial infrastructure—this finding has absolutely no bearing on the one check valve in the Coastal Zone (CHK1-710P), which is below ground and entirely invisible from public view.
- 5) The Planning Commission was without jurisdiction and had no basis to deny the safety valves based on speculative conclusions about the safety of pipeline operations. In compliance with Sections 35-172.11.2 and 35-174.10.2 of the Article II Coastal Zoning Ordinance and Subsection 35.84.040.D.3 of the County Land Use and Development Code, the County decision-maker must determine that “the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the [CEQA], that were previously made when the Conditional Use Permit was initially approved are still applicable to the project *with the addition of the development proposed by the application for the Amendment.*”<sup>12</sup>

When the Santa Barbara County Planning Commission and Board of Supervisors first approved the original EIR and construction of Lines 901 and 903, the County readily acknowledged the significant and unavoidable risks from oil spills but nevertheless adopted Finding 1.1.e: “That the project *will not be detrimental* to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.”<sup>13</sup> Yet, on April 26, 2023, after acknowledging that the amendment to add safety valves could *minimize* the severity of oil spills, the Planning Commission nonetheless cites the May 2015 release upland of Refugio Beach and reversed its original finding, now finding that “[t]he risks of an oil spill are elevated above what was previously approved and the project [safety valves] would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.”<sup>14</sup> This statement was rendered without any evidentiary support whatsoever, and is contrary to the County's original findings and the evidence presented on the effectiveness of the safety valves.

Although the Planning Commission acknowledged that the severity of a potential future oil spill would be minimized through installation of the proposed sixteen new valves, it speculated, without any evidence in the record, that oil spills “may still occur” as a result

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<sup>12</sup> Emphasis added.

<sup>13</sup> Emphasis added.

<sup>14</sup> Santa Barbara County Planning Commission (April 26, 2023), Finding 1.1.e.

of the Upgrade Project and the “frequency of a potential future spill *may be* increased because of the degradation to the pipeline’s integrity that has occurred since its commissioning in 1994.”<sup>15</sup> In addition to being wrong, such conjecture does not constitute substantial evidence.<sup>16</sup>

Such speculative conclusions, particularly after staff and the Planning Commission have acknowledged the substantial safety benefits of the valves, was in error and constitutes an abuse of discretion. Such conclusions are also beyond the County’s jurisdiction and inconsistent with the prior valve project approval by OSFM, the sole state agency authorized by the California Legislature with authority over pipeline safety.

- 6) The Planning Commission’s findings are contrary to the CEQA exemptions that apply to the safety valves (Pub. Resources Code, §§ 21080, et seq.; CEQA Guidelines, §§ 15300-15331). In approving the safety valves, the Zoning Administrator found four statutory and categorical CEQA exemptions apply to the safety valves. Where a statutory exemption applies, the California Legislature has expressly determined that the exemption “promote[s] an interest important enough to justify foregoing the benefits of environmental review.”<sup>17</sup> Thus, unlike categorical exemptions, when a project is subject to a statutory exemption, no further analysis is required.<sup>18</sup> Categorical exemptions, are those categories of project that have been determined by the California Secretary of Natural Resources—not individual cities or counties—“not to have a significant effect on the environment and that shall be exempt from [CEQA].”<sup>19</sup> Where, as here, any single statutory or categorical CEQA exemption applies, the project is completely outside of the scope of CEQA review.<sup>20</sup> Thus, the lead agency cannot simply disregard applicable exemptions and order additional review of environmental impacts under CEQA.<sup>21</sup>

In attempting to reopen the findings rendered with the County’s original approval of the pipelines, the Planning Commission failed to proceed in the manner required by law and

<sup>15</sup> Findings, p. 2 (emphasis added) (citing “inadequate inspection intervals, a lack of adequate anomaly repairs, internal corrosion, and corrosion under insulation (external corrosion).”).

<sup>16</sup> “[S]ubstantial evidence” does not include “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.” (CEQA Guidelines, § 15384(a).)

<sup>17</sup> *Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 184.

<sup>18</sup> *Ibid.*; CEQA Guidelines, § 15061(b)(2). An agency may review a project for unusual circumstances to determine if categorical exemptions apply, however, no unusual circumstances apply to the safety valve project.

<sup>19</sup> Pub. Resources Code, § 21084(a).

<sup>20</sup> *San Francisco Beautiful v. City & County of San Francisco* (2014) 226 Cal.App.4th 1012, 1019–20 (“If the project is exempt from CEQA, . . . ‘no further environmental review is necessary.’”).

<sup>21</sup> *Prentiss v. City of South Pasadena* (1993) 15 Cal.App.4th 85 (lead agency subject to writ and forced to apply exemption for ministerial projects).



disregarded the CEQA statutory and categorical exemptions applicable to the safety valves. Application of any one of the four exemptions would negate entirely the Planning Commission's findings of denial. Together, this constitutes an abuse of discretion.

- 7) The Planning Commission's determination is contrary to CEQA's subsequent review provisions (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162-15164). In attempting to reopen the findings rendered with the County's original approval of the pipelines, the Planning Commission disregarded the original EIR certified by the County Board of Supervisors and failed to proceed in the manner required by law.

Public Resources Code section 21166 expressly prohibits subsequent environmental review for later discretionary approvals unless specified conditions are met. Absent a successful legal challenge (which did not occur here), a certified EIR "shall be conclusively presumed to comply with the provisions of [CEQA] for purposes of its use by responsible agencies, unless the provisions of Section 21166 are applicable."<sup>22</sup> As the California Supreme Court has emphasized, "[t]his presumption acts to preclude reopening of the CEQA process *even if* the initial EIR is discovered to have been fundamentally inaccurate and misleading in the description of a significant effect or the severity of its consequences."<sup>23</sup>

Contrary to the Planning Commission's finding—that "the risks of an oil spill are elevated above what was previously approved"—the (still-valid) original EIR evaluated and disclosed the risks of spills, spill volumes, air quality, and corrosion. The original EIR acknowledged that spill-related impacts would be significant and unavoidable. Conversely, the County has acknowledged the substantial benefit of the safety valves, including a *48% reduction* in potential release volumes. The Planning Commission's determination—that the risks of a spill are elevated *with the safety valves installed*—is thus contrary to the record, wholly without evidentiary support, in error, and an abuse of discretion.

- 8) The Planning Commission's grounds were in error and an abuse of discretion, based on the Planning Commission's action being preempted by the exclusive jurisdiction of OSFM and PHMSA over pipeline safety, PPC's vested rights to restart the pipeline, and the terms of the County's settlement agreement with Celeron. The Planning Commission's grounds for denial of the safety valves rest almost exclusively with the overall safety and operation of Lines 901 and 903, and have nothing to do with individual valve construction. This is beyond the County's jurisdiction, flies in the face of PPC's vested rights, and is preempted by state and federal law.

First, pipeline safety, restart, and operation are beyond the authority of the County

<sup>22</sup> Pub. Resources Code, § 21167.2.

<sup>23</sup> *Laurel Heights Improvement Assn. v. Regents of the University of Cal.* (1993) 6 Cal.4th 1112, 1130.

altogether, falling under the exclusive jurisdiction of PHMSA and OSFM to regulate pipeline safety. In California, the sole agency certified by PHMSA and authorized by the California Legislature with authority over pipeline safety is OSFM.<sup>24</sup> The Legislature has expressly manifested its intent that OSFM “fully occupy” the area of pipeline operation and safety and the County has no authority to impose its rules or ordinances in this area of law.<sup>25</sup> The County’s attempts to sidestep OSFM’s authority by re-framing safety issues that fall squarely within OSFM’s purview is in error given the clear preemption issues.<sup>26</sup> Again, the Planning Commission failed to proceed in the manner required by law.

Second, the County, in addition to the state and federal agencies with oversight of the pipeline, have confirmed that PPC has a vested right to restart. County’s March 1, 2023 Permit Appeal Staff Memorandum correctly observes that “under the County permit, the operator maintains the ability to restart Lines 901 & 903 at any time without discretionary approval by a County decision maker.”<sup>27</sup> The Consent Decree entered between PPC’s predecessor, Plains, and several state and federal agencies regarding the 2015 release from Line 901 similarly acknowledges the vested right of Plains or any successor owner of the pipelines to restart under the authority of OSFM.<sup>28</sup> PPC’s vested right to restart the pipeline is consistent with well-settled legal authorities.<sup>29</sup> Here, because PPC (and its predecessors) completed construction, incurred millions in costs and liabilities, and has operated the lines for years, it holds vested rights vis-à-vis the County to continue to operate the line.

Third, the County entered into a settlement agreement with a previous owner of the pipelines acknowledging that it has “no authority over the design, construction and operation” of the pipelines except that set forth in the agreement and attached

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<sup>24</sup> See Gov. Code, § 51010.

<sup>25</sup> *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 898.

<sup>26</sup> *Cal. Restaurant Assn. v. City of Berkeley*, Case No. No. 21-16278 at p. 23 (9th Cir. April 17, 2023).

<sup>27</sup> See Santa Barbara County Planning Commission Staff Report (Feb. 2, 2023) at Issue #3; *Id.* at Issue #7 (same).

<sup>28</sup> See Mar. 13, 2020 Consent Decree, at Appendix D ¶ 1c (“After the OSFM approves the Restart Plan, Plains may return Line 901 to service.”); *id.* at ¶ 1g (same for Line 903).

<sup>29</sup> See *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534, 551-552 (a developer’s right to complete a project vests when “a valid building permit, or its functional equivalent, has been issued and the developer has performed substantial work and incurred substantial liabilities in good faith reliance on the permit”) [internal quotations and citations omitted]; *Pardee Construction Co. v. California Coastal Com.* (1979) 95 Cal.App.3d 471 (vested right did not expire when building permit expired); *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

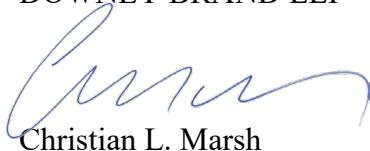
FDP/CUP.<sup>30</sup> Thus, the Planning Commission's grounds were clearly in error and an abuse of discretion.

### CONCLUSION

For these reasons, and the reasons PPC raised at the Planning Commission, PPC asks that the Board of Supervisors reverse the Planning Commission's decision and grant *de novo* approval of the Upgrade Project consistent with the substantial record evidence and Planning Department's staff report, addendum, notice of exemption, and attendant findings.<sup>31</sup> In the alternative, as each valve was submitted as an individual permit application with independent utility towards pipeline safety, PPC respectfully requests that the Board of Supervisors approve the individual valves that fall outside of the Coastal Zone (particularly those that were not subject to any appeal) and the valves inside the Coastal Zone where the findings of denial cannot be satisfied.

Respectfully Submitted,

DOWNEY BRAND LLP



Christian L. Marsh

### ATTACHMENTS

1. Santa Barbara County Action Letter Regarding Planning Commission Hearing of April 26, 2023, Attaching Final Findings for Denial
2. Santa Barbara County Planning Commission Staff Memorandum with Proposed Findings for Denial (April 26, 2023)
3. Santa Barbara County Planning Commission Staff Report (March 1, 2023)
4. Santa Barbara County Planning Commission Staff Report Attachment A – Findings (March 1, 2023)

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<sup>30</sup> Settlement Agreement Between Celeron Pipeline Company and the County of Santa Barbara (Feb. 8, 1988), 2.2.

<sup>31</sup> Approval of the Upgrade Project is the only correct result under the law and record. As PPC and Planning and Development staff explained in submissions and presentations to the Planning Commission, arguments to the contrary—including those related to tribal consultation, EIR baseline, emissions (and other purported grounds for subsequent environmental review), land access rights, ownership issues, and the sufficiency of the EIR Addendum and dual findings proposed by staff—do not justify denial of safety valves to comply with AB 864 and its regulations.

5. Santa Barbara County Planning Commission Staff Report Attachment C1 – Addendum (March 1, 2023)
6. Santa Barbara County Planning Commission Staff Report Attachment C2 – Notice of Exemption (March 1, 2023)
7. AB 864, Implementing Regulations, and Consideration of Public Comments (Excerpts)

# ATTACHMENT 1



# County of Santa Barbara Planning and Development

Lisa Plowman, Director  
Jeff Wilson, Assistant Director  
Elise Dale, Assistant Director

March 3, 2023

Tautrim Revocable Trust  
Attn: A. Barry Cappello  
Cappello & Noel LLP  
831 State Street  
Santa Barbara, CA 93101

Gaviota Coast Conservancy  
Attn: Ana Citrin  
Law Office of Marc Chytilo, APC  
P.O. Box 92233  
Santa Barbara, CA 93190

GreyFox, LLC  
Attn: Christopher Jacobs  
Brownstein Hyatt Farber Schreck, LLP  
1021 Anacapa Street  
Santa Barbara, CA 93101

PLANNING COMMISSION  
HEARING OF APRIL 26, 2023

**RE: *Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains Line 901-903 Valve Upgrade Project; 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026***

Hearing to consider the request of Tautrim, Gaviota Coast Conservancy and GreyFox, LLC, Appellants, to consider the three Appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026, of the Zoning Administrator's (ZA) August 25, 2022 approval of the Plains Line 901/903 Valve Upgrade Project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, in compliance with Section 35-182 (Appeals) of the Article II Coastal Zoning Ordinance; on property located in the AG-II zone and to approve the Addendum to the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902, and consider the project exempt from CEQA pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. The project involves installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The original EIR/EIS identified significant effects on the environment in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources. The Addendum to the EIR, CEQA Exemption, and all related documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on the County Website at <https://www.countyofsb.org/3360/Plains-Valve-Upgrade-Project>. (Continued from 03/01/23)

Planning Commission Hearing of April 26, 2023  
Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains Line  
901-903 Valve Upgrade Project; 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026  
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Dear Mr. Capello, Ms. Citrin, and Mr. Jacobs:

At the Planning Commission hearing of April 26, 2023, Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 3 to 2 (Ferini and Martinez no) to:

1. Make the required findings for denial of the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, as presented at the April 26, 2023 hearing and included below;
2. Determine that denial of the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15270(a);
3. Approve the appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026; and
4. Deny the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048.

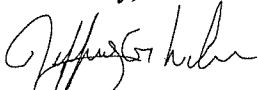
*The attached findings reflect the Planning Commission's actions of April 26, 2023.*

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved person the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, May 8, 2023 at 5:00 p.m.**

**Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.**

Sincerely,



Jeff Wilson  
Secretary to the Planning Commission

cc: Case File: 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026  
Applicant: Steve Greig, Plains Pipeline, LP, 5951 Encina Rd., Suite 100, Goleta CA 93110  
Joan Hartmann, Third District Supervisor  
Katie Nall, Planner

Planning Commission Hearing of April 26, 2023  
Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains Line  
901-903 Valve Upgrade Project; 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026  
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**Attachments: Findings for Denial**

JW/dmv

G:\GROUP\PERMITTING\Case Files\APL\2020s\22 cases\22APL-00000-00025 Citrin Appeal of Plains Valve Upgrade\600 Decision Maker\4-26-23  
Planning Commission\04 Action Letter\04-26-23actltr.doc



Planning Commission Hearing of April 26, 2023  
Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains  
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**2.0 ADMINISTRATIVE FINDINGS**

**2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS**

**2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.1.1.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.**

**In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

**E. The proposed development will be compatible with the established physical scale of the area.**

The Planning Commission finds that the project will not be compatible with the established physical scale of the project area because the Motor Operated Valve stations require construction of permanent above-ground equipment within the Gaviota Coast which will be visible from public view sheds. The Gaviota Coast is not an adequate location for the valves because they will add scattered industrial infrastructure to the otherwise rural landscape. Therefore, this finding cannot be made.

**2.1.2 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (ARTICLE II)**

**2.1.2.1 In compliance with Section 35-172.11.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:**

**A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The County Planning Commission finds that the following finding required for initial approval of the original Development Plan, Case Nos. 85-DPF-066cz and 83-CP-97z, does not remain valid to accommodate the project as revised with the new development proposed by the current Amendment.

Planning Commission Hearing of April 26, 2023  
 Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains  
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***Finding 1.1.e: That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.***

In May 2015, the subject pipeline ruptured due to external corrosion, and released crude oil on land and into the Pacific Ocean near Refugio Beach. The Planning Commission determines that while the severity of a potential future oil spill could be minimized through installation of the proposed sixteen new valves, the frequency of a potential future spill may be increased because of the degradation to the pipeline’s integrity that has occurred since its commissioning in 1994. Oil spill related impacts may still occur even after successful implementation of mitigation measures imposed as part of the original project approval, as well as the proposed valve installations, due to several factors that have acted in combination to cause degradation of the line including inadequate inspection intervals, a lack of adequate anomaly repairs, internal corrosion, and corrosion under insulation (external corrosion). The risks of an oil spill are elevated above what was previously approved and the project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.

**2.1.3 DEVELOPMENT PLAN AMENDMENT FINDINGS (ARTICLE II)**

**2.1.3.1 Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

**A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

**2.2 COUNTY LAND USE DEVELOPMENT CODE FINDINGS**

**2.2.1 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (LUDC)**

Planning Commission Hearing of April 26, 2023  
Tautrim, Gaviota Coast Conservancy, and GreyFox LLC Appeals of the Zoning Administrator Approval of Plains  
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**2.2.1.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:**

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

**2.2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS (LUDC)**

**2.2.2.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Development Permit the review authority shall first make all of the following findings, as applicable:**

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

# ATTACHMENT 2



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

**TO:** County Planning Commission

**FROM:** John Zorovich, Deputy Director, Energy Minerals & Compliance

**STAFF CONTACT:** Katie Nall, Planner, (805) 884-8050  
Errin Briggs, Supervising Planner, (805) 568-2047

**DATE:** April 26, 2023

**RE:** Appeal of Plains Valve Upgrade Project  
Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026 [21AMD-00000-00009 & 22CDP-00000-00048]

---

**Motion for Denial:**

1. Make the required findings for denial of the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, as presented at the April 26, 2023 hearing and included below;
2. Determine that denial of the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15270(a);
3. Approve the appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026; and
4. Deny the project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048.

## **Findings for Denial:**

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS**

##### **2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

##### **2.1.1.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.**

**In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

- E. The proposed development will be compatible with the established physical scale of the area.**

The Planning Commission finds that the project will not be compatible with the established physical scale of the project area because the Motor Operated Valve stations require construction of permanent above-ground equipment within the Gaviota Coast which will be visible from public view sheds. The Gaviota Coast is not an adequate location for the valves because they will add scattered industrial infrastructure to the otherwise rural landscape. Therefore, this finding cannot be made.

##### **2.1.2 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (ARTICLE II)**

##### **2.1.2.1 In compliance with Section 35-172.11.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:**

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The County Planning Commission finds that the following finding required for initial approval of the original Development Plan, Case Nos. 85-DPF-066cz and 83-CP-97z, does not remain valid to accommodate the project as revised with the new development proposed by the current Amendment.

***Finding 1.1.e: That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.***

In May 2015, the subject pipeline ruptured due to external corrosion, and released crude oil on land and into the Pacific Ocean near Refugio Beach. The Planning Commission determines that while the severity of a potential future oil spill will be minimized through installation of the proposed sixteen new valves, the frequency of a potential future spill may be increased because of the degradation to the pipeline's integrity that has occurred since its commissioning in 1994. Oil spill related impacts may still occur even after successful implementation of mitigation measures imposed as part of the original project approval, as well as the proposed valve installations, due to several factors that have acted in combination to cause degradation of the line including inadequate inspection intervals, a lack of adequate anomaly repairs, internal corrosion, and corrosion under insulation (external corrosion). The risks of an oil spill are elevated above what was previously approved and the project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and environment.

## **2.1.3 DEVELOPMENT PLAN AMENDMENT FINDINGS (ARTICLE II)**

**2.1.3.1 Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

**A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

## **2.2 COUNTY LAND USE DEVELOPMENT CODE FINDINGS**

### **2.2.1 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (LUDC)**

**2.2.1.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application**

**for an Amendment to an approved Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:**

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.

## **2.2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS (LUDC)**

**2.2.2.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Development Permit the review authority shall first make all of the following findings, as applicable:**

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that this finding cannot be made as outlined in Finding 2.1.2.1.A above.



# ATTACHMENT 3

**SANTA BARBARA COUNTY PLANNING COMMISSION**

**Coastal Zone Staff Report for the Tautrim, Gaviota Coast Conservancy & GreyFox, LLC Appeals of the Zoning Administrator's Approval of Plains Line 901-903 Valve Upgrade Project (Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048)**

**Hearing Date:** March 1, 2023

**Deputy Director:** John Zorovich

**Staff Report Date:** February 2, 2023

**Division:** Energy, Minerals & Compliance

**Case No.:** 22APL-00000-00024, 22APL-00000-00025, 22APL-00000-00026, 21AMD-00000-00009, & 22CDP-00000-00048

**Supervising Planner:** Errin Briggs

**Supervising Planner Phone #:** (805) 568-2047

**Staff Contact:** Katie Nall

**Environmental Document:** §15164 Addendum to the AAPL EIR/EIS SCH No. 1983110902 & Exempt ions Sections 15301(b), 15303(d), 15311, and CEQA Statutory Exemption Section 15284

**Staff Contact Phone #:** (805) 884-8050

**APPLICANT/APELLANT:**

Tautrim Revocable Trust  
 Attn: A. Barry Cappello  
 Cappello & Noel LLP  
 831 State Street  
 Santa Barbara, CA 93101  
 805-564-2444

Gaviota Coast Conservancy  
 Attn: Ana Citrin  
 Law Office of Marc Chytilo, APC  
 P.O. Box 92233  
 Santa Barbara, CA 93190  
 805-682-0585

GreyFox, LLC  
 Attn: Christopher Jacobs  
 Brownstein Hyatt Farber Schreck, LLP  
 1021 Anacapa Street, 2<sup>nd</sup> Floor  
 Santa Barbara, CA 93101  
 805-963-7000

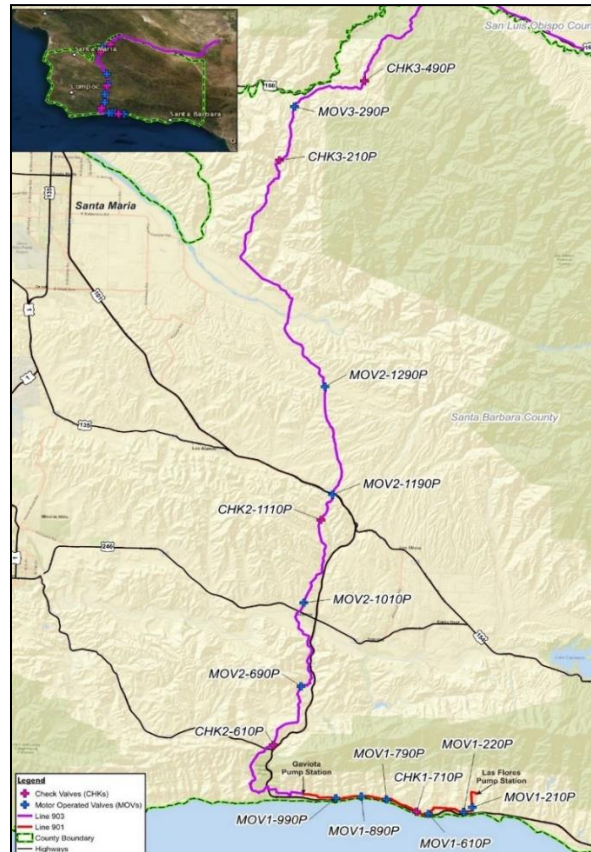


Figure 1. Location of all 16 proposed Valve sites in relation to each other.

Tautrim, Gaviota Coast Conservancy & GreyFox, LLC Appeal of Plains Valve Upgrade Project  
Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026  
Hearing Date: March 1, 2023  
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## 1.0 REQUEST

Hearing to consider the request of Tautrim, Gaviota Coast Conservancy and GreyFox, LLC, Appellants, to consider the three Appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026, of the Zoning Administrator's (ZA) August 25, 2022 approval of the Plains Line 901/903 Valve Upgrade Project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, in compliance with Section 35-182 (Appeals) of the Article II Coastal Zoning Ordinance; on property located in the AG-II zone and to approve the Addendum to the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902, and consider the project exempt from CEQA pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. The original EIR/EIS identified significant effects on the environment in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources.

The Addendum to the EIR, CEQA Exemption and all related documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on the County Website at <https://www.countyofsb.org/3360/Plains-Valve-Upgrade-Project>.

## 2.0 RECOMMENDATION AND PROCEDURES

Your Commission's motion should include the following:

1. Deny the appeals, Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026, thereby affirming the Zoning Administrator's decision to approve Case No. 21AMD-00000-00009 & 22CDP-00000-00048;
2. Make the required findings for approval of Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, as specified in Attachment A of this staff report, including CEQA findings.
3. After considering the environmental review documents included as Attachment C [Addendum dated March 1, 2023 together with previously adopted EIR/EIS and the CEQA exemption Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines] determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project;
4. Approve the project (Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048) subject to the conditions of approval included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

### **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on Article II, Section 35-182.4 and LUDC Section 35.102.040A(4), which both state that any decision by the Zoning Administrator to grant or deny approval may be appealed to the County Planning Commission.

### **4.0 ISSUE SUMMARY**

On August 22, 2022, the Zoning Administrator approved the Plains Pipeline Valve Upgrade Project (herein after Proposed Project). Three timely appeals of the Zoning Administrator's decision were filed on September 1, 2022, during the 10-day appeal period (Attachments F-H). The appellants contest that the project is inconsistent with the California Environmental Quality Act, the Article II Coastal Zoning Ordinance, and the Comprehensive Plan, including the Local Coastal Plan, the Gaviota Coast Plan, and the Coastal Act, amongst other issues.

The appellants specific appeal issues and staff's responses are identified and discussed in detail in Section 6.1 below. In summary, staff reviewed the appeal issues and finds they are without merit. The information included in this staff report supports de novo approval of the Proposed Project.

#### **4.1 Background Information**

On February 18, 1986 Santa Barbara County approved the Celeron/All American Pipeline Project under a Major Conditional Use Permit (83-CP-97z) and a Final Development Plan (85-DPF-066cz), which were subsequently revised in 1988 as 88-DPF-033 (RV01)z and 88-CP-60 (RV01). The Celeron/All American Pipeline Project was for the construction of a 1,200-mile pipeline to transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins through Emidio Station in Kern County California, to McCamey Texas. Pipeline construction occurred from 1988 to 1991, and Line 903 became operational in 1991, with the coastal segment Line 901 becoming operational a few years later in 1994. Once active, the Line 901 and 903 pipeline system became an interstate pipeline and operated under federal jurisdiction. On May 19, 2015, Line 901 ruptured approximately 100 yards north of Highway 101, and oil traveled through a drainage culvert to the Pacific Ocean approximately ¼ mile west of Refugio State Park, ultimately spilling over 100,000 gallons of crude oil into the Pacific Ocean and impacting over 25 miles of coastline. Site clean-up and monitoring activities continued into 2016 and were overseen by the Unified Command led by the United States Coast Guard (USCG) and the United States Environmental Protection Agency (EPA). Since the May 19, 2015 rupture and release of crude oil, Plains' 901 and 903 pipeline system has been shut-in.

To prevent similar incidents as the Refugio Oil Spill from occurring on intrastate hazardous liquid pipelines, Governor Jerry Brown signed into law pipeline safety Assembly Bill 864 ("AB 864"). Enacted by the California Office of State Fire Marshal ("OSFM"), AB 864 requires pipeline operators to install Best Available Technology ("BAT") on all existing pipelines that have the potential to impact sensitive resources in the Coastal Zone by April 1, 2023 to reduce the volume of a potential release.

Tautrim, Gaviota Coast Conservancy & GreyFox, LLC Appeal of Plains Valve Upgrade Project  
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Hearing Date: March 1, 2023  
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In response to the bill, the operator of Lines 901 & 903 preformed a Risk Analysis (Plains, 2021) to identify proper measures to reduce the amount of oil released in an oil spill. The Proposed Project is the implementation of the Risk Analysis conclusions.

The Proposed Project includes the installation of 16 valves along the existing Line 901-903 pipeline system at various locations designed to isolate portions of the line in order to minimize the volume of a potential spill. The proposed project is limited solely to the installation of safety valves to meet the requirements of AB 864. The OSFM, has determined that Plains' submitted plan and schedule to install these safety valves meets the requirements of AB 864. Although the pipelines are currently shut-in, the Lines are considered active and remain subject to regulation by OSFM, including the requirements of AB 864 which requires that the subject BAT improvements be installed by April 1, 2023. Approvals for the project have already been issued by the OSFM, as well as similar installations in Kern County and San Luis Obispo County.

The project was originally heard at the July 25, 2022 Zoning Administrator hearing (Staff Report included as Attachment J) and was continued to the hearing of August 22, 2022 in order to allow staff to prepare responses to issues raised by the Zoning Administrator during the July 25th hearing (Staff Memo included as Attachment K). The project was conditionally approved by the Santa Barbara County Zoning Administrator on August 22, 2022 (Action Letter included as Attachment L).

Three separate appeals were submitted on September 1, 2022 within the within the 10 calendar days following the date of the Zoning Administrator's decision, included as Attachments F-H.

On October 13, 2022, Pacific Pipeline Company (PPC) purchased Lines 901 & 903 from Plains Pipeline L.P. The pipelines are now registered with the California Office of the State Fire Marshal (OSFM) as the Las Flores Pipeline System under trunk line identifiers CA-324 (formerly 901), CA-325A (formerly 903 Gaviota to Sisquoc), and CA-325B (formerly 903 Sisquoc to Pentland). For the purposes of consistency with this Staff Report and other documents associated with this valve installation request, the Pipeline system will be referred to as Lines 901 & 903 in this Staff Report.

Per Section 25B-4 of the County Code, any change of owner, merger of the owner with another company, or change of form of business organization, shall require application and approval by the Planning Department. Until a change of owner is approved pursuant to Chapter 25B, the former owner(s) shall continue to be liable for compliance with all terms and conditions of the permit and any applicable County ordinances. PPC submitted a Change of Ownership, Substitution of a Temporary Operator, and a Change of Guarantor for the Las Flores Pipeline System (Lines 901/903) 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (previously 88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), as amended, application to the County on November 15, 2022. The request is considered an administrative change that would not affect operations. The application for the Change of Ownership is still under review, therefore, the Owner and Operator of the existing Lines 901 and 903 and the Applicant of Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048 is still identified as Plains Pipeline L.P in this Staff Report.

## 5.0 PROJECT INFORMATION

### 5.1 Project Description

The project is a request by Plains Pipeline, L.P., for an amendment to the Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), to allow for the installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The existing Line 901 is a twenty-four (24) inch diameter pipeline transporting crude oil approximately 10.9 miles from Las Flores Pump Station within the Santa Ynez Unit (SYU), west along the Gaviota Coast, terminating at the existing Gaviota Pump Station. The existing Line 903 is a thirty (30) inch diameter pipeline designed to transport crude oil approximately 61.7 miles from Gaviota Pump Station west along the Gaviota Coast, north through the Sisquoc Pump Station, then northeast through the Los Padres National Forest to the Santa Barbara/San Luis Obispo County Line and then terminating at the Pentland Station in Kern County. The project is necessary to meet the requirements of Assembly Bill 864 (2015) which requires pipeline operators to install Best Available Technology (“BAT”) on existing pipelines in the Coastal Zone to reduce the volume of a potential release.

As required by Assembly Bill 864, a risk analysis was conducted along Line 901 & 903 and determined that retrofitting the pipeline with 16 new valves will significantly reduce the amount of fluid released in the event of a potential line failure. Eleven (11) motor operated valves (MOV) and five (5) check valves (CHK) will be added along the pipeline from the Gaviota Coast to the Los Padres National Forest. Each valve has independent utility derived from either direct connection to the electrical grid, or from an independent solar array. The following valves are located within the coastal zone: MOV1-210P; MOV1-220P; MOV1-610P; CHK1-710P; MOV1-790P; MOV1-890P; & MOV1-990P.

CHK valves utilize a one-way valve system that automatically closes when liquid pushes back on it and MOV valves utilize an external power system which will be supplied by either below-grade electrical conduit connected to an existing power line, aerial drop from an existing power line, or solar panels. A temporary workspace within the existing operations and maintenance corridor will be required to facilitate equipment movement and staging as well as access to the pipeline excavation location.

Each CHK valve installation will require a temporary workspace of approximately 4,000 square feet (50-feet by 80-feet), within the existing right-of-way corridor to facilitate equipment movement, staging, access, and excavation. An excavation area of approximately 35-feet in length, 10-feet in width, and 8-feet in depth (approximately 104 cubic yards in volume) is required for CHK valve installation. A secure valve vault, approximately 3-feet in diameter with a lockable steel-lid closure will be installed extending below the existing pipeline and flush with the existing grade.

Each MOV station will include a fenced in utility area between approximately 1,150 and 1,800 sf to store one (1) below ground MOV; two (2) three foot diameter corrugated steel vaults placed over the valve’s pressure sensor apparatus; one (1) electrical panel; one (1) communication device (cellular or satellite) and PLC cabinet; and one battery and associated solar panels. Each MOV site

will require an excavation of approximately 82-feet in length, 4-feet in width, and 8-feet in depth (approximately 97 cubic yards in volume) which will expose the existing pipeline section and allow installation each valve. Additional site grading for access and workspace will depend on the topographic constraints of each individual valve location. Any electrical hookups will require temporary trenching approximately 6-inches wide and 2-3-feet in depth to install electrical conduit.

Upon completion of the valve installations, all disturbed areas will be restored to their prior condition unless otherwise included in the limits of the permanent valve station perimeter. Existing easements for access to and maintenance of the existing pipeline system were established by the applicant and property owner after approval of the pipeline's Development Plan and Conditional Use Permit (Case Nos. 83-CP-97z and 85-DP-66cz), and continue to be in place. No new roads will be constructed and no road improvements needed. Construction of each valve will take approximately 15 days to complete. Post construction, the operator will access the valves between 2 and 7 times a year for routine inspection, maintenance, and diagnostic tool operations.

Tautrim, Gaviota Coast Conservancy & GreyFox, LLC Appeal of Plains Valve Upgrade Project  
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## 5.2 Site Information

Table 1 below includes the associated attributes of where each of the 16 valves will be located. The table also includes detailed information including but not limited to the APNs where each valve site is located, the land use designation of each site, whether the site is located in the coastal zone or inland area of the county and if the site is located within a community plan. All of the valve sites are located in the Third and Fourth Supervisorial District.

**Table 1. List of the 16 Valve locations and associated attributes.**

S -> N	Name	Assessor Parcel Number	Land Use	Comprehensive Plan Designation	Power Connection	Coastal /Inland	Cut/Fill (Cubic Yards)	Temp Workspace (Square Feet)	Permanent Disturbance (Square Feet)	Community Plan
1	MOV1-210P	081-230-021	AG-II-320	A-II-320	Electrical Below-Grade Conduit	C	1 C 824 F	12,179	1,800	Gaviota Coast
2	MOV1-220P	081-230-021	AG-II-320	A-II-320	Electrical Below-Grade Conduit	C	175 C 7 F	7,691	1,800	Gaviota Coast
3	MOV1-610P	081-210-047	AG-II-320	A-II-320	Electrical Below-Grade Conduit	C	2 C 110 F	6,929	1,800	Gaviota Coast
4	CHK1-710P	081-210-047	AG-II-320	A-II-320	NA	C	104 C	4,000	10	Gaviota Coast
5	MOV1-790P	081-150-033	AG-II-320	A-II-320	Electrical Aerial Drop	C	198 C 4 F	7,607	1,800	Gaviota Coast



ATTACHMENT 1 - PPC APPEAL APPLICATION

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S -> N	Name	Assessor Parcel Number	Land Use	Comprehensive Plan Designation	Power Connection	Coastal /Inland	Cut/Fill (Cubic Yards)	Temp Workspace (Square Feet)	Permanent Disturbance (Square Feet)	Community Plan
6	MOV1-890P	081-150-028	AG-II-320	A-II-320	Electrical Aerial Drop	C	58 C 7 F	6,715	1,800	Gaviota Coast
7	MOV1-990P	081-140-025	AG-II-100	AC	Electrical Aerial Drop	C	28 C 85 F	8,804	1,800	Gaviota Coast
8	CHK2-610P	083-500-029	AG-II-100	AC	NA	I	104 C	4,000	10	Gaviota Coast
9	MOV2-690P	083-430-035	AG-II-100	AC	Solar	I	19 C 26 F	7,820	1,800	NA
10	MOV2-1010P	099-400-069	AG-II-100	AC	Solar	I	6 C 62 F	5,892	1,150	Santa Ynez
11	CHK2-1110P	099-040-019	AG-II-100	AC	NA	I	104 C	4,000	10	NA
12	MOV2-1190P	099-040-009	AG-II-100	AC	Electrical Aerial Drop	I	1 C 190 F	7,562	1,800	NA
13	MOV2-1290P	133-070-015	AG-II-100	AC	Electrical Below-Grade Conduit	I	1 C 32 F	7,935	1,800	NA
14	CHK3-210P	131-090-089	AG-II-100	AC	NA	I	104 C	4,000	10	NA
15	MOV3-290P	131-190-004	AG-I-40	A-I-40	Solar	I	1 C 187 F	7,671	10	NA
16	CHK3-490P	131-030-021	AG-II-100	A-II-100	NA	I	104 C	4,000	10	NA

## 6.0 PROJECT ANALYSIS

### 6.1 Appeal Issues

Three appeals of the ZA's approval of Case Nos. 21AMD-00000-00009 and 22CDP-00000-00048 were filed with the Planning Department. Each appeal includes a letter which describes the underlying issues of the appeal (Attachments F-H). The three letters contained the following issues as the basis for the appeal. A summary of each appeal issue is presented below, followed by staff's response:

#### ***Issue #1: The Supplied Visibility Analysis is Wholly Inadequate.***

The Appellant asserts that due to the lack of visual simulations of the proposed MOV station components, it is impossible to ascertain the extent to which the Project will affect public views from Highway 101, specifically located within the Gaviota Coast. At a minimum, photos of the MOV sites from the Highway are needed, and the location of the Project infrastructure must be indicated on the photo. In addition there is no discussion regarding whether the Project may be visible from other public viewing locations such as State Parks, beaches, other roadways, and public trails, precluding a finding of consistency with the Gaviota Coast Plan's view protection policies.

#### **Staff Response**

The project proposes installation of eleven (11) MOV stations and five (5) CHK valves along the pipelines from the Gaviota Coast to the Los Padres National Forest. CHK valves will not be visible from public view points because they will be installed in-line with the pipeline and below-ground. MOV stations will include above ground infrastructure including electrical panels, conduits, and communication equipment. Depending on the power source, an above / below ground electrical connection to a nearby power line will be established with an electrical box surrounded by a chain link fence or solar panel equipment (85-square-foot panel mounted on a steel post) could be installed within the fenced enclosure. The locations of the MOV stations were chosen to site the above ground infrastructure in the least visible portion of the Line while maintaining the ability to satisfy the applicable AB 864 requirements.

In response to this appeal issue, the Applicant has provided a full Visual Impact Analysis prepared by PleinAire Design Group, dated September 29, 2022 (Attachment I). The Analysis focused on six (6) of the proposed MOV stations located near Highway 101 within the Gaviota Coast viewshed corridor that were potentially visible to the public (MOV1-210P, MOV1-220P, MOV1-610P, MOV1-790P, MOV1-890P, and MOV1-990P).

Per the Visual Impact Analysis, none of the six (6) valves will be visible from any public locations such as Baron Ranch Trail, Gaviota State Park, or ocean view parking areas along Highway 101, and will therefore be in compliance with Policy VIS-1a in the Gaviota Coast Plan. Policy VIS-1a Visual Resource Protection, requires development be sited and designed to avoid and minimize impacts to the rural, natural, and agricultural environment as seen from public viewing places.

Two (2) of the six (6) valves (MOV1-610P and MOV1-220P) will not be visible from Highway 101 and only three (3) of the six (6) valves will be minimally visible from Highway 101 (MOV1-790P, MOV1-990P, and MOV1-890P). These stations will be distantly visible to a motorist along Highway 101 for less than 0.5 to 5.0 seconds and at distances from 200 to 700 feet when traveling at 65 miles per hour. At this distance and speed, such visibility is not considered significant. MOV1-210P, which is 1,800 feet from Highway 101, will be visible to motorists traveling northbound for almost 10 seconds. The valve will be located adjacent to an existing water tank and fence, surrounded by mustard grasses which historically have grown to about 3-4 feet tall and will essentially screen and blend the equipment in with the existing agrarian landscape.

The proposed fencing to surround the equipment will be comprised of chain link to provide an opaque look to each site. The proposed solar panel will reach a maximum height of 5 feet 4 inches on three of the sites (MOV2-690P, MOV2-1010P, and MOV3-290P). Otherwise, the 5 foot 2 inch tall and 4 foot 3 inch wide electrical panel will be the largest feature at each station. As seen from the visual simulations, the equipment is unobtrusive, blends in with the surrounding vegetation and will be visually subordinate to the natural and agricultural environment. Per Policy VIS-2: Visually Subordinate Development of the Gaviota Coast Plan, "Visually subordinate" is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place. The four (4) minimally visible MOV stations located within the Gaviota Coast Area (MOV1-790P, MOV1-990P, MOV1-890P, and MOV1-210P) will be visually filtered through the hilly terrain and existing vegetation. All valve sites are located on the inland side of the highway and at a higher elevation, thereby limiting visual prominence as seen from Highway 101.

Per GAVPolicy VIS-13, development within the Critical Viewshed Corridor is required to be screened to the maximum extent feasible as seen from Highway 101. Screening criteria is achieved through adherence to the Site Design Hierarchy and Design Guidelines which are outlined in the Gaviota Coast Plan and provides a framework for siting and design criteria under the visual resource policies. None of the valve stations will be visible from any designated public vista points or recreational locations as determined by the Visual Analysis, and no signs or new sources of light and glare are proposed. None of the proposed valve sites will obstruct views of scenic coastal areas, intrude into the skyline, alter natural landforms, block views of the ocean, or otherwise damage scenic resources (e.g. trees, rock outcroppings, or historic buildings). The size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments. None of the valve locations are located near any streams or within a Flood Hazard Overlay or floodway. Depending on the site, between 33 and 825 cubic yards of material will be graded, with most earthwork needed to dig down to access the existing pipeline below ground and will not lead to large visible cut slopes. Therefore, the four valves that will be minimally visible from 101 viewsheds will have no significant adverse effect on any scenic vista or degrade the existing visual character or quality of the site or its surroundings.

The Visual Analysis also analyzed three examples of existing valve stations that are located along the Gaviota Coast and are visible from Highway 101 to provide context with examples of other

existing utility infrastructure in the Gaviota area. The first example is a SoCal Gas Valve of the same size and equipment types as those proposed by the applicant. This site is briefly visible from Highway 101 from both directions and located directly adjacent to the Las Cruces Trail in Gaviota State Park. Although visible from Highway 101, the site blends with the existing topography and vegetation because of the distance and scale of the site as scene from the Highway. The second example provided, is a Plains Valve located immediately in front of northbound Exit 120 and Refugio Road. The site is highly visible from Calle Real with no screening or blending to the surrounding environment. The site is at a lower elevation than Highway 101 and is therefore out of the viewer's eye line when driving on Highway 101. The third example provided is along Calle Real next to the Baron Ranch Trail. The site is visible from Highway 101. As compared to the existing sites, the proposed project demonstrates the intent to decrease and minimize each site's visibility through minimization of massing, use of existing topography, vegetation, surrounding structures, and the ability to blend in with the surrounding environment. The proposed valve sites have been intentionally placed to be visually subordinate to the natural and agricultural environment as seen from public viewing places.

***Issue #2: No Authority Expressly Allows Project Approval with "Dual Findings" for an Addendum, Statutory, and Categorical Exemptions.***

The Appellant asserts that there is no authority that allows the Project to be approved with "dual Findings". An Addendum is only to be used if there are no new significant impacts caused by the Project (CEQA Guidelines Sections 15162, 15164). Accordingly, if reliance on an addendum were applicable, an exemption will not be required. Similarly, if an exemption properly applies, the environmental analysis under CEQA should stop and no additional analysis should be carried out. The cases cited in the Zoning Administrator staff report dated August 22, 2022 concern whether an agency may argue in court in a CEQA challenge that a project is either exempt or that the environmental review performed was adequate. The use of two sets of findings will only serve to confuse the public and interfere with CEQA's informational goals.

**Staff Response**

Staff prepared an Addendum pursuant to CEQA Guidelines Section 15162 for the proposed project to address minor technical changes in the project and make additions to the original environmental analysis Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902. An addendum to the EIR for the proposed Valve Upgrade project is appropriate because the project involves only minor technical additions to the originally approved project, none of which will result in any new or more severe significant environmental effects. Further, there are no changes in circumstances or new information that will otherwise warrant any subsequent or supplemental environmental review under Public Resources Code section 21166 or CEQA Guidelines Section 15162.

The use of an Addendum to evaluate an activity under CEQA's subsequent review provisions does not prevent the lead agency from also relying upon any number of statutory or categorical exemptions. CEQA allows agencies to utilize several individual exemptions for components of a

single project. Such dual findings are appropriate under CEQA when supported by substantial evidence. The substantial evidence that supports using an Addendum is the same substantial evidence that supports use of the exemptions. For the currently proposed project, each valve has been sited specifically to avoid any potential adverse physical impact to the environment. Therefore, the project can be found exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. The existing measures and conditions set in place for the original Final Development Plan are adequate to address the potential environmental impacts of the proposed valve project.

There are no prohibitions on the County using dual findings. The public is afforded the opportunity to review the rationale for dual findings and raise any concerns or seek clarification regarding the County's administrative proceedings because the project has been noticed, and the Notice of Exemptions and Addendum are available for public review. Given the effort to carefully site the valves so as to avoid physical environmental impacts, it is acceptable for the County to make the dual finding that the Valve Upgrade Installations are Categorical and Statutorily exempt per CEQA Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines] as well as qualify for an Addendum to the previously-adopted EIR per CEQA Guidelines Section 15162.

***Issue #3: The Project Incorrectly Relies on an Outdated Baseline In Evaluating the Impacts of the Project.***

The Appellant argues the baseline should reflect the existing condition of the environment at the time the environmental analysis is commenced. The "existing condition" or the correct baseline is no oil in the pipeline (after the Refugio Oil Spill). Assembly Bill 864 requires the installation of the Project's valve system prior to operation of an oil pipeline. Accordingly, the permitted Lines, which did not include these additional valves, cannot legally transmit oil without these valves. Therefore, the proper baseline for environmental analysis of this Project is non-operational Lines. The environmental review must consider the impacts of the "whole of the project" – namely reopening and replacing the lines, as well as adding the valves.

**Staff Response**

AB 864 requires that all pipelines complete the OSFM approved retrofit by April 1, 2023, not prior to operation of a pipeline. Local agencies discretion when determining the appropriate baseline as long as there is substantial evidence in the record to support the determination. Lines 901 & 903 operate under a County-issued Development Plan 88-DPF-033 (RV01)z and Major Conditional Use Permit 88-CP-60 (RV01) and have undergone several CEQA and National Environmental Policy Act (NEPA) reviews, including the 1985 EIR/EIS and the 1987 SEIR. Both environmental documents addressed the impacts of construction and operation of the Pipelines. After the 2015 spill, the pipelines were placed in a preserved state for an indefinite period of

time. However, under the County permit, the operator maintains the ability to restart Lines 901 & 903 at any time without discretionary approval by a County decision maker. This is because the originally approved project includes a condition allowing for temporary pipeline shut off and restart to decrease the environmental damage in the event of any break, rupture, and/or damage to the pipeline the event of a leak [Condition of Approval A-8. Authority for Curtailment from 88-DPF-033 (RV01) & 88-CP-60 (RV01)].

Where an existing facility has already undergone full CEQA review, the environmental baseline for measuring the project's impacts pursuant to CEQA's subsequent review provisions (Addendum) is adjusted and the originally approved project is *assumed to exist*. In this manner, the project impacts as reviewed in a prior EIR are properly treated *as part of the environmental baseline* in a subsequent or supplemental EIR. And the mere fact that the existing facilities might experience a cessation in operations, does not alter the existing facilities baseline. Thus, contrary to the appellants' assertion, lead agencies do not apply a "new" or "updated" baseline when preparing an addendum. The Addendum should assume the pipeline is installed, existing, and operating, and analyze the changes or additions to the project (e.g. valves).

Although restart of the pipeline is not included in the scope of this project, normal operating processes are considered part of the baseline for environmental review, as temporary shutdown and restart of the pipelines are discussed and allowed through the conditions of approval of the original permit as described above. Historically, temporary shutdowns of the pipeline have occurred to allow for installation of other valves or for anomaly repairs and Pipeline Inspection Gauge (PIG) inspections. Because the Lines have undergone extensive CEQA review, are fully permitted to operate, and have an operational history, the adjustment of the baseline to account for the operations of the pipeline is appropriate. Therefore, the established baseline of the project is an existing operational pipeline.

The original EIR analyzed the impacts of installing the pipelines and transporting oil, and determined there will be significant and unavoidable impacts in areas of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources. The Addendum prepared for the proposed project identified no new significant impacts caused by installation of the valves, specifically in the interest areas of Visual, Biological, Cultural, and Hazards/Risk of Upset. The project impacts reviewed in a prior EIR are properly treated as part of the environmental baseline in subsequent or environmental review in an Addendum.

***Issue #4: The Claimed Statutory and Categorical Exemptions Are Improper.***

The Appellant asserts the Project's reliance on the exemptions are flawed. The project first relies on a statutory exemption where "the project is less than eight miles in length" and where "actual construction and excavation activities...are not undertaken over a length of more than one-half mile at any one time" (Pub. Res. Code Section 21080.23). However, the proposed Project spans 10.9 miles on Line 901 and a 61.7 mile stretch on Line 903, far exceeding the eight mile limitation.

Additionally, the unusual fact that the Lines are now non-operational may result in significant hazardous impacts due to corrosion of the outdated and unused Lines.

### **Staff Response**

The Valve Upgrade Installations qualify for the Eight-Mile Exemption because: (1) the area of temporary disturbance is only 35 feet in length for each check valve and 82 feet in length for each MOV (less than 0.25 miles in total) and when taken together cumulatively will disturb significantly less than eight miles of the pipeline corridor; (2) the valves will be located entirely within the previously disturbed pipeline construction and existing operations corridor described and approved in the original EIR; and (3) the valves constitute “maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of . . . any valve . . . or other piece of equipment that is directly attached to the pipeline.” The project includes the installation of 16 individual valve, which are cumulatively less than 0.21 miles in length. No work will occur in between two valve locations, therefore it cannot be counted towards the 8-mile restriction. Additionally, when working on two or more valves at a time, the valves will not be located in the same general vicinity to prevent a cumulative impact on a single site, for example the two valves on APN 081-230-021 will not be installed at the same time.

No evidence has been presented to support that because the lines have been non-operational, they are currently corroded or have become more so because of their current status. After the oil spill in 2015, the Lines were cleaned and flushed of all potentially corrosive materials and filled with Nitrogen gas, which is an inert gas. If the operator were to restart the line in the future, the OSFM will require a host of integrity-related improvements prior to operation including installation of the currently proposed valves, comprehensive safety inspections, repair of any existing anomalies, hydrostatic testing, approval of a State Waiver in lieu of a true cathodic protection system, and other compliance items to confirm the line meets State and Federal standards for Crude Oil pipeline operation. However, pipeline restart is not required as part of the proposed project. The proposed project, to install 16 valve along Lines 901 & 903, will bring the pipeline into compliance with State and Federal regulations including California Code of Regulations, Title 10, Article 7 (AB 864), which identifies the upgrades as repair and maintenance of existing lines. There are no unusual circumstances regarding the valve installations that will exclude the project from compliance with the identified CEQA Statutory Exemption.

### ***Issue #5: The Project’s Failure to Analyze the Potential of Reopening the Lines Constitutes Illegal Piecemealing.***

The Appellant argues “...that ‘an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects’. CEQA requires that the ‘project’ being analyzed include the “whole of the action,” not just the particular governmental approval being sought at that time. The Project is construed as involving only the addition of new valves to the currently non-operational pipeline. These valves are required under AB 864 in order to

operate an existing oil pipeline and therefore serve no purpose for a pipeline that does not contain oil. Therefore, the reopening of the Line is (1) a reasonably significant consequence of the Project, and (2) significantly expands the scope of this Project” and the Addendum must include the reopening and replacement of Lines 901 & 903 as part of the whole of the action [Brownstein, Cappello & Noel LLP; September 1, 2022].

### **Staff Response**

The Project scope is limited to the modification of the originally approved Final Development Plan/CUP to allow for the addition of certain pipeline safety valves to meet the requirements and compliance deadlines of AB 864, including installation of Best Available Technology (BAT) on all existing pipelines in areas where a potential spill could affect sensitive resources in the Coastal Zone by April 1, 2023. Restart or replacement of Lines 901 & 903 are not part of the proposed safety Valve Project, before the Commission. Compliance with AB 864 is required on existing pipelines whether they are operational or not and identifies the installations as repair and maintenance of existing lines.

The prior CEQA review and the originally approved conditions for the project include an allowance for temporary pipeline shut off and restart. For example, Condition of Approval A-8 of Development Permits 88-DPF-033 (RV01)z, 88-CP-60 (RV01), covers the operations of the pipeline and allows the County to order a shutdown in order to decrease the environmental damage in the event of any break, rupture, and/or damage to the pipeline in the event of a leak. This condition also provides procedures to dissolve such an order and allow restart. There is no time limit on how long such a shutdown may need to be employed. The permit contemplates ceasing operations for unspecified periods of time while such an order is in effect, allowing operations to resume once that order is dissolved without requiring analysis of potential impacts associated with restarting the Lines. This condition, A-8 Authority for Curtailment, has been brought forward to apply to the proposed project.

In Issue #3 above, baseline already encompasses the project evaluated in the original EIR/EIS, which includes potential shutdowns and restarts, as well as the existing infrastructure and historical operations of Line 901 & 903. Consequently, the current Addendum’s analysis is appropriately focused on the incremental impacts arising from installation of the safety valves, and not on the construction and operation of Lines 901 and 903. Construction and operation of the pipeline was previously analyzed in the original pipeline EIR.

In the event the pipeline is restarted, the scope or nature of the original project or its environmental effects will not change because they were analyzed in the original EIR/EIS. No further physical change will occur to the environment greater than what has been previously and currently analyzed. Although Pipelines 901 & 903 are currently not in service and the Owner/Operator has applied for new permits to replace them (Application Case No. 17DVP-00000-00010), the subject lines are considered active and remain subject to regulation by the Office of the State Fire Marshall (OSFM), the agency overseeing the implementation of AB 864. Any future restart of Lines 901 & 903 does not require approval by the County since restart of the line is governed solely by the OSFM. The OSFM has already determined The



Owner/Operator's proposed safety valves as consistent with AB 864. Thus, the only issue before the County is the approval of the proposed amendments to the originally approved DPF/CUP to allow Plains to construct and install the safety valves on Lines 901 & 903 in compliance with AB 864 regulations. The appellant's statement "...these valves are required under AB 864 in order to *operate* an existing oil pipeline" [Brownstein, Cappello & Noel LLP; September 1, 2022] is a misleading explanation of AB 864 requirements. Compliance with AB 864 is required on existing pipelines whether they are operational or not and identifies the installations as repair and maintenance of existing lines.

***Issue #6: Cumulative Impacts Are Not Addressed.***

The Appellant asserts the Addendum fails to address cumulative impacts arising from other projects in the same area with similar impacts and fails to analyze the cumulative impacts of the project's incremental effects which may be cumulatively considerable (CEQA Guidelines Section 15130). For instance, the potential impacts over time caused by the Refugio Oil Spill must be adequately analyzed. Moreover, the appellant asserts that SoCal Gas has undertaken at least two projects including the Advance Meter Project and the Line SJ36-1002 Derate/Depressurization project, which included earthwork and equipment installations in this area. These and other projects that have similar impacts in the same area must be considered in a cumulative impacts analysis.

**Staff Response**

Section 15355 of the CEQA Guidelines defines "cumulative impacts" as two or more individual effects that, when considered together, are either considerable or compound other environmental impacts. The goal of a cumulative project analysis is to identify those past, present, and reasonably foreseeable projects that could have spatial and temporal overlaps with the proposed Project. Projects with temporal overlaps include those that are planned to occur during the same timeframe as the proposed Project. Projects with spatial overlaps are those that will have impacts in the same area or on the same resources as those of the proposed Project (e.g., traffic that could affect the same roadways).

The EIR/EIS adopted with the initial approval of the pipelines addressed environmental impacts associated with installation of the entire pipeline, installation and operation of certain maintenance valves, continued operation of the pipelines, and accidental releases of oil from the pipeline. Therefore, because the EIR already considered and analyzed opening and operation of the pipeline, it does not need to be considered a separate cumulative impact. The currently proposed valve locations were specifically chosen to avoid sensitive visual, cultural, and biological resources. The Addendum includes a discussion regarding the residual impacts of each issue area identified for the proposed valve installation project.

The appellant mentions other similar valve installation projects for SoCal Gas in "this area". However, staff is not aware of other valve installation projects that are currently under review by the County within the vicinity of the proposed project which will lead to a potential cumulative impact. There are two existing SoCal Gas valve sites within the Gaviota Coast, as discussed in the

Visual Analysis (PleinAire Design Group, September 29, 2022). The existing sites are located adjacent to the Las Cruces Trail in Gaviota State Park and the Baron Ranch Trail along Calle Real. The SoCal Gas valve located off of Calle Real and Baron Ranch Trail is 0.3 miles east from MOV1-790P and 1.3 miles west from CHK1-710P. The second SoCal Gas valve is located adjacent to the Las Cruces Trail in Gaviota State Park and would be 0.8 miles south of CHK2-610P. There is also an existing Plains valve located immediately in front of northbound Exit 120 and Refugio Road, 1 mile east of MOV1-610P and 0.9 miles west of MOV1-220P. These sites have already been constructed and would not contribute to a cumulative temporal impact through construction activities. As described in Issue #1, all the existing example locations are briefly visible from public viewpoints. The proposed project demonstrates the intent to decrease and minimize the proposed valve sites' visibility through minimization of massing, use of existing topography, vegetation, surrounding structures, and the ability to blend in with the surrounding environment. The four proposed MOV stations that will be minimally visible from public viewing places will have no significant adverse effect on any scenic vista or degrade the existing visual character or quality of the site or its surroundings. None of the proposed valve sites will obstruct views of scenic coastal areas, alter natural landforms, or otherwise damage scenic resources (e.g. trees, rock outcroppings, or historic buildings) and the size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments such as water pumps, Ag fencing, residences, etc. The proposed valve sites have been intentionally placed to be visually subordinate to the natural and agricultural environment as seen from public viewing places. Further, the Addendum did not identify any significant impacts to biological resources onsite. The purpose of the proposed project is to increase the safety of the pipelines and decrease the risk of upset/potential for hazardous spills. Therefore, cumulative spatial impacts of the proposed project when taken together with other similar past, present and reasonably foreseeable projects in the area are less than significant.

The Appellant states the cumulative analysis should include review of the Refugio Oil Spill, however the Refugio Oil Spill is not a potential impact of the proposed valve installation project and is not appropriate for inclusion in the cumulative analysis. The risk of accidental releases of oil from the pipeline was already considered in the EIR/EIS.

***Issue #7: The Project Fails to Analyze Consistency with the General Plan.***

The Appellant asserts the General Plan policy consistency analysis does not account for the project as a whole. It ignores the fact that the project will help facilitate the addition of oil to the pipeline. Since the County has failed to analyze many of the environmental impacts associated with the project (restart of the line) including greenhouse gas and air quality impacts, hazards from oil spills, hazards from fire and mudslide, and biological and water quality impacts, the County has not accurately analyzed potential inconsistencies with many County General Plan policies.

By way of example, the Air Quality policy consistency analysis in the staff report ignores potential air quality impacts associated with the addition of oil to the pipe, which is not currently present

and can only occur with the addition of the new valves. This analysis also ignores the potential air quality impacts associated with the increased risk of fire resulting from the construction and the added electrical facilities proposed to support the valves. These added impacts are not merely short term. They last the lifetime of the project.

Similarly, biological and water quality impacts associated with the risks of potential future spills do not exist in the current condition. They only exist if this project is completed because without this project the pipeline cannot legally transport oil. Therefore, the consistency analysis must consider whether adding oil to this pipeline, in this location, is consistent with County policies. Similarly, as discussed above, all the work proposed (including any replacement of sections of the line) should be considered at the same time, in the same policy consistency analysis.

### **Staff Response**

The Appellant incorrectly associates restart of the line with the proposed project description. Restart is not within the scope of the project and therefore does not need to be included in an analysis of the general plan. The Appellant asserts the baseline of environmental review is an empty pipeline, which is addressed in Issue #3, and that adding oil to the pipeline must be analyzed against County policies, addressed in Issue #6. However, as discussed in Issue #3 above, where an existing facility has already undergone full CEQA review, the baseline is an operational Pipeline transporting crude oil, which was fully analyzed in the original EIR/EIS in 1985, including restart and shutdown. Under the County permit, the operator maintains the ability to restart Lines 901 & 903 at any time without discretionary approval by a County decision maker because of the condition allowing for temporary pipeline shut off and restart to decrease the environmental damage in the event of any break, rupture, and/or damage to the pipeline the event of a leak [Condition of Approval A-8. Authority for Curtailment from 88-DPF-033 (RV01) & 88-CP-60 (RV01)].

The proposed project's environmental review properly only analyzes impacts associated with installing the valves, the modification to the already-approved project.

The proposed Project will result in an incremental increase in the creation of temporary and permanent fire hazard activities. Short-term fire impacts (temporary) may arise as a result of the introduction of mechanized equipment during valve installation work, however, the temporary usage will not hamper fire prevention techniques in the area. The original EIR/EIS analyzed the potential for a fire or explosion and assumed to have an average of 0.5 fires within 30 years. As mitigation, the operator must comply with National Fire Protection Association standards, applicable guidelines and requirements set forth in a Watershed Fire Protection Plan provided by the combined local fire protection agencies, Santa Barbara County Fire, U.S. Forest Service, and the California Department of Forestry to lower the potential of wildfire in fire sensitive areas (P-14, P-15, and P-17). All projects within fire hazard areas which have the potential for the risk of fire must have a Fire Protection Plan and emergency access requirements that are implemented and verified through ongoing inspections at the valve sites. The project is conditioned to include an updated Emergency Response Plan (ERP) and Safety Inspection, Maintenance and Quality Assurance Program (SIMQAP) for the valves will be implemented during construction and

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operational aspects of the pipeline system will be reviewed and monitored by the County's System Safety and Reliability Review Committee (P-2 and P-3).

***Issue #8: Inconsistency Between the Project Description and the Conditions of Approval regarding Right-of-Way Requirement; New Easements for Implementation of the Plan.***

The Appellant states, the original Right-of-Way for the pipeline corridor had a width of 25 feet. Therefore, the project description is inconsistent with the original Right-of-Way and new easements will be needed to be acquired for both the pipeline Right-of-Way and new construction workspaces outside of that original Right-of-Way. Condition 43 should be revised to require that the evidence provided by the Applicant be submitted to the Property Owner at the time it is submitted to Planning and Development. More importantly, easements for the original pipeline have lapsed and new and/or expanded easements are required for implementation of the project.

**Staff Response**

Lines 901 and 903 are common carrier pipelines and Plains has existing easements for the operation and maintenance of the pipelines with all the landowners along the pipeline ROW. However, MOV station sites include above ground equipment which may require the operator to obtain updated easements from each landowner. Condition of Approval No. 18, Evidence of Right to Construct (Attachment B1, Conditions of Approval) requires that the operator shall demonstrate to Planning and Development that it has obtained the right to construct the project for each parcel involving construction activities prior to issuance of the Zoning Clearance. Evidence demonstrating the right to construct shall be reviewed and approved by Planning staff and County Counsel. The right to install the project shall be obtained either via revised easements or eminent domain, if necessary. Upon receiving project approval from the County, the applicant has stated it will engage in discussions with landowners to negotiate appropriate terms to acquire rights for the installation and maintenance of the valves prior to physical construction.

If the operator's good-faith efforts to secure rights to install the valves are unsuccessful, Plains has stated it may assert its rights as a common-carrier pipeline operator to obtain such rights through eminent domain. California Public Utilities Code Section 615 allows common-carrier pipeline operators to condemn "any property necessary for the construction and maintenance of its pipeline". Because the valve installations are required by AB 864 for the continued operation of the pipelines, condemnation is an available option. However, before the Applicant can pursue condemnation, it must obtain project approval from the County because part of the demonstration of necessity is that the project has been granted local approvals in compliance with CEQA.

County Code requires landowner consent be provided with land use permit applications. However this requirement may be waived where deemed necessary or appropriate by the Planning Director per the Santa Barbara County Land Use & Development Code § 35.80.030[A]; SBC Article II § 35-57A[A]. For the current project, the Director has determined it is necessary and

appropriate to waive this requirement because the applicant must first demonstrate necessity for the project before being able to pursue eminent domain options.

## 6.2 Environmental Review

Staff prepared an Addendum to the previously certified Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902 pursuant to CEQA Guidelines Section 15162 for the proposed project to address minor technical changes in the project and make additions to the original environmental analysis. These changes render the originally certified EIR, together with the current Addendum adequate environmental review for the current project. Significant effects on the environment from the originally approved Line 901- 903 project were found in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources. The proposed project will not result in an intensification of these impacts and no new mitigation measures, in addition to the previously approved measures from the Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), are needed to mitigate impacts associated with the proposed project.

There are no substantial changes or changed circumstances under which the proposed project is to be undertaken. No new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the approved EIR/EIS have been found with the proposed project, as analyzed in the Addendum to the EIR Please see the Addendum (Attachment C) for further discussion. Because none of the conditions in CEQA Guidelines Section 15162 have occurred, no subsequent EIR or ND shall be prepared for this project. Additionally, the project can be found exempt from environmental review under the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. Please see Attachment C, Notice of Exemption.

## 6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<b>ADEQUATE SERVICES</b>	
<p><i>Coastal Plan Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed</i></p>	<p><b>Consistent:</b> The project includes the installation of 16 valves along the pipeline corridor to increase the safety of the pipeline system and will not require long term water or sewer connections. CHK valves will use an automatic hydraulic closing system which does not require power. MOV stations will access</p>

<p><i>development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan . . .</i></p> <p><b>Land Use Development Policy 4:</b> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development . . .</i></p>	<p>power from nearby existing power lines (above or below ground connections) where practical, and solar panels will provide power to remote valve locations. Access to each location is provided along the maintenance corridor established when the pipeline was originally installed. Existing paved and dirt access roads will be used without modification or grading. Wastewater services for site workers will be provided by portable toilets and water for dust suppression during construction and grading activities will be trucked in from offsite.</p> <p>Therefore, adequate services and resources are available for the proposed project and it is consistent with this policy.</p>
<p><b>AESTHETICS/VISUAL RESOURCES</b></p>	
<p><b>Land Use Element Visual Resource Policy 1:</b> <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p> <p><b>Coastal Act Sec. 30251:</b> <i>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p>	<p><b>Consistent:</b> The project proposes installation of eleven (11) MOV stations and five (5) CHK valves along the pipelines from the Gaviota Coast to the Los Padres National Forest. CHK valves will not be visible from public view points because they will be installed in-line with the pipeline and below-ground. MOV stations will include above ground infrastructure including electrical panels, conduits, and communication equipment. Depending on the power source, solar panel equipment (85 sf panel mounted on a steel post) could be installed or an above / below ground electrical connection to a nearby power line will be established with an electrical box surrounded by a chain link fence. The locations of the MOV stations were chosen to site the above ground infrastructure in the least visible portion of the Line while maintaining the ability to satisfy the applicable AB 864 requirements.</p> <p>The Applicant has provided a full Visual Impact Analysis prepared by PleinAire Design Group, dated September 29, 2022 (Attachment I). The</p>

<p><b>Coastal Plan Policy 4-3:</b> <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p>	<p>Analysis focused on 6 of the proposed MOV stations (MOV1-210P, MOV1-220P, MOV1-610P, MOV1-790P, MOV1-890P, and MOV1-990P) located near Highway 101 within the Gaviota Coast viewshed corridor that were potentially visible to the public. , none of the six (6) valves will be visible from any public locations such as Baron Ranch Trail, Gaviota State Park, or ocean view parking areas along Highway 101. Two (2) of the six (6) valves will not be visible from Highway 101 and only three (3) of the six (6) valves will be minimally visible from Highway 101. These stations will be distantly visible to a motorist along Highway 101 for less than 0.5 to 5.0 seconds and at distances from 200 to 700 feet when traveling at 65 miles per hour. At this rate and speed, such visibility is not considered significant. MOV1-210P, which is 1,800 feet from Highway 101, will be visible to motorists traveling northbound for almost 10 seconds. The valve will be located adjacent to an existing water tank and fence, surrounded by existing mustard grasses which historically have grown to about 3-4 feet and will essentially screen and blend the equipment in with the existing landscape. Therefore, even while minimally visible, the MOV station will blend in with existing agrarian equipment and structures.</p>
<p><b>Coastal Plan Policy 4-9:</b> <i>Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway #101, and shall be clustered to the maximum extent feasible.</i></p>	<p>Technical requirements of the MOV station operations prevent the design to be completely compatible with the agrarian nature of the surrounding environment and existing structures. However, the project still complies with Land Use Element Visual Policy 1 because the sites are overall subordinate in appearance to the surrounding environment. The proposed fencing to surround the equipment will be comprised of chain link to provide an opaque look to each site. The proposed solar panel will reach a maximum height of 5 feet 4 inches on three of the sites. Otherwise, the 5 feet 2</p>
<p><b>Coastal Plan Policy 4-11:</b> <i>Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.</i></p>	
<p><b>GAVPolicy VIS-1a: Visual Resource Protection. (COASTAL)</b> <i>Development shall be sited and designed to avoid and minimize impacts to the rural, natural, and agricultural environment as seen from public viewing places. If there is no feasible building site location on the project site where development would not be visible, then the development shall be sited and designed to minimize impacts to visual resources through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating screening elements such as</i></p>	

*landscaping or artificial berms. Landscape screening and artificial berms shall not substitute for siting and design alternatives that avoid impacts to public views of the ocean and other scenic areas and minimize alteration of natural land forms.*

**GAV Policy VIS-2: Visually Subordinate Development.** *Development shall be visually subordinate to the natural and agricultural environment as seen from public viewing places. Visual subordination shall be achieved through adherence to the Site Design Hierarchy and Design Guidelines. “Visually subordinate” is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place.*

**GAV Policy VIS-7: Artificial Berms.** *Artificial berms that unnaturally modify slopes so as to be visually evident shall be discouraged.*

**GAV Policy VIS-10: Energy Development.** *Energy development (e.g., wind, solar, oil and gas, and associated infrastructure) shall demonstrate to the extent feasible consistency with the visual resources policies of the Gaviota Coast Plan.*

**GAV Policy VIS-12: Critical Viewshed Corridor.** *Protection of the ocean and mountain views of the Gaviota Coast from Highway 101 is critically important. Therefore, a Critical Viewshed Corridor Overlay, providing more protective viewshed policies for development permits within the overlay, is designated for the Gaviota Coast.*

**GAV Policy VIS-13: Development Visibility.** *Development within the Critical Viewshed Corridor shall be screened to the maximum extent feasible as seen from Highway 101. Screening shall be achieved through adherence*

inches tall and 4 feet 3 inches wide electrical panel will be the largest feature at each station. As seen from the visual simulations, the equipment is unobtrusive and blends in with the surrounding vegetation and will be visually subordinate to the natural and agricultural environment. Per GAV Policy VIS-2: Visually Subordinate Development, “Visually subordinate” is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place. The four (4) minimally visible MOV stations located within the Gaviota Coast Area will be visually filtered through the hilly terrain and existing vegetation. All valve sites are located on the inland side of the highway and at a higher elevation, thereby limiting visual prominence as seen from Highway 101. By adding or removing features to present each site in a more agrarian style,

Per GAV Policy VIS-13, development within the Critical Viewshed Corridor is required to be screened to the maximum extent feasible as seen from Highway 101. None of the valve stations will be visible from any designated public vista points or recreational locations, and no signs or new sources of light and glare are proposed. None of the proposed valve sites will obstruct views of scenic coastal areas, intrude into the skyline, alter natural landforms, views of the ocean, or otherwise damage scenic resources (e.g. trees, rock outcroppings, or historic buildings). The size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments. Depending on the site, between 33 and 825 cubic yards of material will be graded, with most earthwork needed to dig down to access the existing pipeline below ground and will not lead to large visible cut



<p><i>to the Site Design Hierarchy and Design Guidelines.</i></p> <p><b>GAVPolicy VIS-15: Ocean Views.</b> <i>To the maximum extent feasible, development shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.</i></p>	<p>slopes. Therefore, the four valves will be minimally visible from 101 viewsheds and will have no significant adverse effect on any scenic vista or degrade the existing visual character or quality of the site or its surroundings.</p> <p>Condition of approval No. 7, allows necessary fencing, block valves, and associated equipment to be constructed above-ground so long as it does not detract from scenic areas or views from public roads. All sites locations were selected to avoid the need for screening. No proposed valve location will obstruct views of scenic coastal areas, or will require the alteration of natural landforms. All graded areas will be restored to existing topographic and vegetative conditions. Exposed valves located outside of the coastal zone will be situated away from public view points or in areas that are visually compatible with utility equipment. As proposed, no exterior lighting is proposed on the structures. Artificial berms are not proposed as part of the project.</p> <p>The proposed project demonstrates the intent to decrease and minimize each site’s visibility through minimization of massing, use of existing topography, vegetation, surrounding structures, and ability to blend in with the surrounding environment. The proposed valve sites have been intentionally placed to be visually subordinate to the natural and agricultural environment as seen from public viewing places, more so than existing sites. Therefore, the project complies with these policies.</p>
<p><b>AIR QUALITY</b></p>	
<p><b>Coastal Plan Policy 11-1:</b> The provisions of the Air Quality Attainment Plan shall apply to the coastal zone.</p> <p><b>Coastal Act Policy 30253(3):</b> New development shall “be consistent with requirements</p>	<p><b>Consistent:</b> With respect to air quality, the proposed project is a short term construction project and includes only activities limited in duration such as the use of off-road and mobile equipment for onsite excavation and grading</p>

<p>imposed by an air-pollution control district or the State Air Resources Control Board . . .”</p>	<p>activities. No long term uses associated with the 16 valve sites will create air quality impacts. Condition of Approval 4 of Attachment B1 requires implementation of dust control measures to avoid deterioration of air quality as well as require the project to adhere to the Santa Barbara Air Pollution Control District (SBCAPCD) standard conditions including adherence to air pollution control procedures, receiving an authority to construct permit, and emissions standards for heavy-duty diesel-powered construction equipment. Therefore, the project is consistent with these policies.</p>
<p><b>BIOLOGICAL RESOURCES</b></p>	
<p><b>Coastal Plan Policy 6-18:</b> <i>For pipeline segments passing through important coastal resource areas, including recreation, habitat. and archaeological areas, the segment, in the case of a break, shall be isolated by automatic shutoff valves.</i></p> <p><b>Coastal Plan Policy 9-1:</b> <i>Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.</i></p> <p><b>Coastal Plan Policy 9-35:</b> <i>Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and</i></p>	<p><b>Consistent:</b> The proposed project traverses the Gaviota Coast then heads north to the Sisquoc Pump Station, then northeast through the Los Padres National Forest to the Santa Barbara/San Luis Obispo County Line.</p> <p>Within the Gaviota Coast Ecoregion, portions of the existing pipeline cross through mapped Environmentally Sensitive Habitat Areas (ESHAs), as identified in the Gaviota Coast Plan. However, the valve site locations were chosen to avoid ESHA as designated by Gaviota Coast Plan ESH Overlay Maps. According to the Biological Resource Assessments (BRA) prepared by Sage Institutes, dated March 13, 2022, all valves sites will be located within disturbed annual grassland habitats which do not support any special-status species. As such, this upland non-native grassland habitat does not meet ESHA criteria.</p> <p>Field surveys and habitat suitability analyses determined that no formally listed or special-status plant or wildlife species occur or have the potential to occur at any of the valve temporary work sites with the exception of MOV1-610, CHK1-710P, and CHK2-610P, which are located within the USFWS designated</p>

*grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.*

**Coastal Plan Policy 9-36:** *When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion a native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.*

**Coastal Plan Policy 9-37:** *The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis.*

**GAVPolicy NS-2: Environmentally Sensitive Habitat (ESH) Protection. (COASTAL)** *Environmentally Sensitive Habitat (ESH) areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, public trails, and low-impact campgrounds). Resource-dependent uses shall be sited and designed to avoid significant disruption of habitat values to ESH through measures including but not limited to: utilizing established disturbed areas where feasible, limiting grading by following natural contours, and minimizing removal of native vegetation to the maximum extent feasible. Non-resource dependent development, including fuel modification and agricultural uses, shall be*

Critical Habitat Unit STB-6 and Unit STB-5 in the Gaviota Coast for California red-legged frog (CRLF). The CRLF is listed as threatened by the USFW. These habitat units total a sum of 24,850 acres and includes the Gaviota Creek and Tajiguas Creek watersheds. Within these units, primary constituent elements of habitat have been identified as essential to the conservation and recovery of the species. The two potentially implicated here, are “upland habitat” and “dispersal habitat.” The critical upland habitat refers to areas directly associated with breeding and non-breeding aquatic and riparian habitats that include structures providing shade, moisture, and cooler temperatures. Dispersal habitat is comprised of accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within 1 mile of each other, and that support movement between such sites.

CRLF are a highly aquatic species found in ponds and streams with or without riparian or wetland vegetation. Breeding time depends on winter rains but is usually between late November and late April. Intermittent streams must retain surface water in pools year-round for frog survival. The closest known location of CRLF is 0.6 miles south of CHK2-610P, and 0.8 miles east of MOV1-610P.

The proposed valve installation sites MOV1-610P, CHK1-790P, and CHK2-610P within the Critical Habitat mapped areas are located in disturbed non-native annual grassland habitats, surrounded by expanses of grassland, coastal scrub, and oak woodlands, and are not moist upland areas associated with aquatic habitats used for breeding. Although CRLF movements are variable, all three valve locations are located between occupied sites and aquatic habitats that are greater than one

*sited and designed to avoid ESH and ESH buffer areas. If avoidance is infeasible and would preclude reasonable use of a parcel or is a public works project necessary to repair and maintain an existing public road or existing public utility, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigated. Development in areas adjacent to ESH 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.*

***Policy NS-4: ESH Criteria and Habitat Types.***

*(INLAND) The following criteria are used in determining which habitats in the Gaviota Coast Plan area warrant the Environmentally Sensitive Habitat Area overlay designation:*

*2) Rare and endangered species habitats that are also protected by Federal and State laws, e.g., harbor seal rookeries and haul out areas.*

*4) Sensitive wildlife habitats which are vital to species survival, e.g., White-tailed Kite habitat, butterfly trees.*

*8) Special status species habitats.*

***Dev Std NS-4: Sensitive Wildlife Species.***

*(COASTAL) If potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to approval of Coastal Development Permits for any projects in the Gaviota Coast Plan Area, presence/absence surveys focused on the area to be disturbed and/or affected by the project shall be conducted in accordance with applicable county and resource agency protocols to determine the potential for impacts resulting from the project on these species.*

mile apart. Specifically, MOV1-610P and CHK1-790P are located between the Tajiguas Creek and the Refugio Creek; however, the distance between these aquatic habitat occurrences is approximately 1.65 miles. CHK2-610P lies between known CRLF occurrences at Gaviota Creek and Nojoqui Creek, which are separated by approximately 2.83 miles. Additionally, Canada de las Cruces—the aquatic area nearest CHK2-610P—does not have any known occurrences of CRLF and is located approximately 2.70 miles from the nearest aquatic habitat for CRLF, Nojoqui Creek. Therefore, none of the project sites support any of the critical habitat primary constituent elements that are required for CRLF aquatic breeding, aquatic non-breeding, or upland/dispersal habitats. Consequently, the three sites should not be considered critical or essential to the survival or recovery of this species. The project would not result in permanent loss of red-legged frog habitat and the amount of habitat to be disturbed constitutes a small portion of the species' potential range.

Still, the presence of the California red-legged frog was addressed in the original pipeline EIR, before the species was listed as threatened or endangered. Various FDP Conditions of Approval for the AAPLP Project (e.g., those requiring sediment control (Conditions H-1 and H-12, which are replaced by Condition of Approval 5 Habitat Restoration and 6 Erosion and Sediment Control Plan), restrictions on construction in riparian habitats (Conditions F-4, H-3, and H-18) were, in part, intended to mitigate impacts to these aquatic organisms and their habitat. The original conditions also included Condition E-11 which limits excavation and grading to the driest season of the year to avoid the breeding season for California red-legged frog (July 1 to November

**GAVPolicy NS-11: Restoration. (COASTAL)** *In cases where adverse impacts to biological resources as a result of new development cannot be avoided and impacts have been minimized, restoration shall be required. A minimum replacement ratio of 3:1 shall be required to compensate for adverse impacts to native habitat areas or biological resources, except that mitigation for impacts to wetlands shall be a minimum 4:1 ratio. Where onsite restoration is infeasible, the most proximal and in-kind offsite restoration shall be required. Preservation in perpetuity for conservation and/or open space purposes of areas subject to restoration shall be required as a condition of the CDP and notice of such restriction shall be provided to property owners through a recorded deed restriction or Notice to Property Owner.*

**GAVPolicy NS-12: Protected Trees. (COASTAL)** *Existing trees shall be preserved to the maximum extent feasible, prioritizing “protected trees.” Protected trees are defined for the purpose of this policy as mature native or roosting/nesting trees that do not pose a threat to health and safety. Protected trees include, but are not limited to: Oak (Quercus agrifolia) •Sycamore (Platanus racemosa)•Willow (Salix spp.)•Maple (Acer macrophyllum). •California Bay Laurel (Umbellularia californica) •Cottonwood (Populus spp.) •White Alder (Alnus rhombifolia)•California Walnut (Juglans californica)•Any tree serving as known or discovered raptor nesting and/or raptor roosting sites. •Any trees serving as Monarch butterfly habitat, including aggregation sites. All existing “protected trees” shall be protected from damage or removal to the maximum extent feasible. Where the removal of protected trees cannot be avoided through the implementation of project alternatives, or*

1), an Onsite Arborist/Biologist monitoring construction activities, and Pre-Construction Surveys (Condition of Approval 5 and Conditions H-16).

Avoidance of the CRLF Critical Habitat is infeasible because the OSFM approved Risk Analysis identified the need to install the 16 valves within a certain distance of each other on the existing line which runs through the designation. Relocating the three identified valves outside of Critical Habitat area would diminish the purpose and intent of decreasing impacts in the event of a spill. Measures have been taken to ensure the valve locations are in areas not essential to the habitat characteristics within the two watersheds.

No protected trees are proposed for removal as temporary work space areas specifically avoid oak canopies. All proposed valve locations were sited in order to avoid impacts on oak trees, woody vegetation, and any other sensitive biological resources (Conditions G-2, H-3, and H-19) without decreasing the effectiveness of the intended valves to limit potential spill volumes. Per Conditions G-1 and Condition of Approval 5 in Attachment B1, the applicant will be required to submit plans for clean-up and restoration of affected areas in the event of a construction-related fuel spill.

Although the project’s areas of disturbance are not located within ESHAs, graded areas are proposed for revegetation. A restoration, erosion control and revegetation plan (Conditions G-3, K-4 and Condition of Approval 5 Habitat Restoration in Attachment B1) outlining excavation procedures, erosion BMPs, and restoration requirements will limit impacts to any sensitive botanic species potentially impacted by construction activities within the temporary work space areas. Per the GAVPolicy NS-11, native habitats impacted by

<p><i>where development encroachments into the protected zone of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.</i></p>	<p>permanent disturbance associated with the valve sites would need to be replaced at a 3:1 ratio.</p> <p>For additional protection, pre-construction surveys for special status species (Condition H-16) and nesting bird surveys (Condition H-17) will be required prior to start of construction related activities.</p> <p>There will be no substantial loss of habitat, no fragmentation, no substantial disruption to any localized wildlife patterns, and none of the 16 valves are within 100 feet of a blue-line stream. Therefore, the project is consistent with these policies.</p>
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**CULTURAL RESOURCES**

<p><b>Land Use Element Historical and Archaeological Sites Policy 2:</b> <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p><b>Land Use Element Historical and Archeological Sites Policy 3:</b> <i>When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</i></p> <p><b>Coastal Plan Policy 10-2:</b> <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p><b>Coastal Plan Policy 10-3:</b> <i>When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be</i></p>	<p><b>Consistent:</b> Conditions of approval required for the installation of the existing pipeline included a Cultural Resources Mitigation Plan and various provisions to protect culturally sensitive materials found during construction activities. These requirements will also be applied to the proposed project (Condition L-4, L-6, L-9, and L-12). However, because the proposed valve installations will take place within the previously disturbed areas, the potential for discovering new culturally sensitive materials is expected to be low.</p> <p>Archeological surface surveys and subsurface presence/absence testing occurred between 2018 and 2022 at each of the 16 valve sites, and resulted in the determination that there are no known or newly discovered archaeological resources within any of the valve installation areas. These findings were provided in a Phase I Cultural Resources Inventory for the Lines 901 and 903 AB 864 Valve Installation project, prepared by Albion and dated March 2022. Three existing unpaved access roads intersect with three identified archaeological resources. To avoid and protect these three</p>
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<p><i>required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</i></p> <p><b>GAVPolicy CS-1: Cultural Resources Preservation &amp; Protection.</b> <i>Preserve and protect significant cultural, archaeological and historical resources to the maximum extent feasible.</i></p> <p><b>GAVDev Std CS-1: Phase 1 Archaeological Surveys.</b> <i>A Phase 1 archaeological survey shall be performed when identified as necessary by a County archaeologist or contract archaeologist. The survey shall include all areas of the project that would result in ground disturbance.</i></p>	<p>archaeological resources within the unpaved Access Roads, construction BMPs (i.e., temporary matting) will be implemented in and near the archaeological site boundary with machines and equipment during construction. Additionally, all initial ground disturbance will be monitored by a qualified archaeologist and member of the local Native American community (Condition L-4). A preconstruction meeting led by the archaeological monitor will provide construction workers an orientation regarding the possibility of exposing unexpected cultural remains and directions as to what steps are to be taken if such a find is encountered (Condition L-9). If cultural materials are encountered during construction, work will cease in that area until a qualified archaeologist evaluates the nature and significance of the find and incorporates further steps to avoid the resource (Conditions L-6 and L-12).</p>
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**HAZARDS AND RISK**

<p><b>Policy Hazardous Facility Safety 3-C: Mitigation.</b> <i>New hazardous facilities shall employ primary and secondary preventative measures to eliminate or reduce significant risk to offsite population.</i></p> <p><b>GAVDev Std LU-3: Fire Protection.</b> <i>Development shall be sited to minimize exposure to fire hazards and reduce the need for grading, fuel modification (including thinning of vegetation and limbing of trees), and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways.</i></p>	<p><b>Consistent.</b> The intent of the proposed project is to significantly reduce the amount of fluid released in the event of a potential mechanical failure by isolating portions of the lines through the installation of additional valves. This approach will also act to reduce the risk of upset of the pipeline system and any adverse impacts that an upset condition will cause. After the 2015 spill, the lines were cleaned and flushed of all potentially corrosive materials and filled with Nitrogen gas, which is an inert gas. Therefore installation of the valves will not lead to the release of any hazardous materials.</p> <p>As part of the Risk Analysis, the Worst Case Discharge Volume and Drain-Down Volumes were calculated every 30 meters along each portion of the pipeline segment defined by isolation valves. The OSFM approved Risk Analysis (Plains, April 2021) determined that</p>
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	<p>the installation of BAT components included in the proposed project will reduce the worst case discharge volume when compared to existing conditions. Installation of the proposed BAT elements will reduce the baseline worst case spill volume of 3,622.20 bbls to 1,871.40 bbls, a 48% reduction from existing conditions. Therefore, the proposed project will reduce the potential volume of an oil spill by installing additional check and motor operated valves.</p> <p>A majority of the valve sites are located within grasslands and could be susceptible to wildfire during Project construction or operation due to accidental ignition. Construction activities for the proposed Project will be short-term and one-time in nature, and will involve the limited transport, storage, use, and/or disposal of hazardous materials. Some examples of hazardous materials handling include fueling and servicing construction equipment on-site and the transport of fuels, lubricating fluids, and solvents. These types of materials, however, are not acutely hazardous, and all storage, handling, and disposal of these materials are regulated by the DTSC, the EPA, OSHA, and the Santa Barbara County Fire Department.</p> <p>Short-term fire impacts may arise as a result of the introduction of mechanized equipment during valve installation work, however, the temporary usage will not hamper fire prevention techniques in the area. Once constructed, CHK valves do not pose any fire risks since no electrical features will be constructed above ground. MOV stations will include electrical equipment installed on a concrete pad and fenced off to protect the equipment. An Emergency Response Plan per Condition P-3 is required to be reviewed and approved by the County Fire Department and P&amp;D. Construction activities must comply with</p>
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	<p>the Watershed Fire Protection Plan provided by the combined local fire protection agencies, Santa Barbara County Fire, U.S. Forest Service, and the California Department of Forestry as well as National Fire Protection Association standards and the 1982 Uniform Fire Code (Conditions P-14, P-15, and P-17). Fire protection services for each valve site would be provided by the closest local fire department to the fire or emergency, should one arise. None of the valve sites will require long or steep access roads once construction is complete.</p> <p>Finally, an updated Emergency Response Plan (ERP) and Safety Inspection, Maintenance and Quality Assurance Program (SIMQAP) for the valves will be implemented during construction and operational aspects of the pipeline system will be reviewed and monitored by the County’s System Safety and Reliability Review Committee (Conditions of Approval P-2 and P-3).</p>
<p><b>HILLSIDE AND WATERSHED PROTECTION</b></p>	
<p><b>Land Use Element Hillside and Watershed Protection Policy 1:</b> <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><b>Land Use Element Hillside and Watershed Protection Policy 2:</b> <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site, which are not, suited to development because of known soil, geologic,</i></p>	<p><b>Consistent:</b> Cut and Fill calculations are outlined in Table 1. Heavy equipment will be stored in contained temporary workspaces and staging areas.</p> <p>Grading operations will remove vegetative cover and allow for excavation of a small portion of the existing pipeline thereby increasing the potential for erosion and sedimentation impacts. However, each site is relatively flat and the potential for the project to cause substantial erosion and sediment transport will be adequately addressed to ensure consistency with this policy with an erosion and sedimentation control plan as required by Condition E10, H-3 and Condition of Approval 5 Habitat Restoration in Attachment B1. Use of Best Management</p>

<p><i>flood, erosion or other hazards shall remain in open space.</i></p> <p><b>Coastal Plan Policy 3-13:</b> <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><b>Coastal Plan Policy 3-14:</b> <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p><b>Coastal Plan Policy 3-17:</b> <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.</i></p>	<p>Practices (BMPs) will ensure erosion will not impact local watershed.</p> <p>None of the valve sites are located over a fault zone. No excavation activities will take place within rivers or streams or require heavy equipment to cross streams to access any valve sites (Conditions F-8). Stockpiling of grading materials and storage of construction equipment will not occur except for within identified temporary work space areas (Condition E-8) away from drainage courses and steep slopes. No protected trees are proposed for removal since all valve sites were specifically chosen to avoid the need for tree removal. Once project activities are completed, regrading and restoration of the site topography will be implemented to re-vegetate the areas impacted and prevent further erosion of the area, per Condition E-10. Therefore, the project is consistent with these policies.</p>
<b>NOISE</b>	
<p><b>Noise Element Policy 1:</b> <i>In the planning of land use, 65dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in the project design.</i></p>	<p><b>Consistent.</b> The proposed project has the potential to create short-term construction-related noise impacts on sensitive receptors. Condition of Approval No. 8 included in Attachment B1 requires that construction activities be limited to the hours between 7:00 a.m. and 4:00 p.m. on weekdays only. In addition, the applicant will be required to provide affected property owners written notice at least 48 hours prior to the start of</p>

	<p>construction on their property (Conditions J-1 and J-3). The project will not cause any significant long-term noise impacts to the surrounding area because the pipeline retrofit is not a use that generates long term noise. Therefore, the proposed project is consistent with all applicable noise policies and development standards.</p>
<b>WATER RESOURCES/FLOODING</b>	
<p><i><b>Land Use Element Flood Hazard Policy 1.</b> All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with federal regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finished floor elevations are two feet above the projected 100-year flood elevation, and the other requirements regarding materials and utilities as specified in the Flood Plain Management Ordinance are in compliance.</i></p> <p><i><b>Land Use Element Flood Hazard Policy 3.</b> All development shall be reviewed in accordance with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses.</i></p> <p><i><b>Coastal Plan Policy 3-18:</b> Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.</i></p>	<p><b>Consistent.</b> None of the valve locations are located near any streams or within a Flood Hazard Overlay or floodway. The area of disturbance for each of the proposed valve sites is generally described in Table 1 of this staff report. Condition E-10 requires an erosion control and revegetation plan that will include measures to ensure the protection of graded areas from substantial erosion during storm events. Additionally, Flood Control reviewed the proposed project and did not provide any comments or require new conditions. Therefore, the project complies with these policies.</p>

<p><b>GAVPolicy NS-9: Natural Stream Channels.</b>  <i>(COASTAL) Channelizations or other substantial alterations of streams shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood control projects for existing development where necessary for public safety and there is no other feasible alternative, or 3) development with the primary purpose of improving fish and wildlife habitat.</i></p>	
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**6.4 Zoning: Land Use and Development Code**

The inland portion of the proposed project is governed by the County’s Land Use Development Code (LUDC). Due to the nature of the project being installation of underground pipeline safety features, ordinance standards related to height, parking and setbacks do not apply.

**6.5 Zoning: Article II**

The coastal portion of the proposed project is governed by the Article II, Coastal Zoning Ordinance. Due to the nature of the project being installation of underground pipeline safety features, ordinance standards related to height, parking and setbacks do not apply.

**Section 35-97.18 Development Standards for Native Plant Community Habitats.**

*Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.*

1. *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.*
2. *When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.*

**Consistent:** The project is consistent with this development standard. CHK valves will require approximately 4,000-square-feet of temporary workspace and 10-square-feet of permanent disturbance. MOV stations will vary between 5,892-square-feet and 12,179-square-feet of

temporary disturbance area and 1,150-square-foot and 1,800-square-foot of permanent disturbance area. The concrete pads must encompass the entirety of the equipment associated with each MOV station. In total, the project will result in the temporary disturbance of 2.7 acres of disturbed annual grassland habitat to accommodate staging, storage, access, grading, and underground electrical conduit installation and a total of 0.443-acres of permanent disturbance on non-native annual grassland habitat. Three valve sites occur within CRLF Critical Habitat, resulting in 0.34 acres of temporary and 0.04 acres of permanent disturbance. This will be mitigated through a 3:1 replacement ratio to be outlined in the restoration, erosion control and revegetation plan (Conditions of approval G-3 and K-4, Condition of Approval 5 in Attachment B1). As stated in Section 6.3, the three sites should not be considered critical or essential to the survival or recovery of this species.

As discussed in Section 6.3 of the staff report, during construction and grading activities, erosion control measures and BMPs will be installed to prevent sedimentation and erosion on the nearby hillsides. Grading activities are limited to the dry season unless additional clearance is granted by the Planning and Building Department (E-11). Once the pads and the valves have been installed, the approved Restoration Plan, Erosion and Sedimentation Control Plan (Conditions of Approval 5, 6, in Attachment B1, G-3, and K-4) will be implemented. No protected trees are proposed for removal or will be impacted by the project since valve sites and temporary work space areas were chosen specifically to avoid oak canopies, woody vegetation, and any other sensitive biological resources (Condition G-2, H-3, & H-19) without decreasing the effectiveness of the intended valves to limit potential spill volumes. Per Conditions G-1 and Conditions of Approval 5 & 6 in Attachment B1, the applicant will be required to submit plans for clean-up and restoration of affected areas in the event of a construction-related fuel spill.

***Section 35-102G. CVC - Critical Viewshed Corridor Overlay District.***

*The Critical Viewshed Corridor (CVC) overlay district is applied to property in the Gaviota Coast Plan area to provide enhanced protection to the critical coastal viewsheds of the Gaviota Coast from inappropriate development. Development should be screened to the maximum extent feasible from public viewing places and sited and designed to preserve unobstructed broad views of the ocean from Highway 101.*

**Consistent:** As discussed in Section 6.3 of the Staff Report, the project will be consistent with this standard because CHK valves will be installed below-ground, in locations not visible from public view points. MOV stations will include above ground infrastructure surrounded by a chain link fence. Development within the Critical Viewshed Corridor is required to be screened to the maximum extent feasible as seen from Highway 101. The Applicant has provided a full Visual Impact Analysis prepared by PleinAire Design Group, dated September 29, 2022 (Attachment I). The Analysis focused on six (6) of the proposed MOV stations (MOV1-210P, MOV1-220P, MOV1-610P, MOV1-790P, MOV1-890P, and MOV1-990P) located near Highway 101 within the Gaviota Coast viewshed corridor that were potentially visible to the public. As described in Issue #1 of Section 6.1 and the Aesthetics/Visual Resources analysis in Section 6.3, at the rate and speed permissible on Highway 101, visibility of the MOV stations is not considered significant. The valves will either be distantly visible to motorists traveling on Highway 101, will be located

adjacent to existing infrastructure, or will essentially be screened by and blend in with existing infrastructure, vegetation, and topography. None of the valve stations will be visible from any designated public vista points or recreational locations as determined by the Visual Analysis, and no signs or new sources of light and glare are proposed. None of the proposed valve sites will obstruct views of scenic coastal areas, intrude into the skyline, alter natural landforms, block views of the ocean, or otherwise damage scenic resources (e.g. trees, rock outcroppings, or historic buildings). The size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments.

Further discussion of the Visual Impact Analysis is provided in the response to appeal issue #1 in Section 6.1 of this Staff Report dated February 2, 2023.

## **6.6 Subdivision/Development Review Committee**

The proposed project was reviewed by the SDRC on December 17, 2021. Building and Safety, County Fire, Project Clean Water, Flood Control, Parks, and Public Works had no comments or suggested adding new conditions.

## **7.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. There is no appeal fee as the project is appealable to the Coastal Commission.

## 8.0 ATTACHMENTS

- A. Findings
- B. Conditions of Approval
  - B-1. Amended Development Plan
  - B-2. Coastal Development Permit
  - B-3. Conditions Approved through 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz)
- C. Environmental Documents
  - C-1 Addendum to an EIR
  - C-2 Notice of Exemption
- D. Link to Final Environmental Impact Report / Environmental Impact Statement State Clearinghouse Number: 1983110902
- E. Valve Locations Map
- F. Tautrim Appeal Application and Addenda
- G. Gaviota Coast Conservancy Appeal Application and Addenda
- H. GreyFox, LLC Appeal Application and Addenda
- I. PleinAire Design Group MOV Valve Station Visual Impact Analysis dated September 29, 2022
- J. Plains Valve Installation Upgrade Project Staff Report, dated July 7, 2022
- K. Plains Valve Installation Upgrade Project Continuance Memo, dated August 5, 2022
- L. Plains Valve Installation Upgrade Project Zoning Administrator Action Letter dated August 24, 2022
- M. Celeron Final Development Plan, Case No. 83-DP-97cz, and Major Conditional Use Permit, Case No. 83-CP-97z, Findings dated March 3, 1986
- N. Case No. 88DPF-25cz and 88-CP-60cz Action Letter, including Findings, dated August 10, 1988

# ATTACHMENT 4



**ATTACHMENT A: FINDINGS OF APPROVAL****Case No. 21AMD-OOOOO-00009 & 22CDP-OOOOO-00048****1.0 CEQA FINDINGS****1.1 CEQA EXEMPTION**

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 21080.23(a) [Pipeline Projects; Application of Division]. Please see Attachment C, Notice of Exemption.

**1.2 ADDENDUM TO ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION SECTIONS 15162 and 15164****1.2.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE**

The Planning Commission has considered the Addendum dated March 1, 2023 together with the previously certified Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902 for the Plains All American Pipeline Project Valve Installation project. The Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the EIR SCH No. 1983110902, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to CEQA Guideline 15162.

**1.2.2 LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

**1.2.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are

hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment.

#### 1.2.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: Aesthetics, Biological Resources, Cultural Resources, and Hazards and Risks. Each of these issue areas is summarized below.

**Aesthetics:** The pipeline traverses through the Gaviota Coast then north and east toward Cuyama. The EIR/EIS for the originally approved project identified impacts to visual resources from visual changes at the pump station sites along the pipeline ROW as a significant and unavoidable (Class I) impact. In order to reduce this impact several measures were required under the EIR/EIS (SCH No. 1983110902). These include limiting the vegetative clearing of riparian and oak woodland communities, screening project components with native vegetation, reducing the construction corridor to 50 feet, and feathering the edges of the cleared ROW to soften and partially disguise the visual impact resulting from cutting a path through the trees and brush. The All American Plains Pipeline was constructed in conformance with these requirements and the current application does not propose that they be changed.

At the time of preparation of EIR/EIS (SCH No. 1983110902), the most significant source of potential visual impact of the project was the view of grading from US Highway 101 during construction activities. The proposed project will include temporary visual impacts from construction activities, and 11 sites with new permanent above-ground equipment will be constructed. The 11 MOV stations include above ground infrastructure. Depending on the power source, an above / below ground electrical connection to a nearby power line will be established with an electrical box surrounded by a chain link fence or solar panel equipment (85-square-foot panel mounted on a steel post) could be installed within the fenced enclosure and may be viewed from surrounding areas. The equipment will blend in with the surrounding vegetation and will be visually subordinate to the natural and agricultural environment. The four (4) minimally visible MOV stations located within the Gaviota Coast Area will be visually filtered through the hilly terrain and existing vegetation. All valve sites are located on the inland side of the highway and at a higher elevation, thereby limiting visual prominence as seen from Highway 101.

The size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments. None of the proposed valve sites will obstruct views of scenic coastal areas, or alter natural landforms. No signs or new lighting sources are proposed. Depending on the site,

between 33 and 825 cubic yards of material will be graded, with most earthwork needed to dig down to access the existing pipeline below ground and will not lead to large visible cut slopes. All graded areas will be restored to existing conditions by revegetation of disturbed areas. Exposed valves located outside of the coastal zone will be situated away from public view points or in areas that are visually compatible with utility equipment. The locations of the 16 valves are strategically placed to utilize natural and existing vegetative and topographic screening, mitigating the potential for new visual impacts. Therefore, the four valves will be minimally visible from 101 viewsheds and will have no significant adverse effect on any scenic vista or degrade the existing visual character or quality of the site or its surroundings. The valve sites will be visually subordinate to the surrounding environment. Therefore, modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Biological Resources:** Impacts from potential pipeline spills were identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable (Class I) impact on Biological Resources. The EIR/EIS identified impacts to biology which included a reduction in biodiversity due to spills into coastal streams within the Gaviota Coast area, the loss of riparian and oak woodlands from construction activities, and construction activity affecting wildlife and sensitive plants and communities. To reduce these impacts, the EIR/EIS identified mitigation measures including the use of automatic block valves and check valves and implementation of an oil spill contingency plan to substantially reduce the risk of an oil spill. Additionally, the construction ROW was reduced to 50-foot wide in sensitive community areas to avoid vegetation clearing in riparian and oak habitat areas. Finally, raptor nesting habitat and special status species pre-construction surveys performed by a wildlife biologist were required. The EIR/EIS concluded that even with the incorporation of these measures, impacts to terrestrial and aquatic biology were still significant.

The proposed valve site locations were chosen to avoid ESH as designated by adopted ESH Overlay Maps in the Gaviota Coast Plan. According to the Biological Resource Assessments (BRA) prepared for each valve location, no formally listed or special-status plant or wildlife species occur or have the potential to occur at any of the valve temporary work sites with the exception of MOV1-610, CHK1-710P, and CHK2-610P, which are located within the USFWS designated Critical Habitat for California red-legged frog (CRLF). The critical upland habitat is associated with breeding and non-breeding aquatic and riparian habitats. Dispersal habitat is comprised of accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within 1 mile of each other, and that support movement between such sites.

The proposed valve installation sites MOV1-610P, CHK1-790P, and CHK2-610P are located in disturbed non-native annual grassland habitats, surrounded by expanses of grassland, coastal scrub, and oak woodlands, and are not moist upland areas associated

with aquatic habitats. All three valve locations are located between occupied sites and aquatic habitats that are greater than one mile apart. Therefore, the three sites should not be considered critical or essential to the survival or recovery of this species.

The level of construction activities evaluated in the EIR/EIS (SCH No. 1983110902) was significantly more environmentally invasive than those proposed for installation of the valves and the applicable mitigation measures applied to the originally approved project will be applied to the proposed project to reduce potential biological impacts to a less than significant level. The proposed project will increase the number of valves significantly reducing the volume of a potential pipeline release by providing best available technology and isolation of pipeline segments to create smaller, more controllable segments. Disturbance areas will be restricted to within the existing 50 foot ROW and such disturbances will be revegetated and restored after construction activities conclude. The existing mitigation measures identified in the EIR/EIS (SCH No. 1983110902) will be adequate to mitigate the impacts of the proposed project and modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Cultural Resources:** The EIR/EIS (SCH No. 1983110902) identified that the originally approved project will have a potentially significant impact on individual cultural sites. Measures to avoid or minimize disturbance to these cultural resource sites included intensive cultural resource surveys to be conducted in all affected areas. For the proposed project, a combination of field surveys and historical records research was conducted. The proposed valve sites were then chosen with the intention of avoiding known cultural resources. Accordingly, no known cultural resources will be impacted at the proposed valve installation sites. Any previously undiscovered sites identified during construction or as the result of monitoring will be required to be evaluated and a treatment plan will developed as needed. The proposed project will be less impactful to cultural resources when compared to the originally approved project and modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Hazards and Risk:** Impacts to hazards and risk of upset due to oil spills associated with the pipeline operation were determined in EIR/EIS (SCH No. 1983110902) to be significant and unavoidable (Class I). The EIR/EIS identified oil spill probabilities based on geographic pipeline features and pipeline capacity in combination with topography and the location of various valves. The EIR/EIS identified design specifications to include block and check valves to decrease the volume of potential spills. These spills could cause significant impacts to various resources depending on the size and location of the spill. The proposed project will install BAT elements to reduce the existing conditions baseline worst case spill volume by 48%. As proposed, the project is consistent with the EIR, impacts to hazards and risk of upset from the proposed project will be less than those of the originally approved project and no new measures will be needed to address these impacts. Modifications to the project will not result in any new significant

environmental effects or a substantial increase in the severity of previously identified significant effects.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS**

#### **2.1.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.1.1.1** Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in section 5.2 of the staff report dated February 2, 2023 and incorporated herein by reference, adequate public and private services and resources are available to serve the proposed project. Wastewater services for site workers will be provided by portable toilets and water for dust suppression during construction and grading activities will be trucked in from offsite. Power required for the MOV station will come from nearby existing power lines (above or below ground connections) where practical, and solar panels will provide power to remote valve locations. Access to each location is provided along the maintenance corridor established when the pipeline was originally installed. Existing paved and dirt access roads will be used without modification or grading. Therefore, adequate services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

**2.1.1.2 Additional findings required for Coastal Development Permits approved in conjunction with an application for an Amendment to a Final Development Plan for development that may be appealed to the Coastal Commission.** In compliance with Section 35.174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit that is approved in conjunction with an application for an Amendment to a Final Development Plan for development that may be appealed to the Coastal Commission, the decision-maker shall first make all of the findings required in compliance with Subsection 35-169.5.2.

**2.1.1.3** Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. **In compliance with Section 35-169.5.3 of the Article II**

**Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

**A. The proposed development conforms:**

- 1. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 2. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

The Planning Commission finds that, as discussed in Sections 6.3, 6.4, and 6.5 of the staff report dated February 2, 2023, and incorporated herein by reference, the project will be consistent with the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, Land Use Development Code, the Santa Ynez and Gaviota Coast Community Plans, as well as with the Article II Coastal Zoning Ordinance.

**B. The proposed development is located on a legally created lot.**

The 16 valves are located across 14 separate parcels. The Planning Commission finds that each of these parcels have been legally created through the permitting of the original pipeline and/or other existing permitted development on each parcel.

**C. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

The subject properties and development thereon is in compliance with the requirements of the Article II Coastal Zoning Ordinance and conforms to all legal uses. There are no outstanding zoning violations or enforcement fees due on the 14 subject properties. Therefore, this finding can be made.

**D. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The Planning Commission finds that, as discussed in Sections 6.3, 6.4 and 6.5 of the Planning Commission Staff Report dated February 2, 2023, and hereby

incorporated by reference, the proposed project will not obstruct public views of the coast from Highway 101 or other public viewing locations. During construction of the project, large equipment working along the pipeline corridor may partially be visible from Highway 101, however this will be temporary and once complete, all equipment will be removed from the project construction sites. Therefore, this finding can be made.

**E. The proposed development will be compatible with the established physical scale of the area.**

The Planning Commission finds that, as discussed in Sections 6.3, 6.4 and 6.5 of the Planning Commission Staff Report dated February 2, 2023, and hereby incorporated by reference, because the project includes the installation of valves on the existing underground pipelines 901 & 903, it will be compatible with the established physical scale of the project area. MOV stations will require construction of permanent above-ground equipment which will be screened by existing topography and vegetation. No proposed location will cause the alteration of natural landforms. All graded areas will be restored to existing conditions after construction. The project will be compatible with the established scale of the area; therefore, this finding can be made.

**F. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

As discussed in Sections 6.3, 6.4, and 6.5 of the Planning Commission Staff Report dated February 2, 2023 and hereby incorporated by reference, the proposed project will comply with the public access and recreation policies of this Article and the Comprehensive Plan, including the Coastal Land Use Plan. Staging areas, workspaces and permanent equipment will be placed out of road right of ways and will not impact any recreational areas or public trails. Once construction is complete, equipment will be removed from each site, and revegetation activities will occur. Therefore, this finding can be made.

## **2.1.2 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (ARTICLE II)**

### **2.1.2.1 In compliance with Section 35-172.11.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:**

- A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as**

**revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The Planning Commission finds that the findings made for Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), included as Attachment M and N to the staff report dated February 2, 2023, area still applicable to the proposed project. Major Conditional Use Permit, 83-CP-97z, was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins a delivery point in Kern County and then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Conditional Use Permit, including CEQA findings, are still applicable.

**B. That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.**

The Planning Commission finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan as identified in Attachment C1 Addendum to Final EIR/EIS and Attachment C2 Notice of Exemption, both dated March 1, 2023. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Conditional Use Permit.

**2.1.3 DEVELOPMENT PLAN AMENDMENT FINDINGS (ARTICLE II)**

**2.1.3.1 Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or**



**conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The Planning Commission finds that the findings made for Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), included as Attachment M and N to the staff report dated February 2, 2023, area still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins to a transfer point in Kern County and then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

- B. That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.**

The Planning Commission finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan as identified in Attachment C1 Addendum to Final EIR/EIS and Attachment C2 Notice of Exemption, both dated March 1, 2023. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed

Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.

## **2.2 COUNTY LAND USE DEVELOPMENT CODE FINDINGS**

### **2.2.1 CONDITIONAL USE PERMIT AMENDMENT FINDINGS (LUDC)**

**2.2.1.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:**

**A. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that the findings made for Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), included as Attachment M and N to the staff report dated February 2, 2023, area still applicable to the proposed project. Major Conditional Use Permit (83-CP-97z) was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins to a deliver point in Kern County and then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

**B. That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.**

The Planning Commission finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally

approved Final Development Plan as identified in Attachment C1 Addendum to Final EIR/EIS and Attachment C2 Notice of Exemption, both dated March 1, 2023. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Conditional Use Permit.

## **2.2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS (LUDC)**

**2.2.2.1 In compliance with Subsection 35.84.040.D.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to an approved Development Permit the review authority shall first make all of the following findings, as applicable:**

- A. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.**

The Planning Commission finds that the findings made for Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), included as Attachment M and N to the staff report dated February 2, 2023, are still applicable to the proposed project. Development Plan 85-DP-66cz was approved in 1986 for the installation of a 122-mile pipeline that will transport Outer Continental Shelf and other locally produced crude oils from the Santa Barbara and Santa Maria Basins to a delivery point in Kern County and then to Texas. The proposed project includes changes to the pipeline infrastructure by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline within Santa Barbara County. No additional development is proposed under the Proposed Project. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No increase in the severity of environmental impacts have been identified in association with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

**B. The environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.**

The Planning Commission finds that the environmental impacts related to the Proposed Project are substantially the same or less than those related to the originally approved Final Development Plan as identified in Attachment C1 Addendum to Final EIR/EIS and Attachment C2 Notice of Exemption, both dated March 1, 2023. The Proposed Project includes changes to the approved infrastructure associated with the pipeline by allowing the installation of 5 Check Valves and 11 Motor Valve stations along the pipeline segments within Santa Barbara County. While the originally approved project allowed for construction and use of the pipeline despite impacts considered significant, the proposed project will not exceed levels analyzed in the originally certified EIR/EIS (SCH No. 1983110902) or current County CEQA thresholds. No additional development is proposed under the Proposed Project. The Proposed Project will not increase in the severity of any environmental impacts not identified in associated with the Final Development Plan.

# ATTACHMENT 5

**ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT, SCH No. 1983110902**

**Plains Pipeline 901/903 Valve Upgrade Project**

Case No(s): 21AMD-00000-00009 & 22CDP-00000-00064

**TO:** Decision-Makers

**FROM:** Katie Nall, Planner III  
Energy, Minerals & Compliance Division

**DATE:** March 1, 2023

**RE:** Plains Pipeline 901/903 Valve Upgrade Project  
Case Nos: 21AMD-00000-00009, 22CDP-00000-00048

**CEQA DETERMINATION:**

Finding that the California Environmental Quality Act (CEQA) Guidelines Section 15164 applies to the Plains Pipeline Valve Upgrade Project. CEQA Guidelines Section 15164 allows an addendum to be prepared when some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of an EIR have occurred. The Environmental Impact Report / Environmental Impact Statement (EIR/EIS) State Clearinghouse Number (SCH): 1983110902 and is hereby amended by this 15164 letter for the Plains Pipeline Valve Upgrade Project.

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**INTRODUCTION:**

CEQA Guidelines Section 15164 (Addendum) applies to the Plains Pipeline Valve Upgrade Project, Case Nos. Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048. CEQA Section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result.

Prior to the adoption of the Development Plan (Case No. 85-DP-66cz) and the Major Conditional Use Permit (Case No. 83-CP-97z), the California State Lands Commission and the Bureau of Land Management prepared the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) State Clearinghouse Number (SCH): 1983110902, dated 1985 for the All American Plains Pipeline (AAPLP) to carry crude oil from Santa Barbara County to Texas. An extension of the pipeline in Texas was later reviewed under CEQA as part of the Supplemental Environmental Impact Report in 1987.

The California Environmental Quality Act (CEQA) requires analysis and disclosure of environmental impacts that could occur as a result of project development. Staff has prepared an Addendum to the previously adopted EIR/EIS SCH No. 1983110902 for the proposed revisions

to the approved project since the following applicable provisions of Section 15164 CEQA Guidelines can be met:

*(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

and

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Staff prepared an Addendum to reflect changes and additions from the project described in the certified SEIR to the proposed project; none of the applicable conditions of Section 15162 calling for a subsequent EIR or negative declaration have occurred, as indicated by the County analysis and determination provided below. Specifically, Section 15162(a), Subsequent EIRs, of the CEQA Guidelines states:

1. *When an EIR has been certified or a negative declaration adopted for the project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant*

*effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

There are no substantial changes or changed circumstances under which the proposed project is to be undertaken. No new significant environmental effects or substantial increases in the severity of previously identified significant effects under SCH No. 1983110902 will result from the proposed project, as analyzed in the Addendum to the EIR/EIS. Further, there is no new information that the proposed project will have one or more significant effects not discussed in EIR/EIS SCH No. 1983110902. As discussed in the Addendum, impacts resulting from the proposed project are reduced as compared to those analyzed in the EIR/EIS.

Each environmental impact section below addresses the previously analyzed and approved project, and proposed changes to the project, including reference to the previously certified EIR/EIS SCH No. 1983110902. All documents incorporated into this Addendum by reference are attached.

#### **LOCATION:**

The valve installation sites are located along the existing Line 901 and Line 903 pipelines between the Gaviota Coast and the Los Padres National Forest within Santa Barbara County, California, Third and Fourth Supervisorial Districts. APNs: 081-230-021; 081-210-047; 081-150-033; -028; 081-140-025; 083-500-029; 083-430-035; 099-400-069; 099-040-019; -009; 133-070-015; 131-090-089; 131-190-004; and 131-030-021.

#### **BACKGROUND:**

The existing Line 901 and Line 903 crude oil pipelines were installed in the late 1980s pursuant to, and have subsequently operated in conformance with, Development Plan No. 85-DP-66cz and Major Conditional Use Permit No. 83-CP-97z issued in 1986. Line 901 runs approximately 10.9 miles from Las Flores Pump Station (within ExxonMobil's Las Flores Canyon facility), west along the Gaviota Coast, terminating at the existing Gaviota Pump Station. Line 903 runs approximately 113.5 miles from Gaviota Pump Station west into Gaviota State Park, and continues north through the southern portion of the State Designated Cat Canon Oil Field and underneath the Sisquoc River to the Sisquoc Pump Station. Once Line 903 reaches the Sisquoc Pump Station it heads eastward along the SB County and SLO County boundary to the Pentland Delivery Point in Kern County.

The potential loss of threatened and endangered species habitat and individuals through construction activities associated with the project was limited by the conditions of approval of 85-DP-66cz and 83-CP-97z (OR 88-DP-33 RV01, 88-CP-060 RV01). The All American Pipeline was



in operation between 1985 through 2015 in compliance with the conditions of approval of 88-DP-33 RV01 and 88-CP-060 RV01.

On May 19, 2015, Line 901 ruptured approximately 100 yards north of Highway 101, and oil traveled through a drainage culvert to the Pacific Ocean approximately ¼ mile west of Refugio State Park. To-date, the Line 901 and 903 pipeline system from the Las Flores Pump Station to the Pentland Pump Station remain in a non-operational state.

To comply with State of California Assembly Bill 864, the applicant prepared a risk analysis and a plan (Plains, April 2021) to retrofit the existing 901/903 pipelines with Best Available Technology (BAT) intended to limit and reduce the quantity of a potential release in the event of a spill. The risk analysis and pipeline improvement plan was reviewed and accepted as adequate by the Office of the State Fire Marshal (OSFM).

### **PROPOSED PROJECT:**

The project is a request by Plains Pipeline, L.P., for an amendment to the Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz to allow for the installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The existing Line 901 is a twenty-four (24) inch diameter pipeline transporting crude oil approximately 10.9 miles from Las Flores Pump Station within the Santa Ynez Unit (SYU), west along the Gaviota Coast, terminating at the existing Gaviota Pump Station. The existing Line 903 is a thirty (30) inch diameter pipeline designed to transport crude oil approximately 61.7 miles from Gaviota Pump Station west along the Gaviota Coast, north through the Sisquoc Pump Station, then northeast through the Los Padres National Forest to the Santa Barbara/San Luis Obispo County Line and then terminating at the Pentland Station in Kern County. The project is necessary to meet the requirements of Assembly Bill 864 (2015) which requires pipeline operators to install Best Available Technology (“BAT”) on existing pipelines in the Coastal Zone to reduce the volume of a potential release.

As required by Assembly Bill 864, a risk analysis was conducted along Line 901 & 903 and determined that retrofitting the pipeline with 16 new valves will significantly reduce the amount of fluid released in the event of a potential line failure. Eleven (11) motor operated valves (MOV) and five (5) check valves (CHK) will be added along the pipeline from the Gaviota Coast to the Los Padres National Forest. Each valve has independent utility derived from either direct connection to the electrical grid, or from an independent solar array. The following valves are located within the coastal zone: MOV1-210P; MOV1-220P; MOV1-610P; CHK1-710P; MOV1-790P; MOV1-890P; & MOV1-990P.

CHK valves utilize a one-way valve system that automatically closes when liquid pushes back on it and MOV valves utilize an external power system which will be supplied by either below-grade electrical conduit connected to an existing power line, aerial drop from an existing power line, or solar panels. A temporary workspace within the existing operations and maintenance corridor will be required to facilitate equipment movement and staging as well as access to the pipeline excavation location.

Each CHK valve installation will require a temporary workspace of approximately 4,000 square feet (50-feet by 80-feet), within the existing right-of-way corridor to facilitate equipment movement, staging, access, and excavation. An excavation area of approximately 35-feet in length, 10-feet in width, and 8-feet in depth (approximately 104 cubic yards in volume) is required for CHK valve installation. A secure valve vault, approximately 3-feet in diameter with a lockable steel-lid closure will be installed extending below the existing pipeline and flush with the existing grade.

Each MOV station will include a fenced in utility area between approximately 1,150 and 1,800 sf to store one (1) below ground MOV; two (2) three foot diameter corrugated steel vaults placed over the valve's pressure sensor apparatus; one (1) electrical panel; one (1) communication device (cellular or satellite) and PLC cabinet; and one battery and associated solar panels. Each MOV site will require an excavation of approximately 82-feet in length, 4-feet in width, and 8-feet in depth (approximately 97 cubic yards in volume) which will expose the existing pipeline section and allow installation each valve. Additional site grading for access and workspace will depend on the topographic constraints of each individual valve location. Any electrical hookups will require temporary trenching approximately 6-inches wide and 2-3-feet in depth to install electrical conduit.

Upon completion of the valve installations, all disturbed areas will be restored to their prior condition unless otherwise included in the limits of the permanent valve station perimeter. Existing easements for access to and maintenance of the existing pipeline system were established by the applicant and property owner after approval of the pipeline's Development Plan and Conditional Use Permit (Case Nos. 83-CP-97z and 85-DP-66cz), and continue to be in place. No new roads will be constructed and no road improvements needed. Construction of each valve will take approximately 15 days to complete. Post construction, the operator will access the valves between 2 and 7 times a year for routine inspection, maintenance, and diagnostic tool operations.

### **CHANGES IN PROJECT IMPACTS:**

The environmental effects of the originally approved Plains Pipeline project were evaluated in EIR/EIS SCH No. 1983110902 as part of project approval in 1986. As indicated above, the proposed Amendment of the Development Plan and Major Conditional Use Permit will allow for the installation of 16 new valves on existing Lines 901 and Line 903 to meet the requirements of Assembly Bill 864. The pipelines have not been in operation since 2015 and have remained idle.

The EIR/EIS prepared for the AAPLP reviews the environmental impacts of the pipeline from Santa Barbara to Texas. The impacts associated with the approximately 73 mile portion of the pipeline which runs through SBC are mitigated via the mitigation measures stemming from the project EIR/EIS and which were incorporated as conditions of approval to the Development Plan and Conditional Use Permit 88-DPF-00 (RV01)z and 88-CP-60 (RV01).

The original EIR/EIS identified significant but mitigatable impacts to Agriculture, Energy, Greenhouse Gasses, Growth Inducement, Mineral Resources, Population/Housing, and Public

Services. The proposed project is minor in nature and the location of each valve site was chosen in a manner to avoid impacts to the surrounding environment. Because of this, no impacts on agriculture or mineral resources are expected to occur. The MOV stations will utilize existing infrastructure or proposed solar panels for power sources, therefore no impacts are expected on Greenhouse Gases or Public Services. No impacts are expected on Growth inducement or population/housing because the valves will not provide the need for new jobs. Therefore, the mitigation measures appointed for these issue areas these particular mitigation measures do not apply to the project based on their terms and these impacts are not further analyzed in this addendum.

The EIR/EIS identified significant and unavoidable impacts in the following categories: Soils, Surface Water, Groundwater, Aquatic Biology, Terrestrial Biology, Land Use and Recreation, Cultural Resources, Scenic/Visual Resources, Noise, and Oil Spill Potential/Risks and Hazards. These issue areas are included for further discussion because the currently proposed project presents minor incremental impacts that remain less than those identified for the originally approved project. Installation of the Valves along Pipelines 901 & 903 will not change the impact levels or conclusions of EIR/EIS SCH No. 1983110902 for these impact categories.

## **Soils**

Impacts to soils associated with the construction and operation of the All American pipeline was identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable. The existing pipeline traverses through the Gaviota Coast then north and east toward Cuyama. The EIR/EIS for the originally approved project identified impacts to soils resources from accelerated soil erosion, decreased productivity from compaction and horizon mixing, and increased soil slumping potential. Additionally, major oil spills or leaks would contaminate nearby soils, affecting erosion rates, water uptake, and productivity of Ag land. However, beyond the use of automatic block and check valves and standard erosion control and revegetation requirements, which were identified in the project description, no mitigation measures were included in the EIR/EIS. Therefore, impacts to soils will remain significant and unavoidable. Modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

### **Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)**

The project proposes to install 5 CHK valves and 11 MOV stations and will result in substantially reduced impacts to soils because only the valve areas would be excavated to carry out the project as compared to the entire pipeline alignment. Further, additional valves will provide more control to limit potential oil spills from the pipelines that could negatively impact soils. The proposed project will result in reduced impacts to soils when compared to the originally approved project.

## **Surface and Ground Water**

Impacts to water resources associated with the construction and operation of the All American pipeline was identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable. The existing pipeline traverses through the Gaviota Coast then north and east toward Cuyama. The EIR/EIS for the originally approved project identified impacts to water resources through the degradation of surface and ground water quality below Federal and State standards as a result of major oil spills. To reduce these impacts, the EIR/EIS identified mitigation measures to minimize temporary construction disturbance in areas near a watercourse (Measure 4), create an Oil Spill Contingency Plan for monitoring and early detection of groundwater contamination (Measure 6), install more automatic block and check valves along the pipeline, and use low permeability backfill on the bottom and sides of the pipeline trench in topographically and biologically sensitive areas (Measure 7). This method forces leaked contaminants to the surface rather than seeping into the groundwater. The EIR/EIS concluded that even with the implementation of these measures, impacts to water resources will remain significant and unavoidable. Modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The project proposes to install 5 CHK valves and 11 MOV stations and will result in substantially reduced impacts to water because the construction areas were specifically chosen to avoid riparian habitats and stream areas. The use of block and check valves was included in the original EIR/EIS to mitigate for spills into coastal streams. The proposed project will increase the number of valves and utilize updated, best available technology for better control. As identified by the Office of State Fire Marshal's approved BAT Implementation Plan, the additional valves included in the proposed project will significantly reduce the volume of a potential pipeline release by affording the operator more control to limit the volume of a spill. Disturbance areas will be restricted to within the existing 50 foot ROW and such disturbances will be revegetated and restored after construction activities conclude.

### **Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)**

The proposed project will result in reduced impacts to water resources when compared to the originally approved project and the placement of each valve site will not present an environmental impact to water resources.

## **Scenic/Visual Resources Impacts**

Impacts to visual resources associated with the construction of the All American pipeline was identified in the EIR/EIS (SCH No. 1983110902) as significant and unavoidable. The existing pipeline traverses through the Gaviota Coast then north and east toward Cuyama. The EIR/EIS for the originally approved project identified impacts to visual resources from visual changes at the pump station sites along the pipeline ROW. To reduce these impacts, the EIR/EIS identified mitigation measures to help naturally screen the pump stations including Measures 9-A, 31, and 32. Measure 9-A required the minimization of vegetation clearing in riparian and oak woodland

communities in the Las Padres National Forest during pipeline construction and maintenance. Measure 31 required the Gaviota and Sisquoc pump stations to be screened with native shrubs and trees and/or naturalized masses of evergreen shrubs and trees as appropriate for location and climatic conditions. Measure 32 restricted the construction corridor to 50-foot wide segments within the Los Padres National Forest (LPNF) in order to protect existing large diameter trees and sensitive areas. This measure also required feathering of the edges of the cleared ROW to soften and partially disguise the visual impact resulting from cutting a path through the trees and brush, and the reseeded of cleared areas as determined by an authorized officer. The EIR/EIS concluded that even with the implementation of these measures, impacts to visual resources will remain significant and unavoidable.

The pipeline was constructed underground, eliminating aesthetic impacts in visually sensitive areas, with only necessary pipeline markers, pump stations, cathodic test stations, fencing, grading cut and fill slopes, and block valves visible above ground along the route. The project proposes to install 5 CHK valves and 11 MOV stations. The CHK valves will not be visible from public view points since the vault's lid closure will be flush with the ground surface. However, the 11 MOV stations include above ground infrastructure to store electrical panels, conduits, and communications equipment. Depending on the power source, an above / below ground electrical connection to a nearby power line will be established with an electrical box surrounded by a chain link fence or solar panel equipment (85-square-foot panel mounted on a steel post) could be installed within the fenced enclosure and may be viewed from surrounding areas.

The Applicant has provided a full Visual Impact Analysis prepared by PleinAire Design Group, dated September 29, 2022 (Attachment I). The Analysis focused on 6 of the proposed MOV stations (MOV1-210P, MOV1-220P, MOV1-610P, MOV1-790P, MOV1-890P, and MOV1-990P) located near Highway 101 within the Gaviota Coast viewshed corridor that were potentially visible to the public. Per the Visual Impact Analysis, none of the six (6) valves will be visible from any public locations such as Baron Ranch Trail, Gaviota State Park, or ocean view parking areas along Highway 101, and will therefore be in compliance with Policy VIS-1a of the Gaviota Coast Plan. Policy VIS-1a Visual Resource Protection, requires development be sited and designed to avoid and minimize impacts to the rural, natural, and agricultural environment as seen from public viewing places. Two (2) of the six (6) valves (MOV1-610P and MOV1-220P) will not be visible from Highway 101 and only three (3) of the six (6) valves will be minimally visible from Highway 101 (MOV1-790P, MOV1-990P, and MOV1-890P). These stations will be visible to a motorist along Highway 101 for less than 0.5 to 5.0 seconds and at distances from 200 to 700 feet when traveling at 65 miles per hour. At this rate and speed, such visibility is not considered significant. MOV1-210P, which is 1,800 feet from Highway 101, will be distantly visible to motorists traveling northbound for almost 10 seconds. The valve will be located adjacent to an existing water tank and fence, surrounded by existing mustard grasses which historically have grown to about 3-4 feet and will essentially screen and blend the equipment in with the existing landscape, as required by Policy 4-3 of the Coastal Plan and Policy VIS-1a: Visual Resource Protection.

The proposed fencing to surround the equipment will be comprised of chain link to provide an opaque look to each site. The proposed solar panel will reach a maximum height of 5 feet 4 inches on three of the sites. Otherwise, the 5 foot 2 inch tall and 4 foot 3 inch wide electrical panel will be the largest feature at each station. As seen from the visual simulations, the equipment is unobtrusive and blends in with the surrounding vegetation and will be visually subordinate to the natural and agricultural environment. Per the Gaviota Coast Plan's Policy VIS-2: Visually Subordinate Development, "Visually subordinate" is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place. The four (4) minimally visible MOV stations located within the Gaviota Coast Area will be visually filtered through the hilly terrain and existing vegetation. All valve sites are located on the inland side of the highway and at a higher elevation, thereby limiting visual prominence as seen from Highway 101.

The size and scale of the proposed valve stations are compatible with the character of the surrounding environment and existing agrarian developments. None of the proposed valve sites will obstruct views of scenic coastal areas, or alter natural landforms. None of the valve locations are located near any streams or within a Flood Hazard Overlay or floodway. No signs or new lighting sources are proposed. Depending on the site, between 33 and 825 cubic yards of material will be graded, with most earthwork needed to dig down to access the existing pipeline below ground and will not lead to large visible cut slopes. All graded areas will be restored to existing conditions by revegetation of disturbed areas. Exposed valves located outside of the coastal zone will be situated away from public view points or in areas that are visually compatible with utility equipment. The locations of the 16 valves are strategically placed to utilize natural and existing vegetative and topographic screening, mitigating the potential for new visual impacts. Therefore, the four valves will be minimally visible from 101 viewsheds and will have no significant adverse effect on any scenic vista or degrade the existing visual character or quality of the site or its surroundings. The valve sites will be visually subordinate to the surrounding environment.

#### Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)

All mitigation measures and conditions of approval applied to the original FDP and CUP will be carried forward into this project. Applicable conditions include 16, 17, 22, 23, 24, 33, & 34 which limit the width of the construction ROW through all riparian and oak habitats to the extent feasible, limit what structures can be placed above ground, and limit exterior night lighting. These conditions will reduce the visual impacts of the currently proposed project to a less than significant level. Based on the Visual Analysis, the above ground MOV stations have been intentionally placed to be visually subordinate to the natural and agricultural environment as seen from public viewing places. Therefore, impacts to visual resources from the proposed project will be less than those of the originally approved project and no new measures will be needed to address these impacts.

## Biological Impacts

Impacts from potential pipeline spills were identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable impact on Biological Resources. The adopted EIR/EIS reviewed the entire length of the pipeline from the State of California to Texas and analyzed the original project based on biological studies and resource agency policies in place at that time. Mitigation measures identified in the EIR/EIS (SCH No. 1983110902) and which were incorporated into the original Development Plan and Conditional Use Permit as conditions of approval routed the pipeline outside of environmentally sensitive habitat areas to the extent feasible and protected biological resources during the construction phase. The EIR/EIS identified impacts to biology including a reduction in biodiversity due to spills into coastal streams within the Gaviota Coast area, the loss of riparian and oak woodlands from construction activities and vehicle use of the right of way affecting wildlife and sensitive plants and communities. More specifically, impacts to raptor nest causing abandonment, and the loss of individual special status species such as the blunt nosed leopard lizard and kit fox could arise from construction activities.

To reduce impacts to biological resources, the EIR/EIS identified mitigation measures that provided protection for coastal streams, plant communities, and wildlife avoidance and protection measures, including CRLF. These measures include the use of automatic block valves and check valves and implementation of an oil spill contingency plan to substantially reduce the risk of an oil spill. Mitigation Measure 9 required development to avoid disturbance to sensitive and valuable plant communities to the maximum extent possible. These communities included riparian areas, oak woodlands, Coulter pines, and live oaks. The construction ROW was reduced to 50-foot wide in these sensitive community areas and staging areas were required to avoid sensitive communities. Mitigation Measure 9-A outlined measures to minimize clearing of vegetation and wildlife habitat in riparian and oak woodland communities (in the Las Padres National Forest) by using the existing La Brea Canyon Road to the greatest extent practical. This measure also limited the maximum construction ROW to 50 feet for both pipelines 901 & 903, prevented cutting trees greater than 6 inches dbh (diameter at breast height) without prior authorization, and included native riparian zone species for revegetation to encourage regeneration and restoration of wildlife habitat. Mitigation Measure 12 prohibited vehicle operation outside of the designated 50-foot ROW except where specified. Prior to any construction activities, a wildlife biologist was required to survey all potential raptor nesting habitat within 0.5 miles of the pipeline under Mitigation Measure 14. Construction was limited within 0.5 miles of active nests during the nesting season. Finally, Mitigation Measure 15 required evaluation of Blunt-nosed leopard lizard and San Joaquin kit fox habitat in the Cuyama and San Joaquin Valleys and limited ROW width to 50 feet or less in those areas as well. Avoidance of any active dens was enforced and revegetation plans included measures to encourage re-establishment of suitable habitat. The EIR/EIS concluded that even with the incorporation of these measures, impacts to terrestrial and aquatic biology were still significant.

Within the Gaviota Coast Ecoregion, portions of the existing pipeline cross through mapped ESH. However, the proposed valve site locations were chosen to avoid ESH as designated by adopted ESH Overlay Maps in the Gaviota Coast Plan. According to the Biological Resource Assessments

(BRA) prepared for each valve location, all sites will be located within disturbed annual grassland habitats (Plains Pipeline, L.P. Line 901 & 903 Valve Installation Biological Resources Assessment dated March 13, 2022). Field surveys and habitat suitability analyses prepared for the proposed project determined that no formally listed or special-status plant or wildlife species occur or have the potential to occur at any of the valve temporary work sites with the exception of MOV1-610, CHK1-710P, and CHK2-610P, which are located within the USFWS designated Critical Habitat Unit STB-6 and Unit STB-5 in the Gaviota Coast for California red-legged frog (CRLF). The CRLF is listed as threatened by the USFW. These habitat units total a sum of 24,850 acres and includes the Santa Ynez River and Tajiguas Creek watersheds. Within these units, primary constituent elements of habitat have been identified as essential to the conservation and recovery of the species. The two potentially implicated here, are “upland habitat” and “dispersal habitat.” The critical upland habitat refers to areas directly associated with breeding and non-breeding aquatic and riparian habitats that include structures providing shade, moisture, and cooler temperatures. Dispersal habitat is comprised of accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within 1 mile of each other, and that support movement between such sites.

The proposed valve installation sites MOV1-610P, CHK1-790P, and CHK2-610P are located in disturbed non-native annual grassland habitats, surrounded by expanses of grassland, coastal scrub, and oak woodlands, and are not moist upland areas associated with aquatic habitats. All three valve locations are located between occupied sites and aquatic habitats that are greater than one mile apart. Specifically, MOV1-610P and CHK1-790P are located between the Tajiguas Creek and the Refugio Creek; however, the distance between these aquatic habitat occurrences is approximately 1.65 miles. CHK2-610P lies between known CRLF occurrences at Gaviota Creek and Nojoqui Creek, which are separated by approximately 2.83 miles. Additionally, Canada de las Cruces—the aquatic area nearest CHK2-610P—does not have any known occurrences of CRLF and is located approximately 2.70 miles from the nearest aquatic habitat for CRLF, Nojoqui Creek. Therefore, none of the project sites support any of the critical habitat primary constituent elements that are required for CRLF aquatic breeding, aquatic non-breeding, or upland/dispersal habitats. Consequently, the three sites should not be considered critical or essential to the survival or recovery of this species. The project would not result in permanent loss of red-legged frog habitat and the amount of habitat to be disturbed constitutes a small portion of the species’ range.

The proposed project will result in substantially reduced impacts to biological resources because of the limited footprints of the individual work areas and the fact the construction areas are located outside of sensitive habitat areas. The level of construction activities evaluated in the EIR/EIS (SCH No. 1983110902) was significantly more environmentally invasive than those proposed for installation of the valves and the applicable mitigation measures applied to the originally approved project will be applied to the proposed project to reduce potential biological impacts to a less than significant level. The use of block and check valves was included in the original EIR/EIS to mitigate for spills into coastal streams. The proposed project will increase the number of valves and utilize updated, best available technology for better control. As identified



by the Office of State Fire Marshal's approved BAT Implementation Plan, the additional valves included in the proposed project will significantly reduce the volume of a potential pipeline release by affording the operator more control to limit the volume of a spill.

In addition to the mitigation carried forward from the EIR/EIS, all conditions of approval applied to the original FDP and CUP will be carried forward into this project. Applicable conditions to reduce impacts to biological resources include H-1 and H-12 (replaced by Condition of Approval No. 5 Habitat Restoration) which require preparation and implementation of a habitat restoration plan, and Conditions F-4, H-18, H-25, H-3 which provide restrictions on construction in riparian and other sensitive habitats. Additionally, Conditions E-11 limits excavation and grading to the driest season of the year to avoid the breeding season (July 1 to November 1), an Onsite Arborist/Biologist monitoring construction activities (H-1), and Pre-Construction Surveys (H-16) will prevent impacts to the CRLF. Disturbance areas will be restricted to within the existing 50 foot ROW and such disturbances will be revegetated and restored after construction activities conclude. The proposed project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

#### Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)

The proposed project will result in reduced impacts to biological resources when compared to the originally approved project and the existing mitigation measures identified in the EIR/EIS (SCH No. 1983110902) will be adequate to mitigate the impacts of the proposed project. These mitigation measures are included as Conditions of Approval H-3, H-16, H-17, H-18, H-19, & K-4 to protect raptor nests and other special status species during construction, and limit the width of the construction ROW through all riparian and oak habitats for the proposed Valve Upgrade Project. The currently proposed project would not represent a substantial change in terms of biological resource disturbance and impact compared to the previously evaluated project. As such, the proposed Project's potential biological impacts would not differ from the previously evaluated project, and would not result in a new or substantial increase in the severity of previously identified potentially significant biological resource effects compared to the project evaluated in the EIR/EIS. No additional mitigation measures will be necessary.

#### **Land Use and Recreation**

Impacts to Land Use and Recreation associated with the construction of the All American pipeline was identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable. The existing pipeline traverses through the Gaviota Coast which is a heavily used recreational area within the County. The EIR/EIS for the originally approved project identified impacts to Land Use and Recreation from inconsistency with Santa Barbara County Coastal Plan Policy 6-17, which states, "When feasible, pipelines shall be routed to avoid important coastal resources, including recreation, habitat, and archaeological areas". Additionally, major spills into Coastal Streams would affect beaches and water oriented recreational opportunities. To reduce these impacts, the EIR/EIS identified mitigation measures to decrease impacts to the Gaviota State Park by decreasing the width of the right of way to minimize the clearing of vegetation and wildlife

habitat in riparian and oak woodland communities. However, the EIR/EIS concluded that even with the implementation of these measures, impacts to Land Use and Recreational resources will remain significant and unavoidable. The use of block and check valves and oil spill contingency plans as part of the original project description would decrease the impacts on recreational resources from an oil spill, but would not completely mitigate it.

The project proposes to install 5 CHK valves and 11 MOV stations and will result in substantially reduced impacts to Land Use and Recreation because the proposed project will increase the number of valves and utilize updated, best available technology for better control of the pipeline. The proposed Valve project does not include installation of valves within the Gaviota State Park and therefore does not have any further impacts on Land Use, and the additional valves included in the proposed project will significantly reduce the volume of a potential pipeline release by affording the operator more control to limit the volume of a spill. Modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects

#### Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)

The proposed project will not result in impacts to Land Use and Recreation when compared to the originally approved project because no development is proposed to occur within the Gaviota State Park and the project will retrofit the pipeline with Best Available Technology, decreasing the potential for the pipeline to spill.

#### **Cultural/Historical Resources**

The EIR/EIS (SCH No. 1983110902) identified that the originally approved project will have a potentially significant impact on eight individual cultural sites eligible for listing on the National Historic Register. Measures to avoid or minimize disturbance to these cultural resource sites were incorporated into the original Development Plan (85-DP-66cz) and Major Conditional Use Permit (83-CP-97z) as conditions of approval and remain a requirement of the proposed Amendment (21AMD-00000-00009). These measures required an intensive cultural resource survey to be conducted in all affected areas that had not been previously surveyed for cultural and historic resources (Measure 30). As identified by the EIR/EIS, these mitigation measures for cultural resources will reduce impacts, however, they will remain significant and unavoidable impacts.

For the proposed project, a combination of field surveys and historical records research was conducted for a Phase I Cultural Resources Inventory for the Lines 901 and 903 AB 864 Valve Installation project, prepared by Albion and dated March 2022. The proposed valve sites were then chosen with the intention of avoiding known cultural resources. Accordingly, no known cultural resources will be impacted at the proposed valve installation sites. Previous mitigation measures will still be applied to the proposed project, including monitoring of all initial ground disturbance by a qualified archaeologist and Native American monitor (Condition of Approval L-4). If unexpected cultural materials are encountered during construction, work will halt in that area until a qualified archaeologist can evaluate the nature and significance of the find and

incorporate further steps to minimize impacts to the resource (Condition of Approval L-12). Any previously undiscovered sites identified during construction or as the result of monitoring will be required to be evaluated and a treatment plan will be developed as needed. Modifications to the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects

#### Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)

The mitigation measure identified above and contained in the Cultural Resources section of EIR/EIS SCH No. 198311090203, was completed prior to construction of the pipeline. A Phase I Cultural Resources Inventory, dated March 2022, for the Lines 901 and 903 AB 864 Valve Installation project, prepared by Albion was conducted to confirm cultural sites along the pipeline's ROW have been avoided in the placement of the proposed valve sites. With the information produced from the Cultural investigation, held under a separate cover, and due to the limited footprint of the valve construction areas, the proposed project will be less impactful to cultural resources when compared to the originally approved project. Thus, the proposed project will not present new or increased cultural resource impacts.

#### **Noise**

Noise impacts associated with the construction of the All American pipeline were identified in the EIR/EIS (SCH No. 1983110902) as a significant and unavoidable. The EIR/EIS for the originally approved project identified impacts from noise associated with the construction of the pipeline and operation of the pump and heating stations.

The EIR/EIS identified that mitigation for temporary construction noise not practical beyond the standard restriction of construction activities to the hours between 7:00 a.m. and 4:00 p.m. on weekdays only. Additionally, the Gaviota pump station was shielded from Vista Del Mar Union School by a noise barrier (Measure 34) to decrease operational noise concerns.

The EIR/EIS concluded that even with the implementation of these measures, any additional noise resulting from the project would be considered significant because of the ambient conditions of Highway 101 already exceed the 60 dBA significance criteria. Therefore, impacts from noise will remain significant and unavoidable.

The installation of the CHK valves and MOV stations and will still lead to temporary construction related noise impacts, but will result in substantially reduced noise impacts since no operational noise will be associated with the project.

#### Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)

The mitigation measures for noise applied to the originally approved project is not applicable to the proposed valve upgrade project because it is specific to the Gaviota Pump Station. However, the proposed project will not have any operational noise issues and standard noise reduction requirements will be applied as a condition of approval to reduce the noise impacts of the currently proposed project to a less than significant level. Therefore, impacts from noise from

the proposed project will be less than those of the originally approved project and no new measures will be needed to address these impacts.

### **Hazards and Risk**

Impacts to hazards and risk of upset due to oil spills associated with the pipeline operation were determined in EIR/EIS (SCH No. 1983110902) to be significant and unavoidable. The EIR/EIS identified oil spill probabilities based on geographic pipeline features and pipeline capacity in combination with topography and the location of various valves. As discussed in the EIR/EIS, the approved project had operational impacts based on the potential of oil volume that could be spilled. The EIR/EIS analysis included a Summary Table for System Safety, which included potential hazardous events, their probability of occurring, the consequences, and mitigation for each event. The EIR/EIS identified design specifications to include block and check valves to decrease the volume of potential spills. These spills could cause significant impacts to various resources depending on the size and location of the spill. While prescriptive measures such as the development of an Emergency Response Plan and a Spill Contingency Plan were required through the project description, no specific reactive mitigation measures were identified for oil spills in the EIR. Although no direct mitigation measures for hazards and risks were produced by the EIR, all environmental categories analyzed in the EIR produced mitigation measures that relate to pipeline leaks and oil spill.

The Office of the State Fire Marshal approved Risk Analysis (Plains, April 2021) determined that the installation of Best Available Technology components included in the proposed project will reduce the worst case discharge volume when compared to existing conditions. Installation of the proposed BAT elements will reduce the baseline worst case spill volume of 3,622.20 bbls to 1,871.40 bbls, a 48% reduction from existing conditions. Therefore, while impacts from a potential oil spill continue to be significant and unavoidable, the proposed project will reduce the potential volume of an oil spill by installing additional check and motor operated valves.

### **Residual Impacts and Mitigation Measures Identified in EIR/EIS (SCH No. 1983110902)**

The proposed valves will provide for additional risk reducing measures that will result in reduced impacts to risk of upset and hazards when compared to the originally approved project. Further, the existing mitigation measures identified in the previously certified EIR/EIS (SCH No. 1983110902) will be adequate to mitigate the impacts of the proposed project, including requirements for the production of a SIMQAP, an Emergency Responses Plan, an Oil Spill Contingency Plan, and an Oil Spill Response Plan (Conditions of Approval 13, 37-39). As such, the proposed Project will not result in a new or substantial increase in the severity of previously identified potentially significant impacts to risk of upset and hazards when compared to the originally approved project.

Tautrim, Gaviota Coast Conservancy & GreyFox, LLC Appeal of Plains Valve Upgrade Project  
Case Nos. 22APL-00000-00024, 22APL-00000-00025, & 22APL-00000-00026  
Attachment C1 - Addendum  
Page C1-16

**FINDINGS:**

It is the finding of the Planning and Development Department that the previous environmental documents, as herein amended, may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines §15164, preparation of a new or subsequent/supplemental EIR is not required.

Discretionary processing of the Plains Pipeline Valve Upgrade Amendment, Case No. 21AMD-00000-00009 may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

**ATTACHMENTS**

- A. Link to Final Environmental Impact Report / Environmental Impact Statement State Clearinghouse Number: 1983110902
- B. Plains Pipeline, L.P. Line 901 & 903 Valve Installation Biological Resources Assessment dated March 13, 2022

# ATTACHMENT 6

**ATTACHMENT C2  
NOTICE OF EXEMPTION**

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

**FROM:** Katie Nall, Planning and Development Department

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:** 081-230-021; 081-210-047; 081-150-033; 081-150-028; 081-140-025; 083-500-029; 083-430-035; 099-400-069; 099-040-019; 099-040-009; 133-070-015; 131-090-089; 131-190-004; & 131-030-021

**Case Nos.:** 21AMD-00000-00009 & 22CDP-00000-00048

**Location:** Along the Plains All American Pipelines 901 & 903 on various parcels spanning from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County, on 16 different properties, zoned either AG-II-320, AG-II-100 or AG-I-40.

**Project Title:** Plains Line 901-903 Valve Upgrade Project

**Project Applicant:** Plains Pipeline, L.P.

**Project Description:** The project is a request by Plains Pipeline, L.P., for an amendment to the Major Conditional Use Permit, Case No. 83-CP-97z and Development Plan 85-DP-66cz as revised by 88-DPF-033 (RV01)z, 88-CP-60 (RV01), (88-DPF-25cz; 85-DP-66CZ; 83-DP-25cz), to allow for the installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The existing Line 901 is a twenty-four (24) inch diameter pipeline transporting crude oil approximately 10.9 miles from Las Flores Pump Station within the Santa Ynez Unit (SYU), west along the Gaviota Coast, terminating at the existing Gaviota Pump Station. The existing Line 903 is a thirty (30) inch diameter pipeline designed to transport crude oil approximately 61.7 miles from Gaviota Pump Station west along the Gaviota Coast, north through the Sisquoc Pump Station, then northeast through the Los Padres National Forest to the Santa Barbara/San Luis Obispo County Line and then terminating at the Pentland Station in Kern County. The project is necessary to meet the requirements of Assembly Bill 864 (2015) which requires pipeline operators to install Best Available Technology ("BAT") on existing pipelines in the Coastal Zone to reduce the volume of a potential release.

As required by Assembly Bill 864, a risk analysis was conducted along Line 901 & 903 and determined that retrofitting the pipeline with 16 new valves will significantly reduce the amount of fluid released in the event of a potential line failure. Eleven (11) motor operated valves (MOV) and five (5) check valves (CHK) will be added along the pipeline from the Gaviota Coast to the Los

Padres National Forest. Each valve has independent utility derived from either direct connection to the electrical grid, or from an independent solar array. The following valves are located within the coastal zone: MOV1-210P; MOV1-220P; MOV1-610P; CHK1-710P; MOV1-790P; MOV1-890P; & MOV1-990P.

CHK valves utilize a one-way valve system that automatically closes when liquid pushes back on it and MOV valves utilize an external power system which will be supplied by either below-grade electrical conduit connected to an existing power line, aerial drop from an existing power line, or solar panels. A temporary workspace within the existing operations and maintenance corridor will be required to facilitate equipment movement and staging as well as access to the pipeline excavation location.

Each CHK valve installation will require a temporary workspace of approximately 4,000 square feet (50-feet by 80-feet), within the existing right-of-way corridor to facilitate equipment movement, staging, access, and excavation. An excavation area of approximately 35-feet in length, 10-feet in width, and 8-feet in depth (approximately 104 cubic yards in volume) is required for CHK valve installation. A secure valve vault, approximately 3-feet in diameter with a lockable steel-lid closure will be installed extending below the existing pipeline and flush with the existing grade.

Each MOV station will include a fenced in utility area between approximately 1,150 and 1,800 sf to store one (1) below ground MOV; two (2) three foot diameter corrugated steel vaults placed over the valve's pressure sensor apparatus; one (1) electrical panel; one (1) communication device (cellular or satellite) and PLC cabinet; and one battery and associated solar panels. Each MOV site will require an excavation of approximately 82-feet in length, 4-feet in width, and 8-feet in depth (approximately 97 cubic yards in volume) which will expose the existing pipeline section and allow installation each valve. Additional site grading for access and workspace will depend on the topographic constraints of each individual valve location. Any electrical hookups will require temporary trenching approximately 6-inches wide and 2-3-feet in depth to install electrical conduit.

Upon completion of the valve installations, all disturbed areas will be restored to their prior condition unless otherwise included in the limits of the permanent valve station perimeter. Existing easements for access to and maintenance of the existing pipeline system were established by the applicant and property owner after approval of the pipeline's Development Plan and Conditional Use Permit (Case Nos. 83-CP-97z and 85-DP-66cz), and continue to be in place. No new roads will be constructed and no road improvements needed. Construction of each valve will take approximately 15 days to complete. Post construction, the operator will access the valves between 2 and 7 times a year for routine inspection, maintenance, and diagnostic tool operations.

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



**Name of Person or Entity Carrying Out Project:** Steve Greig

**Exempt Status:**

- Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Emergency Project  
 Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** §15284, §15301(b), §15303(d), & §15311

**Reasons to support exemption findings:**

Section 15284 [Pipelines] The Valve Upgrade Installations qualify for the Eight-Mile Exemption because: (1) the area of temporary disturbance is only 35 feet in length for each check valve and 82 feet in length for each MOV (less than 0.25 miles in total) and when taken together cumulatively would disturb significantly less than eight miles of the pipeline corridor; (2) the valves will be located entirely within the previously disturbed pipeline construction and existing operations corridor described and approved in the original EIR; and (3) the valves constitute “maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of . . . any valve . . . or other piece of equipment that is directly attached to the pipeline.”

Section 15301(b) [Existing Facilities] The Valve Upgrade Installations involve the “operation, repair, maintenance, permitting... [and] minor alteration” of the existing pipeline. Aboveground equipment at an MOV station will occupy less than 200 square feet within a fenced perimeter of 1,150 to 1,800 square feet. All equipment associated with check valves will be installed below or at grade. The valve stations are well within what the regulations consider minor alterations on a pipeline system that is longer than 120 miles. Further, while the valve installations and associated power sources involve some new equipment, these upgrades are designed to reduce the amount of oil released from a spill and involve no expansion of the operations approved under the existing Development Plan and Conditional Use Permit.

Section 15303(d) [New Construction or Conversion of Small Structures] This exemption specifically includes, but is not limited to: “Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.” The installation of sixteen (16) valves, mostly underground and placed at different intervals along Lines 901 and 903, qualify for the small structures exemption.

Section 15311 [Accessory Structures] The valve stations are minor structures accessory to the existing pipeline facilities. Each MOV is constructed on the pipeline and primarily below ground, with aboveground equipment occupying less than 200 square feet within a 30’ by 60’ perimeter chain link fence. The check valves will have no aboveground structures. Therefore, the valves are within the size and scope of projects commonly exempted under Section 15311.

The proposed project does not involve unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The proposed project will be located on previously disturbed land zoned either AG-II-320, AG-II-100 or AG-I-40. The biological surveys conducted between 2017 and 2020 did not find any special status species within the Project Areas. However, three proposed valve installation sites (MOV1-610P, CHK1-790P, and CHK2-610P) fall within two designated critical habitat units for the CRLF that includes large areas of land with both suitable and unsuitable conditions for the CRLF. Under the federal Endangered Species Act (ESA), 16 U.S.C. § 1532(5)(A), critical habitat includes those geographical areas occupied by the species that include the “physical or biological features . . . essential to the conservation of the species. . . .” For the designation of critical habitat for CRLF, USFWS designated broad geographic areas: unit STB-5, which covers 12,888 acres and unit STB-6 which covers 11,985 acres. Within these units, primary constituent elements of habitat have been identified as essential to the conservation and recovery of the species. The two potentially implicated here, are “upland habitat” and “dispersal habitat.”

The critical upland habitat refers to areas directly associated with breeding and non-breeding aquatic and riparian habitats that include structures providing shade, moisture, and cooler temperatures. Dispersal habitat is comprised of accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within 1 mile of each other, and that support movement between such sites.

The proposed valve installation sites MOV1-610P, CHK1-790P, and CHK2-610P are located in disturbed non-native annual grassland habitats, surrounded by expanses of grassland, coastal scrub, and oak woodlands, and are not moist upland areas associated with aquatic habitats. All three valve locations are located between occupied sites and aquatic habitats that are greater than one mile apart. Specifically, MOV1-610P and CHK1-790P are located between the Tajiguas Creek and the Refugio Creek; however, the distance between these aquatic habitat occurrences is approximately 1.65 miles. CHK2-610P lies between known CRLF occurrences at Gaviota Creek and Nojoqui Creek, which are separated by approximately 2.83 miles. Additionally, Canada de las Cruces—the aquatic area nearest CHK2-610P—does not have any known occurrences of CRLF and is located approximately 2.70 miles from the nearest aquatic habitat for CRLF, Nojoqui Creek.

Therefore, none of the project sites support any of the critical habitat primary constituent elements that are required for CRLF aquatic breeding, aquatic non-breeding, or upland/dispersal habitats. Consequently, the three sites should not be considered critical or essential to the survival or recovery of this species.

Environmentally Sensitive Habitat (ESH) Areas and Oak Woodlands were avoided in the placement of the valve locations. Because the pipeline was previously constructed and surveyed for cultural resources, valve locations were placed in areas that also avoided known cultural sites. The work footprint does not include any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies. This exception does not apply.

**(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed project entails the installation of 16 individual valve sites along the portions of Line 901 & 903 within Santa Barbara County. The installations will allow the existing and previously approved pipeline to restart after emergency shut off operations in 2015. No new pipelines or increase in pipeline capacity are proposed. The valve installation project was triggered by the Assembly Bill 864 to install the Best Available Control Technology to reduce the volume of a potential release. Construction of each valve will take approximately 15 days to complete. There are no significant incremental or measurable cumulative impacts associated with the proposed project, and successive projects of similar nature located in the same place as the proposed project would not result in significant cumulative impacts. This exception does not apply.

**(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

This exception to the categorical exemptions does not apply because there is not a reasonable possibility that the activity proposed will have a significant effect on the environment due to unusual circumstances. Three proposed valve installation sites (MOV1-610P, CHK1-790P, and CHK2-610P) fall within two designated critical habitat units for the CRLF that includes large areas of land with both suitable and unsuitable conditions for the CRLF. Within these units, primary constituent elements of habitat have been identified as essential to the conservation and recovery of the species. The two potentially implicated here, are “upland habitat” and “dispersal habitat.” The critical upland habitat refers to areas directly associated with breeding and non-breeding aquatic and riparian. Dispersal habitat is comprised of land located between accessible upland or riparian habitat located within 1 mile of each other, and can therefore support movement between such sites.

However, the proposed valve installation sites MOV1-610P, CHK1-790P, and CHK2-610P are located in disturbed non-native annual grassland habitats, surrounded by expanses of

grassland, coastal scrub, and oak woodlands, and are not moist upland areas associated with aquatic habitats. All three valve locations are located between occupied sites and aquatic habitats that are greater than one mile apart. Therefore, none of the project sites support any of the critical habitat primary constituent elements that are required for CRLF aquatic breeding, aquatic non-breeding, or upland/dispersal habitats. Consequently, the three sites should not be considered critical or essential to the survival or recovery of this species.

The project would constitute an upgrade to the existing oil pipeline because the valves would decrease the hazards of an oil spill. The location of the valves are entirely outside of any designated or existing Environmentally Sensitive Habitat (ESH) areas as identified in the Gaviota Coast Plan Overlay maps and thus construction related impacts would not affect sensitive resources. The proposed project would occur pursuant to established development standards, rules and regulations appropriate for this type of project. This exception does not apply.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The proposed project would introduce above ground equipment associated with the Motor Valve stations along Highway 101 and other public view corridors. The CHK valves would not be visible from public view points. MOV stations include above ground infrastructure to store electrical panels, conduits, and communications equipment, as well as connect to exterior power sources. Each site will be surrounded by a chain link fence. These stations will be distantly visible to a motorist along Highway 101, however the sites are subordinate in appearance to the surrounding environment and at the rate and speed traveled along the Highway, such visibility is not considered significant and will not damage scenic resources in the area.

No signs or new lighting sources are proposed. No proposed valve installation will obstruct views of scenic coastal areas, or alter natural landforms. All graded areas will be restored to existing conditions. Equipment located outside of the coastal zone will be situated away from public view points or in areas that are visually compatible with utility equipment. The locations of the 16 valves are strategically placed to utilize natural and existing vegetative and topographic screening, mitigating the potential for new visual impacts. Therefore, no impacts to visual resources are expected from the proposed project. This exception does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed project does not include any components on listed sites pursuant to Section 65962.5 of the Government Code. This exception does not apply.

**(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

Each site location underwent a cultural resource survey prior to approval. The proposed valve sites were then chosen with the intention of limiting project impacts on cultural resources. Accordingly, no cultural resources will be impacted at the proposed valve installation sites. All initial ground disturbance would be monitored by a qualified archaeologist and member of the local Native American community. If cultural materials are encountered during construction, work will halt in that area until a qualified archaeologist can evaluate the nature and significance of the find and incorporate further steps to completely avoid the resource. Any previously undiscovered sites identified during construction or as the result of monitoring would be required to be evaluated and a treatment plan would be developed as needed. The proposed project is not expected to impact any previously identified or unidentified cultural resources. Thus, the proposed project would not present new or increased cultural resource impacts when compared to the previously approved project. This exception does not apply.

**Lead Agency Contact Person:** Katie Nall

**Phone #:** (805) 884-8050     **Department/Division:** Energy, Minerals, and Compliance

**Date:** \_\_\_\_\_

**Acceptance Date:** \_\_\_\_\_

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:** \_\_\_\_\_

# ATTACHMENT 7

**Assembly Bill No. 864**

## CHAPTER 592

An act to add Section 51013.1 to the Government Code, relating to oil spill response.

[Approved by Governor October 8, 2015. Filed with  
Secretary of State October 8, 2015.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 864, Williams. Oil spill response: environmentally and ecologically sensitive areas.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires owners or operators of various facilities, including pipelines, while operating in the waters of the state or where a spill from the pipelines could impact state waters, to have an oil spill contingency plan submitted to, and approved by, the administrator for oil spill response to ensure prompt and adequate response and removal action in case of a spill. The act requires the operator to maintain a level of readiness that will allow effective implementation of the applicable contingency plan.

The Elder California Pipeline Safety Act of 1981, among other things, requires the State Fire Marshal to adopt hazardous liquid pipeline safety regulations in compliance with the federal law relating to hazardous liquid pipeline safety. The act requires any new pipeline constructed after January 1, 1984, and which normally operates under conditions of constant flow and pressure, to be designed and constructed in accordance with specified federal regulations, and have a means of leak detection and cathodic protection that the State Fire Marshal determines is acceptable. A violation of the act is a crime. Except as provided, the act defines "pipeline" as including every intrastate pipeline used to transport hazardous liquid substances or highly volatile liquid substances, as provided.

This bill would require, by January 1, 2018, any new or replacement pipeline near environmentally and ecologically sensitive areas in the coastal zone to use best available technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife. The bill would require, by July 1, 2018, an operator of an existing pipeline near these sensitive areas to submit a plan to retrofit the pipeline, by January 1, 2020, as provided. By creating a new crime, the bill would impose a state-mandated local program. The bill would require the State Fire Marshal to adopt regulations relating to the above provisions by July 1, 2017.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51013.1 is added to the Government Code, to read:

51013.1. (a) By January 1, 2018, any new or replacement pipeline near environmentally and ecologically sensitive areas in the coastal zone shall use best available technology, including, but not limited to, the installation of leak detection technology, automatic shutoff systems, or remote controlled sectionalized block valves, or any combination of these technologies, based on a risk analysis conducted by the operator, to reduce the amount of oil released in an oil spill to protect state waters and wildlife.

(b) (1) By July 1, 2018, an operator of an existing pipeline near environmentally and ecologically sensitive areas in the coastal zone shall submit a plan to retrofit, by January 1, 2020, existing pipelines near environmentally and ecologically sensitive areas in the coastal zone with the best available technology, including, but not limited to, installation of leak detection technologies, automatic shutoff systems, or remote controlled sectionalized block valves, or any combination of these technologies, based on a risk analysis conducted by the operator to reduce the amount of oil released in an oil spill to protect state waters and wildlife.

(2) An operator may request confidential treatment of information submitted in the plan required by paragraph (1) or contained in any documents associated with the risk analysis described in this section, including, but not limited to, information regarding the proposed location of automatic shutoff valves or remote controlled sectionalized block valves.

(c) The State Fire Marshal shall adopt regulations pursuant to this section by July 1, 2017. The regulations shall include, but not be limited to, all of the following:

(1) A definition of automatic shutoff systems.

(2) A process to assess the adequacy of the operator's risk analysis.

(3) A process by which an operator may request confidential treatment of information submitted in the plan required by paragraph (1) of subdivision (b) or contained in any documents associated with the risk analysis described in this section.

(4) A determination of how near to an environmentally and ecologically sensitive area a pipeline must be to be subject to the requirements of this section based on the likelihood of the pipeline impacting those areas.

(d) An operator of a pipeline near environmentally and ecologically sensitive areas in the coastal zone shall notify the Office of the State Fire Marshal of any new construction or retrofit of pipeline in these waters.

(e) For purposes of implementing this section, the State Fire Marshal shall consult with the Office of Spill Prevention and Response about the potential impacts to state water and wildlife.



(f) For purposes of this section, “environmentally and ecologically sensitive areas” is the same term as described in subdivision (d) of Section 8574.7.

(g) (1) For purposes of this section, “best available technology” means technology that provides the greatest degree of protection by limiting the quantity of release in the event of a spill, taking into consideration whether the processes are currently in use and could be purchased anywhere in the world.

(2) The State Fire Marshal shall determine what is the best available technology and shall consider the effectiveness and engineering feasibility of the technology when making this determination.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

Barclays California Code of Regulations

Title 19. Public Safety

Division 1. State Fire Marshal

Chapter 14. Hazardous Liquid Pipeline Safety

Article 7. Requirements for New or Replacement Pipeline near Environmentally and Ecologically Sensitive Areas in the Coastal Zone; Plan to Retrofit Existing Pipelines; Notification to State Fire Marshal of New Construction or Retrofit of Pipeline; Consultation with Office of Spill Prevention and Response

19 CCR § 2110

§ 2110. Best Available Technology Determination.

Currentness

(a) The State Fire Marshal shall review risk analyses, plans, and other associated materials required by this Article and make a best available technology determination based on the following criteria. These criteria are subject to a field performance evaluation to substantiate operator claims:

(1) The effectiveness of each technology in terms of sensitivity, accuracy, reliability, and robustness;

(2) The engineering feasibility of each technology considering operational aspects of the pipeline;

(3) Whether each technology provides the greatest degree of protection;

(4) Whether each technology limits the quantity of release in the event of a spill;

(5) Whether each technology is the best in use in other similar situations and is available for use by the operator;

(6) Whether each technology is transferable to the operator's pipeline operations;

(7) Whether there is a reasonable expectation that each technology will provide increased spill prevention, spill volume reduction, or other environmental benefits;

(8) The age and condition of the technology currently in use on the pipeline;

(9) Whether each technology is compatible with existing operations and technologies in use by the applicant;

(10) Regional considerations (i.e., long pipeline distances, changes in elevation, underwater environments, limited access to pipe segments).

(11) Any other information that may be relevant or appropriate when rendering a determination of best available technology based on the criteria in this Section.

(b) Operators must include a written justification that the technology proposed for use is the best available for the applied operations of the pipeline.

(c) If the State Fire Marshal determines that a technology proposed for use by the applicant is not the best available technology, the State Fire Marshal will provide a written finding explaining the decision consistent with the provisions found in Section 2112 (State Fire Marshal Risk Analysis Assessment).

**Credits**

NOTE: Authority cited: Sections 51010, 51013.1, 51013.5 and 51015, Government Code; and Sections 60104 and 60105, Title 49 of the United States Code. Reference: Sections 51010, 51010.5, 51013, 51013.1, 51013.5, 51015, 51015.4 and 51016, Government Code; and Sections 60104 and 60105, Title 49 of the United States Code.

**HISTORY**

1. New section filed 8-31-2020; operative 10-1-2020 (Register 2020, No. 36).

This database is current through 4/21/23 Register 2023, No. 16.

Cal. Admin. Code tit. 19, § 2110, 19 CA ADC § 2110

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End of Document

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**ATTACHMENT A (FSOR)**

**Consideration of Public Comments**

Proposed adoption of:

Requirements For New Or Replacement Pipeline Near Environmentally And Ecologically Sensitive Areas In the Coastal Zone; Plan To Retrofit Existing Pipelines; Notification To State Fire Marshal Of New Construction Or Retrofit Of Pipeline; Consultation With Office Of Spill Prevention And Response (19 CCR §§ 2100 – 2120)

The following reflects all comments received relating to the above identified rulemaking. A list is provided of the people or organizations making comments, both written and verbally. Each is assigned a two-digit identifier beginning with 'W' for written comments and 'O' for oral comments. The comment summaries and responses are organized by the subsection being addressed. At the end of each comment summary are one or more comment keys. The comment keys match the two-digit identifier followed by a number referring to the marked copies of written comments and transcribed verbal comments received at the public hearings, which are included in the rulemaking record. Where possible, duplicate or similarly related comments and irrelevant comments are aggregated in separate tables at the end of each comment period.

		<p>and sent to 15-day comment is below.</p> <p>Suggested Edit to §2107:</p> <p>§ 2107 – Relocation of Pipelines                  (a) The relocation of a pipeline is not considered a new or replacement pipeline.                  (b) The relocation of a pipeline will be treated as an existing pipeline. If the relocation of a pipeline results in a significant change, <del>as determined by the State Fire Marshal,</del> to the pipeline profile <u>or a change or operations to the pipeline operations that would increase the amount released in an environmentally and ecologically sensitive area in the coastal zone,</u> or where a release could impact an environmentally and ecologically sensitive area in the coastal zone because of the relocation, the pipeline will be required to comply with applicable parts of this Article, including but not limited to the following: Section 2117 (Risk Analysis Update And Review), and Section 2111 (Risk Analysis).</p>
<p>§2100(a)(16) - Definitions Replacement Pipeline</p>	<p>The definition of a replacement of a pipeline segment greater than a “10 foot” section of pipeline is a significant issue. As the draft is written, replacement of a section longer than 10 feet triggers the need for an immediate upgrade of the system to the use of BAT. WSPA believes that the arbitrary “10 foot” pipeline segment should be changed to reflect some significant percentage of the pipeline segment being replaced. In this case WSPA suggests that 40% of a “SFM defined pipeline segment” would be more appropriate. There are concerns that the “10 foot” criteria and the ramifications of the work necessary to upgrade the entire pipeline segment to the new leak detection technology, automatic shut off valves, etc. would drive unintended consequences where, due to the cost and effort to proceed, pipeline</p>	<p>The OSFM rejects this comment because it was made in a letter dated July 21, 2017 and relates to prior draft of regulatory language that was not part of the formal rule making process under the Administrative Procedure Act. However, language was amended under timely comment submission and addressed above and sent out to 15-day comment period. See response to W2-4, W2-5, W2-6, W2-7, and W2-8.</p> <p>Operators should take appropriate investigative and maintenance related action required under the law. It would seem unwise to delay routine maintenance activities aimed at protecting health and safety until they were absolutely necessary. Updating BAT is addressed in section 2117 which provides for update and review every 5 years.</p>

<p>§ 2110(a)(7) – Best Available Technology Determination]</p>	<p>Whether there is a reasonable expectation that each technology will provide increased spill prevention, spill volume reduction, or other environmental benefits” WSPA believes that the term “reasonable expectation” should be expanded to include technical and economic feasibility requirements. W7-43a</p>	<p>See response to W7-35, W7-68, W7-42.  The OSFM rejects the commenters recommendation to measure economics as part of the criteria for determining BAT. Operators must consider the engineering feasibility of each technology considering operational aspects of the pipeline, including increased spill prevention, spill volume reduction, or other environmental benefits. The determination for deciding whether a technology is economical feasible is beyond the scope of this regulation. The draft regulation mis-numbered this subsection and will address the issue in the upcoming proposed regulations.</p>
<p>§ 2110(a)(7) – Best Available Technology Determination  § 2111 – Risk Analysis</p>	<p>WSPA requests that the length of a pipeline system be taken into consideration. In some cases, operators may have a relatively large diameter system that only extends a short distance. It seems impractical to require the operator to install the meters, valving systems for proving the meters, purchase of a computational system, etc., to monitor a short system. W7-43b</p>	<p>See response to W7-8a and W7-43c.  The OSFM disagrees that pipeline length or diameter is not considered and sees no need to amend the proposed regulations. For the OSFM to understand and evaluate the application of BAT on a pipeline, comprehensive background information must be gathered on the pipeline, including length and diameter. Subsection 2111(c)(2)(A) establishes the groundwork needed for evaluating existing pipeline profile, operating conditions, and identifying potential areas where applications of BAT will have the most significant impact. Requiring the risk analysis to include diagrams, maps, climatic conditions, and physical geographic features, among others, will ensure appropriate information is available to the OSFM to evaluate the effectiveness and feasibility of proposed BAT and the risk analysis. Importantly, the commenter misinterprets the purpose of the statute and proposed regulations as focusing on pipelines and pipeline systems. The intent of the legislation is to protect environmental resources through BAT on pipelines. The length of pipe is part of a consideration, but more important is the location. Using the commenters analogy, a large diameter system that extends a short distance but is located directly in an EESA, Coastal Zone, or other protected area could have devastating consequences in the event of failure. In this</p>

		than one mile the calculation is still valuable in determining number of valves.
Standardized Regulatory Impact Analysis	Costs to their company for compliance with the proposed regulations is way above what is in the analysis. O2-2	See responses to W7-12 and W7-43d.
General Process and Timeline for Regulations	What is the timeline and the process going forward before the draft regulations become final? O1-1	This comment was received during the first public hearing on January 22, 2019. Staff briefly explained the rulemaking process and timeframes stating that the proposed rulemaking commenced on February 15 <sup>th</sup> 2019 and would be accepting comments on the rule in writing for the next 45 days. The public comment period was held for 46 days to accommodate a third public hearing in Sacramento. Staff explained that the office would review any comments received and if necessary amend regulatory language and provide notice to interested parties of any subsequent public comment periods.
Comment Responses	Commenter asked when a response to questions raised in the public hearing would be received, under the impression that an answer would not be received at the hearing but at a later date. O3-1	Staff informed the commenter that his impression was correct. The OSFM gathered the comments and questions and responded to them in the Final Statement of Reasons filed with the Office of Administrative Law pursuant to Government Code § 11346.9
CEQA	CEQA Considerations In OSFM's "Initial Statement of Reasons" document (Page 21 of 44), OSFM states that costs to install automatic shutoff valves and remote controlled ball valves are negligible because pipelines are unlikely to trigger CEQA review or are exempt from the CEQA process. This conclusion underestimates the significance of various permitting requirements and regional considerations. For pipelines in remote areas without easy access, installation of pipeline appurtenances can involve significant environmental implications. For example, valve installation may necessitate the installation of a new access road.	Revising the CEQA process is outside of the scope of the proposed regulation language but was broached in an attempt to be inclusive of potential costs discussed in the SRIA not in the ISOR as contended by the commenter. As part of the potential permitting process and developing cost estimates the OSFM spoke with local permitting agency personnel and conducted review of CEQA laws. The discussions and research revealed that because pipelines are existing projects, retrofits are largely unlikely to need or are exempt from CEQA review. Additional exemptions exist under CEQA for existing pipeline projects in the Public Resources Code at sections 21080.21 and 21080.23 and in 14 CCR 15284 (referencing "pipeline" as defined in Government Code section 51010.5 which is the Elder Pipeline Safety Act and falls under OSFM jurisdiction). Those CEQA exemptions specifically address inspection, maintenance, repair, or

	<p>While some CEQA exemptions apply to certain categories of pipeline and maintenance projects, projects must meet various criteria to qualify for an exemption and these CEQA exemptions do not apply in all circumstances. As such, depending on the specific valve installations and various project details, it may be inappropriate to rely on CEQA exemptions for the pipeline projects. Furthermore, CEQA requires a project to be reviewed in its entirety. For example, if several new valves must be installed on a multi-mile pipeline, it is essential that those impacts are assessed cumulatively, as the associated impacts may involve the disturbance of numerous acres and / or necessitate take permits due to disturbance of state or federal listed endangered species.</p> <p>Moreover, even if California strives to streamline the CEQA process here, it would not necessarily relieve the operator from the federal permitting requirements set forth by the National Environmental Protection Act (NEPA). Depending on the jurisdiction, environmental impacts and public interest, permitting (whether state or federal) could take several years and be costly for a larger project. Therefore, AB 864 needs to recognize these potential implementation delays which are outside the operators' control. <b>W7-13</b></p>	<p><b>replacement of a valve among others.</b> However, this may not be an exhaustive list and an operator should conduct their own review for CEQA application to a potential project. Regional considerations are certainly a factor, however the OSFM cannot possibly survey every city and county permitting authority to determine potential permitting and CEQA costs on all pipelines absent a risk analysis for each pipeline. Hence, assumptions must be made to achieve some economic impact analysis and the assumptions used were at the higher end of estimated costs and hours of review. This process was challenging because industry did not provide any cost data to the OSFM. However, the potential permitting cost was still identified and included in the SRIA with an anticipated cost of \$7,335,000, a relatively small amount in relation to the total anticipated costs of roughly \$220,000,000 hence the determination that costs were negligible. The commenter is correct that CEQA exemption may not be the case for all possible projects depending on every conceivable consideration for all pipelines in California but the code of regulation and statutes cited above may certainly be helpful. This is why the SRIA notes that it was assumed that 50% of the valve retrofits on pipelines would require permits at 100 hours of review at \$225 per hour based on discussion with permitting agencies this is a high estimate. Possible implementation delays are addressed in section 2113. Delay or objection from local city and county agencies that would need to approve a pipeline enhancement project installing BAT designed to further protect the environment and human health from the harms suffered in the event of a pipeline spill is up to their permit approval processes. Streamlining the CEQA process and cost assumptions utilized in the SRIA are beyond the scope of the text of the regulation and is therefore rejected. No changes to the regulatory language are needed.</p>
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