



Legislation Text

File #: 12-00062, **Version:** 3

Consider recommendations regarding the Ellwood Pipeline, Inc. Line 96 Modification Project and Ordinance/Franchise CEQA Findings, Third District, as follows:

- a) Consider the adoption (second reading) of an Urgency Ordinance, to be effective immediately, granting the Public Pipeline Franchise to EPI to facilitate EPI's Line 96 Modification Project;
- b) Pursuant to California Environmental Quality Act (CEQA), find and approve action, as follows:
 - i) Find that the Ellwood Pipeline Company Line 96 Modification Project Final Environmental Impact Report FEIR 09-EIR-00000-00005 (Ellwood FEIR) was reviewed, considered and certified by the Santa Barbara County Planning Commission on August 3, 2011 and is on file with the State Clearinghouse as file No. 2009111034;
 - ii) Determine that the issuance of the Public Pipeline Franchise is within the scope of the project for which the Ellwood FEIR was certified; and
 - iii) After reviewing and considering the Ellwood FEIR that the Board of Supervisors adopts CEQA findings and, pursuant to 14 CCR (CEQA Guideline) 15162, determines that no subsequent EIR or Negative Declaration is required for this project because of the following:
 - 1) No substantial changes are proposed in the project which require major revision of the Ellwood FEIR;
 - 2) No substantial changes have occurred with respect to the circumstances under which the project was undertaken which required major revisions to the Ellwood FEIR; and
 - 3) No new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Ellwood FEIR was certified in August 2011, has been received that requires a subsequent EIR or Negative Declaration; and
- c) Adopt findings that immediate enactment as an Urgency Ordinance is supported by the following:
 - i) The Project EIR at Section 4.5.7 Biological Resources determined that transport of petroleum by pipeline rather than barge presents a significant improvement of safety for biological resources;
 - ii) The Statement of Overriding Considerations for this project finds that when compared to the significant impacts that would occur from the continued operation of the Ellwood Marine Terminal and crude oil barging for each of the noted issue areas, the pipeline project has significant environmental benefits;
 - iii) The Coastal Act and County Coastal policies all recognize the environmental benefits of pipeline transportation and mandate pipeline use over all other modes of transportation where feasible;

iv) Transport by pipeline represents a significant reduction in air emissions from transport by sea-going barge; and

v) The National Oceanographic and Atmospheric Administration in the United States Coast Pilot advisory has determined the endemic offshore fog on sea transport route from Ellwood Marine Terminal to Los Angeles presents a “persistent navigational hazard” that use of the pipeline will immediately avoid.