

GETTY

LAND USE: Construction

IMPACT: Alteration of recreation resources within portions of Gaviota State Park and La Brea Canyon due to ROW disturbance.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County; USFS; California Department of Parks and Recreation).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline involves clearing a 100 foot ROW with heavy earth-moving equipment. Above-ground obstacles such as trees, brush and boulders are removed, and any stumps or roots in the ditch line are taken out. After clearing, the ROW is graded and leveled as necessary for vehicle and equipment operation.

Getty's route passes adjacent to a segment of the roadside rest area for northeastern bound traffic on US 101 at Gaviota Pass. Some disruption of activity at the rest area would occur during construction. Extensive earth moving would be required through exposed rock outcrops that are visible from the rest area and highway. This part of the ROW would present short-term adverse effects during construction because of the disruption of activities at the popular rest area and a long-term effect because of ROW visual disturbances. This would be a significant unavoidable impact.

La Brea Canyon is a moderately used recreation activity corridor with four Forest Service campgrounds. Three of the campgrounds would be directly affected by construction, an unavoidable significant impact. Even after these campgrounds are restored, the clearing of small oak and sycamore trees.

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would result in a moderate visual change in the area. This would somewhat reduce the Canyon's recreational appeal and use in the long-term. Removal of a portion of the isolated stand of Coulter Pine near Miranda Pine Campground would be an unavoidable significant impact on the aesthetic quality of the campground.

Santa Barbara County has jurisdiction over private lands along the pipeline route; California Department of Parks and Recreation administers Gaviota State Park; and the USFS has jurisdiction over the route through the LPNF.

The following mitigation measures are suggested which the appropriate agency can require to reduce the impact of ROW construction.

Construction should avoid, to the maximum extent possible, disturbance to sensitive recreation resources. The construction ROW should be reduced to 50-feet wide in these areas and no staging areas should be located here. Large trees should not be removed or damaged without prior authorization by the USFS. This would reduce the impacts by 50 percent or more.

Within the section from Las Flores to Emidio, the Celeron and Getty Pipelines should be constructed within the same ROW as designated by the Authorized Officer. This could be accomplished by phasing of construction, and laying one pipe as close as practicable from the ROW edge and then later placing the next pipeline as close as practicable from the other side of the ROW, resulting in a minimum distance between pipe centers. (See Mitigation 28) This measure would reduce by one half the amount of disturbance and land use impacts associated with construction of two pipelines.

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LAND USE AND RECREATION: Operation

IMPACT: Major spills into Coastal streams could affect beaches and water-oriented recreational opportunities.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County; USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The proposed pipeline from Las Flores to Gaviota Pass parallels a particularly scenic portion of the Santa Barbara coastline. Two state parks, Refugio and Gaviota, are located here. Although the probability of an oil spill (0.0003-0.0023 spills/year/mile of pipeline) indicates a low risk, a major oil spill into coastal streams would adversely affect the beaches and other water-oriented recreational opportunities in this area. This would be an unavoidable significant impact.

A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example, the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas. The use of such valves could isolate a section of the pipeline in the event of a rupture and substantially reduce the amount of release of oil into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup.

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CULTURAL RESOURCES: Construction

IMPACT: Potential disturbance to at least four sites eligible for listing on the National Register of Historic Places.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (California counties; USFS; BLM).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The criteria for evaluating cultural resources on Federal lands and lands impacted by federally funded or licensed projects are the eligibility criteria of the National Register of Historic Places. The criteria apply to resources (historic and prehistoric sites) significant at the national, regional, state, and local levels. Adverse effects on resources that produce direct or indirect impacts are considered for sites listed on the National Register of Historic Places or which meet the criteria of eligibility.

For purposes of the California Environmental Quality Act (CEQA), the criteria for evaluating cultural resources on state and private lands in California are significance criteria listed in Appendix K of the CEQA Guidelines. Effects which cause damage to cultural resources are considered for sites which meet these criteria.

Federal agencies cannot authorize federally licensed projects without prior compliance with Section 106 of the National Historic Preservation Act. This involves consultation with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation to determine the existence and significance of cultural resources sites and the development of procedures to mitigate adverse effects.

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Cultural resources impacted by the proposal include archaeological and historical sites that are located in areas which would be directly or indirectly affected by project construction and facilities operation. Sites located within the pipeline ROW would be exposed to potential direct and indirect impacts while sites located outside the ROW would be exposed to potential indirect impacts only.

Direct impacts would result from actual surface disturbance of a site's spatial configurations or stratigraphy during a facility's construction or use. In this case, construction and maintenance activities would disturb or destroy cultural resources, including clearing and grading, ditching, hauling and stringing, pipe placement, and backfilling. Disturbances by project-related vehicular activity would also occur within the project ROW and along access roads.

Indirect impacts refer to the increased potential for site disturbances due to a general intensification of land use activities in the area surrounding cultural sites. The construction or improvement roads for project implementation purposes would make previously recorded sites in the surrounding project area more accessible. Many cultural resources have undergone varying amounts of previous disturbance due to non-professional excavation and the search for collectable items.

No ethnographic sites along the pipeline ROWS have been identified to date by any Native American groups; however, impacts to unknown sites could still occur, and potential impacts will be evaluated as sites are identified. Potentially significant historic and archaeological sites which have been identified for each segment of the pipeline routes are described in the following paragraphs.

Sixteen cultural resource locations have been identified on the Getty route within the ROW. These include 2 villages, 5 campsites, 5 bedrock mortars, 2 rock shelters, 4 historic sites, and 1 site of unknown description. No sites along this segment are listed on the National Register, however, two villages, one bedrock mortar site, and one historic site are considered eligible for inclusion; other sites require additional evaluation procedures. Thus, an unavoidable significant impact to cultural resources could occur from pipeline construction.

In summary, at least 4 sites along the Getty ROW are considered to be eligible for listing on the National Register. In all states, further survey and evaluation procedures will be conducted prior to construction to determine National Register eligibility and the nature of applicable mitigation measures.

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In California, Santa Barbara, San Luis Obispo, and Kern counties have jurisdiction over private lands along the pipeline route; the USFS has jurisdiction over the route through the LPNF.

The appropriate agency can require mitigation to reduce the impact of ROW construction. Mitigation of adverse impacts to cultural resources will occur in the following manner:

Prior to construction an intensive (100%) cultural resource survey should be conducted on all affected Federal land surfaces that have not previously been surveyed. Survey on non-Federal lands should be conducted as specified by the Authorized Officer after consultation with the State Historic Preservation Office (SHPO) in all states. During the survey, information should be gathered on all newly discovered and previously recorded archaeological sites to determine their potential eligibility to the National Register of Historic Places. Limited testing of some sites may be necessary in order to determine their eligibility. Sites located on non-Federal lands in California should be evaluated using criteria defined in CEQA Guidelines Appendix K. Following the survey an inventory report should be prepared and submitted to the Authorized Officer for review and comment. The report should contain the results of the inventory, and all sites should be evaluated for potential eligibility to the National Register. Justifications should be given for the rationale. The report should include a proposed mitigation plan for all sites that are considered to be potentially eligible for inclusion on the National Register. The mitigation plan may include avoidance of sites, data collection, site-specific control of access and construction, monitoring recommendations, and salvage excavation. (See Mitigation 30)

Based on the above mitigation plan, the Authorized Officer should submit a treatment plan to the SHPO in each state and to the Advisory Council on Historic Preservation. Following the consultation period, the treatment plan should be implemented. All field work should be completed before construction can begin in a given area. Monitoring should be implemented during construction where required by the treatment plan.

Any sites located during construction or as the result of monitoring should be evaluated and a treatment plan should be developed as needed.

Contact will be maintained with appropriate Native American groups to determine the nature and extent of concerns regarding specific cultural resources. Native Americans should participate in data recovery consistent with federal agency requirements and where appropriate, with tribal policies.

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VISUAL RESOURCES: Construction and Operation

IMPACT: Significant visual changes along the pipeline ROW in Los Padres National Forest (LPNF).

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The pipeline ROW would generally not be visually evident to people from nearby highways, roadside rest areas, parks, or recreation areas. Examination of various existing underground pipelines, which the Getty proposal would parallel, indicated that it would not be visually evident from nearby travel routes or use areas.

One area of exception to the above generalization is where the pipeline would cross the LPNF in Santa Barbara County. Here the ROW clearing would be visually evident from nearby roads and campgrounds. Clearing of mature live oaks and sycamores in La Brea Canyon, plus ROW clearing through uniform brushfields on the Sierra Madre Mountains, would create significant visual impacts. Elsewhere as the pipelines would cross the LPNF in existing fire breaks, there would not be significant changes from existing to future visual conditions. Both existing and future visual conditions would generally not meet Forest Service visual quality objectives for the affected areas on the LPNF.

The USFS has jurisdiction over the route through the LPNF and could require the following mitigations:

In the pipeline segments on the LPNF, the Applicant should utilize a 50-foot wide construction corridor, protect existing large diameter trees, feather the edges of the cleaned

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ROW, and reseed cleared areas as determined by the Authorized Officer. (See Mitigation 32)

The smaller construction corridor would provide selective protection for large trees in forested areas. Feathering the edges of the clearing would soften and partially disguise the visual impact resulting from cutting a path through the trees and brush. The effectiveness of this measure will depend on the pre-project visual condition of the specific site: areas previously characterized as "untouched landscape" (EVC I) or "unnoticed alterations" (EVC II) would be deteriorated to the category of "minor visual disturbance" (FVC III). Areas of existing visual disturbance ranging from minor to drastic can all be restored to "major visual disturbance" (FVC V) by scalloping edges of vegetative clearings. There will be unavoidable significant impacts remaining due to ROW construction.

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- NOISE: Construction
- IMPACT: Construction noise would exceed 60 dBA at residences along the pipeline ROW.
- FINDING: a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Noise effects from construction of the Getty pipeline would be a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise generating activities. Construction activities would occur throughout the length of the pipeline corridor.

The Las Flores to Emidio corridor segment contains numerous land uses that would be classified as noise-sensitive receptors including the Vista del Mar School at Gaviota; state parks; residential subdivisions, notably at Buellton; and numerous individual residences scattered along and sometimes adjacent to the proposed ROW corridor. The closest of these to the construction activity would be several residences that are located within 100 to 500 feet of the proposed pipeline, notably at Buellton.

Applying the construction noise generation profile to the proposed corridor indicates that the nearest homes would be subject to pipeline construction noise levels in excess of 75 dBA. More than 100 homes between Las Flores and Emidio could be subject to construction noise levels of dBA or greater, depending on detailed site conditions. This would be considered an unavoidable significant impact.

Because of the short duration of constructed impacts in any one area (2 weeks or less), limiting construction to daytime hours (as described in the Project Description), and the low probability of accomplishing effective mitigation of high noise levels associated with construction activities, mitigation beyond the standard requirements for use of equipment mufflers and similar OSHA requirements is not considered to be warranted.

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NOISE: Operation

IMPACTS: Operation noise from the Gaviota pump station would exceed 60 dBA at the Vista del Mar Union School.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County).

FACTS SUPPORTING FINDING:

Noise effects from operation of the proposed pipeline would be geographically isolated to the vicinity of the pump and heater stations. Noise emissions for pump stations were modeled using worst-case terrain assumptions of flat terrain with no barrier effects and no equipment directivity effects. The results for the Las Flores to Emidio corridor segment indicate the only sensitive receptors that could be within a 60 dBA or greater pump station noise contour (and thus significantly impacted) would be the Vista del Mar School near the Gaviota station. Actual noise impact levels would depend on the placement of the pump station on the site and other site design features. A more detailed analysis of the composite noise effects of the proposed pipeline and other petroleum development facilities at Gaviota is included in the Getty Gaviota Consolidated Coastal Facility Draft EIR. This analysis indicates that, although the noise levels at the school would be approximately 73 dBA, the increment added by the petroleum development activity would be a barely discernable 3 dBA. Most of the noise is already existing due to traffic on US 101. Although the incremental increase in noise caused by the pump station would be small and barely noticeable, it would be considered significant because the ambient conditions already exceed the 60 dBA significant criterion. The Gaviota pump station(s) should be shielded from Vista del Mar Union School by a noise barrier, such as a berm or structural enclosure. (See Mitigation 34) Santa Barbara County has jurisdiction over private lands within the county.

The barrier should be designed and built to reduce project operation related noise below the 60 dBA significance

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threshold of the school. This measure should apply to any pump station built by Getty within 1,500 feet of the Vista del Mar Union School.

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TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss or disturbance of sensitive plant communities or loss of individuals of sensitive plant species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara, San Luis Obispo, Kern counties; California Department of Parks and Recreation; USFS; BLM; USFWS; California Department of Fish and Game).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline involves clearing a 100 foot ROW with heavy earth-moving equipment. Above-ground obstacles such as trees, brush and boulders are removed, and any stumps or roots in the ditch line are taken out. After clearing, the ROW is graded and leveled as necessary for vehicle and equipment operation. These construction activities would generally remove or kill all vegetation in the 100 foot ROW corridor. Furthermore, adjacent vegetation may be disturbed by cut-and-fill excavations, disposal of refuse vegetation and rocky soil, and vehicle movement off the ROW.

Where the pipeline route crosses through sensitive and ecologically valuable communities such as riparian vegetation, or oak woodlands, or removes individuals of sensitive plant species, such as Live oaks, Hoffman's nightshade, Refugio manzanita and Catalina mariposa, ROW construction would cause a significant impact.

Because of the linear nature of the pipeline, several government agencies have land use responsibility and jurisdiction over the project and, thus, can require mitigation measures as part of a ROW or construction permit or grant. In

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REPRODUCTION	285

California, Santa Barbara, San Luis Obispo, and Kern counties have jurisdiction over private lands along the pipeline route; California Department of Parks and Recreation administers Gaviota State Park; and the USFS has jurisdiction over the route through the Los Padres NF. The USFWS may require certain stipulations to protect certain plant communities on all Federal lands and California Department of Fish and Game has permit authority overall stream crossings. Additionally, the USFWS administers certain protections for Federal threatened and endangered species, and the California Department of Fish and Game is empowered to enforce certain protections for state-listed or otherwise state-protected species.

Several mitigation measures are suggested in the EIR which the appropriate agency can require to reduce the impact of ROW instruction on sensitive plant communities or species.

Construction should avoid, to the maximum extent possible, disturbance to sensitive and valuable plant communities, including riparian areas, oak woodlands, Coulter pine, and live oaks. Locations to be avoided should be determined by the applicable land management or regulatory agency. The construction ROW should be reduced to 50-foot wide in sensitive communities, and no staging areas should be located in these areas. Trees over 6 inches in diameter should not be removed or damaged without prior authorization by the appropriate management agency. This would reduce the impacts on sensitive plant communities by 50 percent or more.

Site restoration and revegetation plans should be required by the local land use authority prior to construction for all affected sensitive plant communities. The plans should be prepared and carried out in consultation with local California Fish and Game and USFWS personnel. Rehabilitation activities should restore the sites to their natural condition as much as feasible. The dominant native plant species should be re-established to original densities by natural succession if possible, or by seed, seedlings, or cuttings. Planting non-native species should be avoided.

Revegetation of trees and many shrubs by artificial means or natural succession is not likely to be successful in grazed lands. In plant communities dominated by large, older trees, such as oak woodlands, restoration is not possible by any means for 70 years or more. Due to these factors there would be unavoidable significant adverse impacts due to construction in riparian and oak woodlands.

The pipeline ROW should be required to use existing ROW's or roads, such as the La Brea Canyon Road to the extent possible. Vehicle operation off the ROW by construction workers should be prohibited except where specified by land

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manager. These measures would reduce impacts to sensitive plant communities and species by minimizing total area disturbed.

Using the Santa Maria Alternative would avoid the significant impacts on riparian woodlands in La Brea Canyon, but would increase the amount of oak woodland removed. Loss of oak woodlands would remain as an unavoidable significant impact.

For California State-listed plant species, site-specific field inventories should be required prior to construction. This measure should be consistent with the intent and general provisions of Assembly Bill No. 3309, the California Endangered Species Act which will become effective January 1, 1985. A qualified biologist should survey the Applicants ROW in areas suspected of having threatened and endangered state-listed species. Potential areas where these species may occur were identified in Appendix B of the DEIR/EIS. The California Fish and Game Department should be consulted concerning appropriate methods for survey, as well as appropriate mitigation measures if these species are found on the ROW.

Other sensitive species may also occur on the ROW. These should also be protected by conducting a botanical survey of the ROW, and then modifying the project, if possible, to minimize impacts on any sensitive species present.

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TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss of sensitive wildlife habitat and loss or disturbance of sensitive wildlife species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara, San Luis Obispo and Kern counties, USFS; BLM; USFWS; California Department of Parks and Recreation; California Department of Fish and Game).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline consists of a series of operations, including preparing the ROW, building and lagging the pipe and cleaning up and restoring the site. The construction activities will require many machines, vehicles, and personnel and will be accompanied by noise, dust, and general human disturbance. Occasional blasting may be necessary as well.

Preparing the ROW involves clearing a 100 foot corridor with heavy earth-moving equipment followed by grading and leveling. These activities would generally remove all wildlife habitat, destroy dens and burrows, and kill most small mammals, amphibians, and reptiles with limited mobility, in the ROW corridor.

Construction in general would cause displacement of large mammals, birds, and some reptiles from the area for the duration of the construction. This would be significant if there are impacts to sensitive species such as disruption of raptor nesting or California condor foraging. Additionally, the ROW and pipe ditch may temporarily be a barrier to normal movement patterns and may separate animals from habitat

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requirements such as watering holes. Increased use of vehicles and human access into previously remote areas could increase the risk of wildlife harassment and illegal shooting a significant impact if sensitive species are disturbed or killed.

Loss of wildlife habitat due to ROW construction would be significant in sensitive and valuable habitat types such as riparian systems, and in habitats supporting rare, threatened, endangered or other sensitive species, such as the Blunt-nosed leopard lizard or the San Joaquin kit fox (both federally-listed endangered species). Loss of individual animals of sensitive species is also considered a significant impact. (See Appendix B of DEIR/EIS for list of special concern species on route.)

Because of the linear nature of the pipeline, several different agencies have land use responsibility and jurisdiction over the project, and thus can require mitigation measures as part of a ROW or construction permit or grant. Santa Barbara, San Luis Obispo, and Kern counties have jurisdiction over private lands along the pipeline route; the California Department of Parks and Recreation administers Gaviota state park; and the USFS has jurisdiction over the route through the Los Padres National Forest. The USFWS may require certain stipulations to protect wildlife resources, on Federal lands and the California Department of Fish and Game has permit authority over all stream crossings in California. Additionally, the USFWS administers certain protections for Federal threatened and endangered species, and the California Department of Fish and Game is empowered to enforce certain protections for State-listed or otherwise State-protected species.

The EIR/EIS describes many feasible mitigation measures, including alternative routes, which would serve to avoid or substantially lessen the significant environmental impacts of project construction on wildlife resources. The following discussion presents measures of general applicability first, followed by those specific to a particular sensitive species or location. The Santa Maria Canyon alternative is discussed as a mitigation for wildlife impacts.

GENERAL MITIGATION MEASURES

Construction should avoid, to the maximum extent possible, disturbance to all sensitive wildlife habitats, such as riparian communities, oak woodlands, and habitats for particular sensitive animal species. Locations to be avoided would be determined by the applicable land manager or regulatory agency in consultation with the appropriate wildlife management authority. When routing around such habitats is not feasible, the construction ROW should be reduced to 50-foot wide in sensitive habitats, and staging areas should not be

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located in these areas. Large trees (over 6 inches in diameter for oaks and riparian species) should not be removed or damaged without prior authorization by the appropriate management agency. This would reduce the impacts on sensitive habitats by 50 percent or more.

Site restoration and revegetation plans should be required by the local land use authority prior to construction for sensitive habitat areas. The plans should be prepared and carried out in consultation with local California Fish and Game and USFWS personnel. Rehabilitation activities should restore the sites to their natural condition as much as feasible, by using methods such as:

- . Re-establishing the native dominant plant species to original densities, by seed, seedlings or cuttings.
- . Where planting non-native species is necessary, using only those naturalized to the area and which are beneficial for wildlife and/or erosion control.
- . Using natural materials and minimal construction when possible for bank protection and slope restoration.

Revegetation by artificial means or natural succession is not likely to be successful in grazed lands. In habitats dominated by large, older trees, restoration is not possible by any means for 70 years or more. Due to these factors, there would be significant unavoidable adverse impacts from pipeline construction on oak woodlands and riparian areas.

Vehicle operation off the ROW by construction workers should be prohibited except where specified by the landowner or land management agency. Limiting vehicle use off the ROW will minimize the risk of impacting wildlife habitat or sensitive animal species.

The pipeline ROW should be required to use or follow existing ROWs or roads, such as the La Brea Canyon Road or Highway 166, to the extent possible. This would help minimize the amount of wildlife habitat lost and the number of individual animals disturbed or killed.

During construction, the open pipeline trench should be limited to 0.5 mile in areas where the pipeline could limit wildlife access to water, such as in La Brea Canyon. Skip sections or temporary bridges across the pipeline trench should also be used if more than 0.5 mile of trench must remain open for an extended period. Backfilling of the trench, especially at skip sections, should be a gentle grade to allow escape of animals from the trench. This will minimize impacts caused by water stress and disruption of movement patterns. Not all animals are accustomed to crossing skip sections; however, it

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will provide an opportunity for wildlife (like deer and coyotes) accustomed to human presence to cross the pipeline trench.

Development of additional water sources should also be considered as a partial compensation for loss or disturbance of sensitive wildlife habitat.

For California state-listed animal species, site-specific field inventories should be required prior to construction. This measure should be consistent with the intent and general provisions of Assembly Bill No. 3309, the California Endangered Species Act which will become effective January 1, 1985. A qualified biologist should survey the ROWs in areas suspected of having threatened and endangered state-listed species. Potential areas where these species may occur were identified in Appendix B of the DEIR/EIS. The California Fish and Game Department should be consulted concerning appropriate methods for survey as well as appropriate mitigation measures if these species are found on the ROW. This measure would eliminate most significant impacts to state-listed species. Loss of individuals or their habitat which occurs as a result of construction would be an unavoidable significant adverse impact.

Federal, state, and county laws and regulations pertaining to sensitive vegetation and wildlife (e.g., T & E species, game species) should be posted in conspicuous places at the job site and included in pipeline contractor's contract. The Applicants should provide basic educational materials concerning wildlife laws and regulations as well as the required mitigation measures designed to minimize impacts. Posted laws and regulations and educating field crews on the intent of mitigation measures would at least eliminate the violator's excuse for ignorance of the law or ROW grant provisions.

SPECIFIC MITIGATION MEASURES

Blunt-nosed Leopard Lizard

In order to minimize the effects of construction of the proposed pipeline on the Blunt-nosed leopard lizard and its habitat, the following measures should be required and enforced by the USFWS, in conjunction with CDFG:

Blunt-nosed leopard lizard habitat in the Cyama and San Joaquin Valleys should be evaluated prior to construction. Where suitable habitat occurs, attempts to relocate the pipeline (primarily to agricultural lands) should be considered. In habitat that must be affected, the construction disturbance on the ROW should be limited to 50 feet or less. The ROW will be revegetated with native species to encourage reestablishment of habitat and to discourage weed invasion. In

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addition, for the route from milepost 100 to 103, no ORV use should be allowed off the ROW during construction. This will minimize road kills and destruction of habitat; and dumping of trash or waste oils should not occur in sandy washes or in other suitable lizard habitats.

Avoiding leopard lizard habitat would be the most effective measure of ensuring that these animals are not affected. Where construction must occur in their habitat, some lizards will still be impacted by vehicles and trenching equipment; however, the population may be able to survive the loss of a few individuals if the habitat is restored and land use practices on the ROW do not change

Minimizing the construction ROW width will minimize loss of blunt-nosed leopard lizard habitat by 50 percent. Loss of some habitat and some individuals of the blunt-nosed leopard lizard would remain as a unavoidable significant adverse impact.

San Joaquin Kit Fox

In order to minimize the effects of construction of the proposed pipeline on the San Joaquin kit fox and its habitat, the following measures should be required and enforced by the USFWS in conjunction with CDFG:

All potential San Joaquin kit fox habitat on the proposed route should be evaluated prior to construction. Where suitable habitat occurs, attempts to relocate the pipeline (primarily to agricultural lands) will be considered. In habitat that must be affected, the construction disturbance on the ROW will be limited to 50 feet or less. If kit fox dens are found in the ROW, the pipeline ROW should be altered 100 feet to miss dens. The ROW should be revegetated with native species to encourage reestablishment of habitat. In addition, for the route from milepost 94 to 103, no ORV use should be allowed off the ROW during construction, and where the ROW crosses existing roads, locked gates should be erected to discourage ORV use after construction.

These measures should eliminate the adverse impacts of kit fox individuals and substantially reduce the impacts on habitat. Loss of some kit fox habitat would remain as an unavoidable significant impact.

California Condor

In order to minimize the effects of construction of the proposed pipeline on the California Condor and its habitat, the following measures should be required and enforced by the USFWS in conjunction with CDFG:

The ROW will be routed to avoid crossing the Hudson Ranch to the degree possible in order to minimize future conflicts

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with any special management plans. The Getty pipeline route should follow the Celeron/All American route near Hudson Ranch. The Celeron route follows Highway 166 more closely and will likely cause less disturbance to foraging Condors during construction. The ROW will parallel Highway 166 and other existing roads to the degree possible in order to minimize disturbance in Condor foraging areas. Blasting in the Cummings Mountain area should use small charges and debris blankets to muffle and minimize noise levels. No guns should be allowed on the construction spread in Condor essential habitat. This measure can be added to pipeline contractor contracts by the Applicant. The applicant will review site specific revegetation plans for the Hudson Ranch area with FWS. If construction of either pipeline is delayed, the applicants will consult with USFWS concerning timing of construction to avoid potential conflicts with the Condor captive-release program. These measures would eliminate or substantially reduce any adverse impacts due to construction on the California Condor.

Raptors

A competent wildlife biologist should survey all potential raptor nesting habitat within 0.5 mile of the pipeline prior to construction. Active and inactive nests should be identified. No construction should occur within 0.5 mile of active eyries during the nesting season (generally between March 15 to July 15, site-specific timing constraints may vary based on biologist recommendations). Construction could be permitted near inactive nests; however, no nest sites should be disturbed. Potential perch sites cleaned by ridge-top construction should also be identified by the Applicants. Where deemed necessary by local California Fish and Game biologists, raptor perch or roost trees will be avoided and/or artificial roosts should be constructed on ridgelines to mitigate losses of such trees resulting from clearing the ROW on ridgetops. This measure would prevent nest abandonment resulting from pipeline construction and minimize loss of perch sites. It would also help provide flexibility for construction scheduling.

ROUTE ALTERNATIVES

Santa Maria Canyon

The Santa Maria Canyon alternative would avoid impacts on riparian habitat in the La Brea Canyon and reduce chance of disturbing California Condors flying over the Sierra Madre Ridge. Santa Maria Canyon "A" could possible cause impacts to sensitive raptors, prairie falcons and golden eagles. Santa Maria Canyon "B" would not have this impact on raptors. (See also following section on this alternative).

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TERRESTRIAL BIOLOGY: Operation

IMPACT: Loss of sensitive wildlife habitat or individuals of sensitive plant and animal species due to pipeline operation.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (California counties; USFS; BLM; USFWS; California Department of Fish and Game; California State Lands Commission).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Oil spills could kill vegetation and result in erosion and loss of wildlife habitat. Spills over 50 acres would be unlikely; the worst-case spill on the Celeron/All American route would release about 15,000 barrels and cover about 16 acres.

Terrestrial plant communities could be directly and indirectly affected by oil spills. Oil in the soil can reduce the availability of water to plants and cause plant mortality due to direct oil contact. Direct contact of oil with the plants can cause loss of foliage, reduced photosynthesis, reduced nutrient levels reduced flower and seed production, and toxic effects on cells. Indirect impacts can result from clean-up efforts such as burning, clearing of oiled vegetation, or removal of topsoil. Plant regeneration is best on well drained soils. Impacts to trees and shrubs can be less severe if root systems are oil-free and well aerated. Impacts of oil when deciduous plants are in leaf are generally more severe than when they are dormant.

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Direct impacts to terrestrial wildlife would generally be minimal because of the small size of the affected area and the mobility of these species. Indirect impacts to habitat could be more serious, although not usually significant on a regional basis. The timing (season), species of wildlife involved, and volume of the spill would determine the magnitude of the impacts to terrestrial resources; spills in waterways are generally more severe than spills on land. Impacts from a spill could be significant the oil contaminated a rare plant or animal species or its habitat. Spills would be more serious in wooded areas, on steep slopes, or in wetlands because cleanup would be difficult, regeneration time would be longer than for other areas, and high value wildlife habitat could be affected.

Operation of the pipeline, primarily because of increased ORV access, would increase the risk of wildlife harassment, illegal hunting, and removal of commercial plant species (cactus) in remote areas. Loss of individuals of sensitive wildlife species, including San Joaquin kit fox and blunt-nosed leopard lizard, or loss of commercial cactus would be a significant impact.

Pipeline operation requires regular maintenance inspections. Travel off the ROW by pipeline personnel in sensitive wildlife habitat or plant communities could result in damage to these areas or loss of individuals of sensitive plant or animal species, which would be considered a significant impact. In addition to ground inspection, there will be an aerial reconnaissance of the entire ROW every two weeks. California condors could be affected by the disturbance from these aircraft flights after construction.

A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example, the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas. The use of such valves could isolate a section of pipeline in the event of a rupture and substantially reduce the amount of release of oil into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup. The plan should require notification of the appropriate wildlife authorities in all sensitive habitats.

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Other mitigations for impacts due to operation of the pipeline can be required by the appropriate land use authority, including the California counties of Santa Barbara, San Luis Obispo, Kern, San Bernardino and Riverside, the USFS for the Los Padres National Forest. The USFWS may require certain stipulations to protect wildlife on all federal lands and the California Department of Fish and Game has permit authority over all stream crossings in California. Additionally, the USFWS administers certain protections for federal threatened and endangered species, and local state fish and game departments are empowered to enforce certain protections for state-listed or otherwise state-protected species.

Where the ROW crosses existing roads in sensitive habitats, locked gates should be erected to discourage ORV use after construction. Pipeline personnel driving the ROW for inspection should not be allowed off the ROW except where specified by the land management authority. Limiting vehicle use off the ROW will minimize the risk of losing sensitive wildlife habitat, plant communities, or individuals of sensitive plant or animal species.

Where the pipeline route crosses through California Condor habitat, aerial flight reconnaissances should approach on line with the ROW and remain on the ROW over Condor essential habitat. The pilot responsible for the aerial reconnaissance of the ROW should consult with the National Audubon Society's Condor research pilot concerning avoidance measures and flying techniques to avoid Condor collisions. These measures will reduce the impacts on the Condor due to pipeline operation.

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SANTA MARIA CANYON ALTERNATIVE

GEOLOGY: Operation

IMPACT: Potential hazards and risks to pipeline due to the possible surface rupture in vicinity of the Rinconada and South Cuyama faults.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County, United States Forest Service (USFS)).

FACTS SUPPORTING FINDING:

Although it is difficult to quantify the probability of surface fault rupture, it is generally accepted that the more recently a fault has moved, the more likely it is to move again in any given period of time in the future. The State of California Division of Mines and Geology (CDMG) has identified certain faults which are judged sufficiently capable of surface rupture in the short term (tens of years) that they deserve special study and design before human-occupancy structures can be built in their vicinity (CDMG). Among other criteria, evidence of Holocene offset is sufficient to cause a fault to be zoned.

The only potentially significant geologic hazard, which may affect the Santa Maria Canyon Alternative route, involves slope stability and seismicity and faulting. This route traverses areas characterized by existing slope failures or susceptible to new failures. The route crosses the Rinconada and South Cuyama faults of Quarternary age. On the basis of present information, the probability of surface rupture on these faults during the project life is judged very low.

Because of the linear nature of the pipeline, many government agencies have land use responsibility and jurisdiction over the project and, thus, can require mitigation measures as part of a ROW or construction permit or grant. Santa Barbara county has jurisdiction over private lands along the pipeline route; and the USFS has jurisdiction over the route through the Los Padres NF.

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Several mitigation measures follow which the appropriate agency can require to reduce the impact of ROW construction.

The following mitigations should be implemented.

Appropriately detailed geologic seismologic and geotechnical studies should be conducted to identify and characterize geologic hazards and to provide information for design of earthwork and foundations along the pipeline route and at pump and heater stations (and farms, and delivery stations. (See Mitigation 1) Special geologic/seismologic studies should be conducted to characterize potential surface offset at the south branch Santa Ynez, San Andreas, and Garlock faults and appropriate crossings will be designed. (Mitigation 3) Geologic hazards identified and characterized, as a result of the above, should be dealt with by specific mitigation which may involve avoidance by rerouting, remedial earthwork, or special structural or foundation design. (See Mitigation 1-A)

Appropriate ground motion parameters should be developed for use in seismic design of vertical structures and equipment, including pumps, valves, piping, communications systems, and instrumentation. (See Mitigation 2)

Implementation of above-listed mitigation measures (1, 1A, 2, and 3) should minimize potential for serious damage leading to oil spills by defining site-specific seismic and fault hazards in areas of high risk and by implementing appropriate offset or design techniques.

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SANTA MARIA CANYON ALTERNATIVE

GEOLOGY: Operation

IMPACT: Potential hazards and risks due to slope failures in existing slide areas.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Santa Barbara County; USFS)

FACTS SUPPORTING FINDING:

Slope instability could result in rupture of the pipelines, a potential significant impact. Landslides of various types and sizes exist on or near the routes. Continued movement of active slide or reactivation of dormant slides due to intense rainfall, seismic shaking, construction grading, or other natural or manmade causes could result in failures leading to oil spills.

In addition to reactivating existing slides, new natural landsliding may occur in similar geologic units on slopes subjected to destabilizing conditions. This would include enlargement of existing slides, as well as separate new slides. The main factors which could lead to new natural instability would be undercutting slopes by erosion, excessive rainfall, and seismic shaking, acting either separately or together. The risk of these types of failures is judged moderate for enlargement of existing slides, and moderate to low for completely new natural slides along the applicant's proposed routes.

Santa Barbara County has jurisdiction over private lands along the pipeline route; and the USFS has jurisdiction over the route through the LPNF.

Several mitigation measures follow which the appropriate agency can require to reduce the impact of ROW construction.

Appropriately detailed geologic seismologic and geotechnical studies should be conducted to identify and characterize geologic hazards and to provide information for

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design of earthwork and foundations along the pipeline route and at pump and heater stations, (tank farms, and delivery stations. (See Mitigation 1) Special geologic/seismologic studies should be conducted to characterize potential surface offset at the south branch Santa Ynez, San Andreas, and Garlock faults and appropriate crossings should be designed. (See Mitigation 3)

Geologic hazards identified and characterized, as a result of the above, should be dealt with by specific mitigation which may involve avoidance by rerouting, remedial earthwork, or special structural or foundation design. (See Mitigation 1-A) Appropriate ground motion parameters should be developed for use in seismic design of vertical structures and equipment, including pumps, valves, piping, communications systems, and instrumentation. (See Mitigation 2)

Implementation of above-listed mitigation measures (1, 1A, 2, and 3) should minimize potential for serious damage leading to oil spills by defining site-specific seismic and fault hazards in areas of high risk and by implementing appropriate offset or design techniques.

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SANTA MARIA CANYON ALTERNATIVE

SOILS: Operation

IMPACT: Major oil spill or leaks would contaminate soil affecting erosion rates, water uptake, and productivity. Small areas of agricultural lands, located primarily in the Sisquoc Valley, would be the most sensitive soils.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Significant adverse impacts to soils would result from oil pipeline leaks and ruptures. Contamination of soils would result in increased microbial activity and decreased water uptake and infiltration rates. Soil productivity would be reduced within a spill area and result in a temporary decrease in vegetation production levels. The size and duration of soil impacts due to oil spills would be dictated by the extent of the spill, infiltration depth of the oil, soil characteristics, local topography and type of vegetative cover.

Agricultural areas would be the most sensitive to oil spill impacts. The impacts would be soil contamination and subsequent loss of production. Depending on the depth of oil penetration and climatic conditions, reclamation of oil-damaged soils can take from one to many years following contamination. Since reclamation practices can be feasibly implemented in agricultural areas, reclamation of agricultural lands would most likely occur more quickly in native plant communities.

A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example,

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the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas. The use of such valves could isolate a section of pipeline in the event of a rupture and substantially reduce the amount of release of oil into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup.

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SANTA MARIA CANYON ALTERNATIVES

SURFACE WATER: Operation

IMPACT: Channel degradation could result in exposure of the pipeline and increase the possibility of an oil spill.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County; USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The pipeline could be affected by scour and natural channel geometry changes over its operational life. During large flow events, the moving water could move large quantities of bed material (scour) or uncover the pipeline. This is undesirable, not only because the possibility exists that a pipeline break may occur (only on the largest streams), but also because the pipe may act as a dam, catching trash and flooding surrounding areas. The following is a summary of expected impact to the major streams crossed by the pipeline along this alternative in California.

If the pipeline were buried 4 feet below the 100-year scour depth it is unlikely that any single runoff event would disturb the pipeline. Degradation of the channel is evident in the reach where the pipeline would be buried and it is possible that the pipeline could be disturbed during its operational life. The disturbance of the line would increase the likelihood of a rupture or change in channel conveyance, both significant impacts.

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Sisquoc River - Gravel mining in the Sisquoc River Channel downstream of the proposed pipeline crossing has resulted in continuous channel degradation. This degradation would increase the difficulty of burying the pipeline deep enough so that it would not be disturbed during its operational lifetime.

Cuyama River - Impacts would be similar to those described for the Sisquoc River, with the exception that the channel is aggrading instead of degrading.

The burial depth of four feet below the scour of the 100-yearly, 24-hour storm runoff event is required by DOI regulations. This requirement minimizes the chances of possible pipeline breaks during large runoff events. Maintaining deep enough pipeline burial is important to minimizing the risk of an oil spill.

Mitigation 5 requires that pipeline operators check the pipeline burial depth yearly at major crossings identified in the EIR/EIS. At crossings where channel degradation has reduced the depth of fill to less than the 100-year scour depth, reburial of the pipeline to the proper depth should be required. Santa Barbara County has jurisdiction over private lands along the pipeline route; the USFS has jurisdiction over the route through the LPNF. These agencies could require suggested mitigations.

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SANTA MARIA CANYON ALTERNATIVE

SURFACE WATER: Operation

IMPACT: Major oil spills or leaks would degrade water quality below federal and State standards in Tepesquet Creek.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (USFS, Santa Barbara County).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The most significant impact on surface water would result from crude oil spilled into a watercourse from a pipeline leak or rupture. A spill resulting from a small leak may involve as much as 500 barrels of oil before being detected. The amount of oil involved in a large spill would be the volume in the pipeline between the break and the nearest block and check valves on either side. The amount of oil which would flow through the line until the safety equipment shut the pipeline down must also be included. Oil spill volume estimates for sensitive streams range from 1,750 to 4,800 barrels. Small streams would be temporarily overwhelmed by this quantity of oil and larger streams would carry the oil many miles downstreams.

Water quality would be degraded by more volatile fractions of the oil going into solution. Depending on the flow regime at the time of the spill, oil could be incorporated into the sediment or the stream bottom so that some oil would be released after the spill was originally cleaned up. Duration of the water quality impacts would probably be only a few weeks after the oil was cleaned up, particularly on larger streams with a large enough flow to dilute oil remaining after cleanup. Water polluted with crude oil would be unsuitable for domestic or irrigation use.

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A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example, the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas. The use of such valves could isolate a section of pipeline in the event of a rupture and substantially reduce the amount of release of oil into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup.

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SANTA MARIA CANYON ALTERNATIVE

GROUND WATER: Operation

IMPACT: Potential degradation of groundwater quality resulting from an oil spill in a sensitive groundwater basin.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County; USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Significant groundwater impacts could occur primarily during operation of the pipeline. Impacts would include groundwater contamination by introduction of crude oil which would occur only in the event of pipeline leaks, ruptures, or spills. Although the probability of these events is low their occurrence may be significant in terms of groundwater impacts. The greatest potential for groundwater problems is associated with small undetected leaks in the pipeline. This is due to the larger probability of occurrence, relatively small amount of oil needed to contaminate a water supply, the long lasting effects of such a leak, and the difficulty of aquifer decontamination. Major spills, ruptures, and detectable leaks could probably be cleaned up before significant groundwater contamination results and have lower probabilities of occurrence than smaller leaks. The following mitigations could be required by Santa Barbara County on private lands and USFS over the route through the LPNF.

Detailed hydrogeologic investigations should be conducted for each sensitive area along the pipeline alignment as shown in Table 3-14 of the EIR/EIS. These investigations should include definition of groundwater depth, recharge sources, properties of overlying soils, hydraulic gradient, background water quality and existing water uses. Existing wells should

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be inventoried in an area extending hydrogeologically down gradient from the pipeline for two miles or in accordance with the formula as noted in Mitigation 6 of the EIR/EIS. This information should be used to formulate an Oil Spill Contingency Plan that should include plans for monitoring and early detection of groundwater users and appropriate governmental agencies, site-specific cleanup and response, and identification of emergency alternate water supplies.

In addition, low permeability backfill should be used in the bottom and sides of 20-foot sections of pipeline trench where the ROW approaches sensitive aquifers that are at risk from oil spills and leaks, as identified by Mitigation Measure 6 (See Mitigation 7).

The application of mitigation measures and standard operating procedures is assumed to reduce the probability of significant impact to a sensitive groundwater basin by 50 percent, however, if a spill occurs which contaminate the groundwater, this would be an unavoidable significant impact.

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SANTA MARIA CANYON ALTERNATIVE

CULTURAL RESOURCES: Construction

IMPACT: Potential disturbance to at least six cultural resources sites; eligibility for the National Register of Historic Places is unknown.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County; USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The criteria for evaluating cultural resources on Federal lands and lands impacted by federally-funded or licensed projects are the eligibility criteria of the National Register of Historic Places. The criteria apply to resources (historic and prehistoric sites) significant at the national, regional, state, and local levels. Adverse effects on resources that produce direct or indirect impacts are considered for sites listed on the National Register of Historic Places or which meet the criteria of eligibility.

For purposes of the California Environmental Quality Act (CEQA), the criteria for evaluating cultural resources on state and private lands in California are significance criteria listed in Appendix K of the CEQA Guidelines. Effects which cause damage to cultural resources are considered for sites which meet these criteria.

Federal agencies cannot authorize federally licensed projects without prior compliance with Section 106 of the National Historic Preservation Act. This involves consultation with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation to determine the existence and significance of cultural resources sites and the development of procedures to mitigate adverse effects.

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Cultural resources impacted by this Alternative route include archaeological and historical sites that are located in areas which would be directly or indirectly affected by project construction and facilities operation. Sites located within the pipeline ROW would be exposed to potential direct and indirect impacts while sites located outside the ROW would be exposed to potential indirect impacts only.

Direct impacts would result from actual surface disturbance of a site's spatial configurations or stratigraphy during a facility's construction or use. In this case, construction and maintenance activities would disturb or destroy cultural resources, including clearing and grading, ditching, hauling and stringing, pipe placement, and backfilling. Disturbances by project-related vehicular activity would also occur within the project ROW and along access roads.

Indirect impacts refer to the increased potential for site disturbances due to a general intensification of land use activities in the area surrounding cultural sites. The construction of improvement roads for project implementation purposes would make previously recorded sites in the surrounding project area more accessible. Many cultural resources have undergone varying amounts of previous disturbance due to non-professional excavation and the search for collectable items.

No ethnographic sites along the pipeline ROWs have been identified to date by any Native American groups; however, impacts to unknown sites could still occur, and potential impacts will be evaluated as sites are identified. Potentially significant historic and archaeological sites which have been identified for each segment of the pipeline routes are described in the following paragraphs.

Six sites of known cultural resources are located within the pipeline ROW. Santa Barbara County has jurisdiction over private lands and the USFS has jurisdiction over the route through the LPNF and could require the following mitigation.

Prior to construction, an intensive (100%) cultural resource survey should be conducted on all affected Federal land surfaces that have not previously been surveyed. Survey on non-Federal lands should be conducted as specified by the authorized officer after consultation with the State Historic Preservation Officer (SHPO) in all states. During the survey, information should be gathered on all newly discovered and previously recorded archaeological sites to determine their potential eligibility to the National Register of Historic Places. Limited testing of some sites may be necessary in order to determine their eligibility. Sites located on non-Federal lands in California should be evaluated, using criteria defined in CEQA Appendix K. Following the survey, an

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inventory report should be prepared and submitted to the authorized officer for review and comment. The report should contain the results of the inventory, and all sites should be evaluated for potential eligibility to the National Register. Justifications will be given for the rationale. The report should include a proposed mitigation plan for all sites that are considered to be potentially eligible for inclusion on the National Register. The mitigation plan may include avoidance of sites, data collection, site-specific control of access and construction, monitoring recommendations, and salvage excavation. (See Mitigation 30)

Based on the above mitigation plan, the authorized officer should submit a treatment plan to the SHPO in California and to the Advisory Council on Historic Preservation. Following the consultation period, the treatment plan should be implemented. All field work should be completed before construction can begin in a given area. Monitoring should be implemented during construction where required by the treatment plan.

Any sites located during construction or as the result of monitoring should be evaluated and a treatment plan should be developed as needed.

Contact should be maintained with appropriate Native American groups to determine the nature and extent of concerns regarding specific cultural resources. Native Americans should participate in data recovery consistent with Federal agency requirements and where appropriate, with tribal policies.

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SANTA MARIA CANYON ALTERNATIVE

VISUAL RESOURCES: Construction and operation

IMPACT: Significant visual changes along the pipeline ROW in LPNF.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (USFS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

The pipeline ROW would generally not be visually evident to people from nearby highways, roadside rest areas, parks, or recreation areas. Examination of various existing underground pipelines, which the Alternative route would parallel, indicated that it would not be visually evident from nearby travel routes or use areas.

The pipelines would cross the LPNF in existing fire breaks, and there would not be significant changes from existing to future visual conditions. However, both existing and future visual conditions would not generally meet Forest Service visual quality objectives for the affected areas on the LPNF.

In this alternative, the pipeline would be located on the ridge west of Tepesquet Canyon and would not be visible from Tepesquet Canyon Road. Where the pipeline crosses grassland and oak woodland, it would generally not be visible following construction and restoration. However, where chaparral is removed for pipeline construction, a scar would be visible until shrubs reinvade the ROW.

The following mitigations should be implemented by the USFS, who has jurisdiction over the route in this location.

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In the pipeline segments on the LRFN, the applicants should utilize a 50-foot wide construction corridor, protect existing large diameter trees, feather the edges of the cleared ROW, and reseed cleared areas as determined by the authorized officer. (See Mitigation 32)

The smaller construction corridor would provide selective protection for large trees in forested areas. Feathering the edges of the clearing would soften and partially disguise the visual impact resulting from cutting a path through the trees and brush. The effectiveness of this measure would depend on the pre-project visual condition of the specific site: areas previously characterized as "untouched landscape" (EVC I) or "unnoticed alterations" (EVC II) would be deteriorated to the category of "minor visual disturbance" (FVC III). Areas of existing visual disturbance ranging from minor to drastic can all be restored to "major visual disturbance" (FVC U) by scalloping edges of vegetative clearings. There will be unavoidable significant impacts remaining due to ROW construction.

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SANTA MARIA CANYON ALTERNATIVE

NOISE: Construction

IMPACT: Construction noise would exceed 60 dBA at residences along the pipeline ROW.

FINDING: a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Noise effects from construction of the pipeline would be a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise generating activities. Construction activities would occur throughout the length of the pipeline corridor.

Along the alternative, a few residences near Tepesquet Creek and the Cuyama River would be subjected to elevated noise levels during pipeline construction.

Because of the short duration of construction impacts in any one area (two weeks or less), limiting construction to daytime hours (as described in the Project Description), and the low probability of accomplishing effective mitigation of high noise levels associated with construction activities, mitigation beyond the standard requirements for use of equipment mufflers and similar OSHA requirements is not considered to be warranted.

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SANTA MARIA CANYON

TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss or disturbance of sensitive wildlife species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara and Riverside counties; BLM; USFWS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline consists of a series of operations, including preparing the ROW, building and laying the pipe and cleaning up and restoring the site. The construction activities will require many machines, vehicles, and personnel and will be accompanied by noise, dust, and general human disturbance. Occasional blasting may be necessary as well.

Construction in general would cause displacement of large mammals, birds, and some reptiles from the area for the duration of the construction. This would be significant if there are impacts to sensitive species such as disruption of nesting by prairie falcons and golden eagles.

Santa Barbara County has jurisdiction over private lands along the pipeline route and the USFS has jurisdiction over the route through the Los Padres National Forest. Additionally, the USFWS may require certain stipulation on all Federal lands to protect wildlife resources, and the California Department of Fish and Game has enforcement authority for certain protections on sensitive species.

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The EIR/EIS describes the following feasible mitigation measures, including alternative routes, which would serve to avoid or substantially lessen the significant environmental impacts of project construction on wildlife resources.

A competent wildlife biologist should survey all potential raptor nesting habitat within 0.5 mile of the pipeline prior to construction. Active and inactive nests should be identified. No construction should occur within 0.5 mile of active eyries during the nesting season (generally between March 15 to July 15, site-specific timing constraints may vary based on biologist recommendations). Construction could be permitted near inactive nests; however, no nest sites should be disturbed. Potential perch sites cleaned by ridge-top construction should also be identified by the Applicants. Where deemed necessary by local California Fish and Game biologists, raptor perch or roost trees should be avoided and/or artificial roosts should be constructed on ridgelines to mitigate losses of such trees resulting from clearing the ROW on ridgetops. This measure would prevent nest abandonment resulting from pipeline construction and minimize loss of perch sites. It would also help provide flexibility for construction scheduling. This measure would reduce the impacts on raptors to insignificance.

The Santa Maria Canyon "B" is more protective of sensitive raptors than Santa Maria Canyon "A".

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SANTA MARIA CANYON ALTERNATIVE

TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss or disturbance of sensitive plant communities or individuals of sensitive plant species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Santa Barbara County).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline involves clearing a 100 foot ROW with heavy earth-moving equipment. Above-ground obstacles such as trees, brush and boulders are removed, and any stumps or roots in the ditch line are taken out. After clearing, the ROW is graded and leveled as necessary for vehicle and equipment operation.

These construction activities would generally remove or kill all vegetation in the 100 foot ROW corridor. Furthermore, adjacent vegetation may be disturbed by cut-and-fill excavations disposal of refuse vegetation and rocky soil, and vehicle movement off the ROW. Where the pipeline route crosses through sensitive and ecologically valuable communities such as oak woodlands ROW construction would cause a significant impact.

Santa Barbara County has jurisdiction over private lands along the pipeline route

Several mitigation measures are suggested in the EIR which Santa Barbara County can require to reduce the impact of ROW construction on sensitive plant communities.

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Construction should avoid, to the maximum extent possible, disturbance to oak woodlands. Locations to be avoided will be determined by Santa Barbara County. The construction ROW will be reduced to 50-foot wide and no staging areas should be located in these areas. This would reduce the impacts on oak woodlands by 50 percent or more.

Site restoration and revegetation plans should be required by Santa Barbara County prior to construction for all oak woodlands. Rehabilitation activities should restore the sites to their natural condition as much as feasible. The dominant native plant species should be re-established to original densities by seed or seedlings. Planting non-native species should be avoided. Revegetation by artificial means or natural succession is not likely to be successful in grazed lands. In oak woodlands, dominated by large, older trees, restoration is not possible by any means for 70 years or more. Due to these factors there would be significant adverse impacts due to construction in oak woodlands.

The pipeline ROW should be required to use existing ROW's or roads to the extent possible. Vehicle operation off the ROW by construction workers should be prohibited except where specified by land manager. These measures, would reduce impacts to sensitive oak woodlands minimizing total area disturbed.

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CALENDAR PRICE	119.189
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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

GEOLOGY: Operation

IMPACT: Potential hazards and risks due to slope failures in existing or new slide areas.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (San Bernardino County; BLM; Riverside County).

FACTS SUPPORTING FINDING:

Slope instability could result in rupture of the pipeline a potential significant impact. Landslides of various types and sizes exist on or near the routes. Continued movement of active slides or reactivation of dormant slides due to intense rainfall, seismic shaking, construction grading, or other natural or manmade causes, could result in failures leading to oil spills.

In addition to reactivating existing slides, new natural landsliding may occur in similar geologic units on slopes subjected to destabilizing conditions. This would include enlargement of existing slides, as well as separate new slides. The main factors which could lead to new natural instability would be undercutting slopes by erosion, excessive rainfall, and seismic shaking, acting either separately or together. The risk of these types of failures is judged moderate for enlargement of existing slides, and moderate to low for completely new natural slides along the applicants' proposed routes.

Because of the linear nature of the pipeline, many government agencies have land use responsibility and jurisdiction over the project and, thus, can require mitigation measures as part of a ROW or construction permit or grant. In California, San Bernardino and Riverside counties have jurisdiction over private lands along the pipeline route; and BLM administers public (Federal) lands in the deserts.

Several mitigation measures follow which the appropriate agency can require to reduce the impact of ROW construction.

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Appropriately detailed geologic seismologic and geotechnical studies should be conducted to identify and characterize geologic hazards and to provide information for design of earthwork and foundations along the pipeline route and at pump and heater stations, tank farms, and delivery stations. (See Mitigation 1) Special geologic/seismologic studies should be conducted to characterize potential surface offset at the south branch Santa Ynez, San Andreas, and Garlock faults and appropriate crossings should be designed. (See Mitigation 3)

Geologic hazards identified and characterized, as a result of the above, should be dealt with by specific mitigation which may involve avoidance by rerouting, remedial earthwork, or special structural or foundation design. (See Mitigation 1-A)

Appropriate ground motion parameters should be developed for use in seismic design of vertical structures and equipment, including pumps, valves, piping, communications systems, and instrumentation. (See Mitigation 2)

Implementation of above-listed mitigation measures (1, 1A, 2, and 3) should minimize potential for serious damage leading to oil spills by defining site-specific seismic and fault hazards in areas of high risk and by implementing appropriate offset or design techniques.

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

SOILS: Operation

IMPACT: Major oil spills or leaks would contaminate soil affecting erosion rates, water intake, and productivity. No agricultural lands occur along this route.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (San Bernardino County; BLM; Riverside County).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

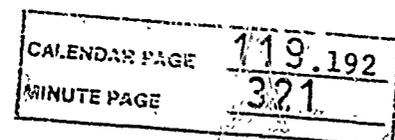
Significant adverse impacts to soils would result from oil pipeline leaks and ruptures. Contamination of soils would result in increased microbial activity and decreased water uptake and infiltration rates. Soil productivity would be reduced within a spill area and result in a temporary decrease in vegetation production levels. The size and duration of soil impacts due to oil spills would be dictated by the extent of the spill, infiltration depth of the oil, soil characteristics, local topography and type of vegetative cover.

Depending on the depth of oil penetration and climatic conditions, reclamation of oil-damaged soils can take from one to many years following contamination. Oil spill-related impacts to soils would be minimized to the extent possible.

In California, San Bernardino and Riverside counties have jurisdiction over private lands along the pipeline route; and BLM administers public (Federal) lands in the deserts.

A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example, the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas.

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The use of such valves could isolate a section of pipeline in the event of a rupture and substantially reduce the amount of release of oil into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup.

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

SOCIOECONOMICS: Construction

IMPACT: Adequate housing does not exist within a commuting distance of 170 miles round trip between Barstow and Blythe, California.

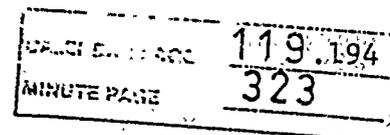
- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (San Bernardino County; BLM; Riverside County).

FACTS SUPPORTING FINDING:

Housing problems would occur along the Celeron/All American pipeline route. The EIRs identifies communities with accommodations within commuting distances of the pipeline route. It also shows the total number of overnight rooms and recreational vehicle sites in the area. If all accommodations within each spread are tallied, there would be more than adequate accommodations for the construction workers. If each spread is divided into segments that represent reasonable commuting distances, there are a number of areas where housing availability would be lower. The major area of impact would be between Barstow and Blythe, California.

Total mileage between Barstow and Blythe is approximately 240 miles. The only lodging between these two points is in Amboy, which has 34 units. Self-contained recreational vehicles would be able to stay close to the construction location, but total demand for both rental units and motels would total 169 units. Because of the lodging limitations, this stretch would require very long distance commutes. Needles, California is approximately 60 miles east of Cadiz, which located half way between Barstow and Blythe. Needles has adequate accommodations for the construction work force. There are approximately 650 motel units and 220 RV sites available in Needles. The Cadiz tank farm construction work force could temporarily locate in Needles and commute 120 miles daily to and from Cadiz. Blythe, California has limited overnight accommodations; there are currently a total of 488 rooms. If all non-local construction workers who prefer motel accommodations stayed in Blythe, 21 percent of the units would

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be occupied. Blythe is an important service center for Colorado River recreationists and experiences high occupancy rates during peak tourist season from April through September. Construction worker demand would conflict with tourist demand. Rental housing would also be impacted if all workers who prefer to rent units would locate in Blythe. The demand by construction workers for rental units would potentially occupy 31 percent of all vacant units.

The following mitigation will reduce competition for housing between tourists and construction workers, centralize impacts on housing in areas which have sufficient accommodations, and/or reduce commuting distances.

In California, San Bernardino and Riverside counties have jurisdiction over private lands along the pipeline route; and BLM administers public (Federal) lands in the deserts.

The proposed mitigation measures should be required by the appropriate agency to reduce the impact of ROW construction.

The pipeline construction period should be scheduled so as not to coincide with peak tourist seasons. (See Mitigation 22)

Between Barstow and Blythe, and Blythe and Phoenix, workers should be accommodated in areas where housing is available, and transportation to and from the job site should be provided. (See Mitigation 23)

Temporary accommodations for construction workers, such as mobile home units equipped with bunkbed and trailers, providing kitchen facilities and leisure activities such as TV, should be provided at locations where housing is limited (eastern California and western Arizona). (See Mitigation 24)

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

LAND USE AND RECREATION: Construction

IMPACT: The Coxcomb WSA would be crossed by the proposed route and this would adversely affect wilderness values.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (BLM has jurisdiction over the route in this area).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Approximately 2.3 miles of the Coxcomb BLM-WSA would be crossed by this alternative. There is an existing electric transmission line parallel to the proposed pipeline ROW that delineates the BLM utility corridor. The major effect of a pipeline on the WSA would be from construction of a new access roadway. Current BLM management policy does not permit establishment of a new ROW in a WSA; therefore, it is considered a unavoidable significant impact.

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

LAND USE AND RECREATION: Construction

IMPACT: ROW would provide access to a BLM Area of Critical Environmental Concern (ACEC) near Granite Pass.

FINDING: a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (BLM has jurisdiction over the route in this area).

FACTS SUPPORTING FINDING:

Near Granite Pass, the ROW passes adjacent to a BLM ACEC known as Patton's Camp. If structures were avoided, the ROW should not present significant adverse effects.

Mitigation 29 provides that important historic areas and structures would be avoided at Patton's Camp ACEC.

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

CULTURAL RESOURCES: Construction

IMPACT: Potential disturbance to at least three sites eligible for listing on the National Register.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (San Bernardino County; BLM; Riverside County).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

The criteria for evaluating cultural resources on Federal lands and lands impacted by federally-funded or licensed projects are the eligibility criteria of the National Register of Historic Places. The criteria apply to resources (historic and prehistoric sites) significant at the national, regional, state, and local levels. Adverse effects on resources that produce direct or indirect impacts are considered for sites listed on the National Register of Historic Places or which meet the criteria of eligibility.

For purposes of the California Environmental Quality Act (CEQA), the criteria for evaluating cultural resources on state and private lands in California are significance criteria listed in Appendix K of the CEQA Guidelines. Effects which cause damage to cultural resources are considered for sites which meet these criteria.

Federal agencies cannot authorize federally licensed projects without prior compliance with Section 106 of the National Historic Preservation Act. This involves consultation with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation to determine the existence and significance of cultural resources sites and the development of procedures to mitigate adverse effects.

Cultural resources impacted by the Celeron/All American Proposals include archaeological and historical sites that are

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located in areas which would be directly or indirectly affected by project construction and facilities operation. Sites located within the pipeline ROW would be exposed to potential direct and indirect impacts while sites located outside the ROW would be exposed to potential indirect impacts only.

Direct impacts would result from actual surface disturbance of a site's spacial configurations or stratigraphy during a facility's construction or use. In this case, construction and maintenance activities would disturb or destroy cultural resources, including clearing and grading, ditching, hauling and stringing, pipe placement, and backfilling. Disturbances by project-related vehicular activity would also occur within the project ROW and along access roads.

Indirect impacts refer to the increased potential for site disturbances due to a general intensification of land use activities in the area surrounding cultural sites. The construction of improvement roads for project implementation purposes would make previously recorded sites in the surrounding project area more accessible. Many cultural resources have undergone varying amounts of previous disturbance due to non-professional excavation and the search for collectable items.

No ethnographic sites along the pipeline ROWs have been identified to date by any Native American groups; however, impacts to unknown sites could still occur, and potential impacts will be evaluated as sites are identified. Potentially significant historic and archaeological sites which have been identified for each segment of the pipeline routes are described in the following paragraphs.

Three sites identified are located within the pipeline ROW. One historic site has been nominated to the National Register with final determination still pending. Two other sites within the pipeline ROW are considered to be eligible for inclusion. Since the sites mentioned are currently considered eligible for the National Register, disturbance by pipeline construction would represent an unavoidable significant impact to cultural resources.

In California, San Bernardino and Riverside counties have jurisdiction over private lands along the pipeline route; and BLM administers public (Federal) lands in the deserts.

Mitigation measures are suggested in the EIR which the appropriate agency can require to reduce the impact of ROW construction.

Mitigation of adverse impacts to cultural resources should occur in the following manner:

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Prior to construction an intensive (100%) cultural resource survey should be conducted on all affected Federal land surfaces that have not previously been surveyed. Survey on non-Federal lands should be conducted as specified by the Authorized Officer after consultation with the State Historic Preservation Officer (SHPO) in all states. During the survey, information should be gathered on all newly discovered and previously recorded archaeological sites to determine their potential eligibility to the National Register of Historic Places. Limited testing of some sites may be necessary in order to determine their eligibility. Sites located on non-Federal lands in California should be evaluated using criteria defined in CEQA Appendix K. Following the survey, an inventory report should be prepared and submitted to the Authorized Officer for review and comment. The report should contain the results of the inventory, and all sites should be evaluated for potential eligibility to the National Register. Justifications should be given for the rationale. The report should include a proposed mitigation plan for all sites that are considered to be potentially eligible for inclusion on the National Register. The mitigation plan may include avoidance of sites, data collection, site-specific control of access and construction, monitoring recommendations, and salvage excavation. (See Mitigation 30)

Based on the above mitigation plan, the Authorized Officer should submit a treatment plan to the SHPO in each state and to the Advisory Council on Historic Preservation. Following the consultation period, the treatment plan should be implemented. All field work should be completed before construction can begin in a given area. Monitoring should be implemented during construction where required by the treatment plan.

Any sites located during construction or as the result of monitoring should be evaluated and a treatment plan should be developed as needed.

Contact should be maintained with appropriate Native American groups to determine the nature and extent of concerns regarding specific cultural resources. Native Americans should participate in data recovery consistent with federal agency requirements and where appropriate, with tribal policies.

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DESERT PLAN UTILITY CORRIDOR ALTERNATIVE

VISUAL RESOURCES: Construction and Operation

IMPACT: Significant visual change at Essex tank farm and heating/pumping station.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (San Bernardino County; BLM).

FACTS SUPPORTING FINDING:

Portions of Celeron/All American's proposed project involving above ground facilities, such as pump stations would have greater exposure to observation from the surrounding landscape.

The following mitigation should be implemented. San Bernardino county has jurisdiction over private lands along the pipeline route and BLM administers public (Federal) lands in the desert.

Essex pump station and tank farm should be screened with native shrubs and trees and/or naturalized masses of evergreen shrubs and trees as is appropriate for location and climatic conditions. (See Mitigation 31)

The placement of trees and shrubs between the facility and existing sensitive receptors should eliminate the intrusive character of the facility.

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DESERT UTILITY PLAN CORRIDOR

TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss of sensitive wildlife habitat and loss or disturbance of sensitive wildlife species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (San Bernardino and Riverside counties; BLM; USFWS).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline consists of a series of operations, including preparing the ROW, building and laying the pipe and cleaning up and restoring the site. The construction activities will require many machines, vehicles, and personnel and will be accompanied by noise, dust, and general human disturbance. Occasional blasting may be necessary.

Preparing the ROW involves clearing a 100 foot corridor with heavy earth-moving equipment followed by grading and leveling. These activities would generally remove all wildlife habitat, destroy dens and burrows, and kill most small mammals, amphibians, and reptiles with limited mobility, in the ROW corridor.

Construction in general would cause displacement of large mammals, birds, and some reptiles from the area for the duration of the construction. This would be significant if there are impacts to sensitive species such as disruption of raptor nesting or disturbance of desert bighorn sheep. Increased use of vehicles and human access into previously remote areas could increase the risk of wildlife harassment and illegal shooting a significant impact if sensitive species are disturbed or killed.

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Loss of wildlife habitat due to ROW construction would be significant in sensitive habitats such as dune thickets, and in habitats supporting rare, threatened, endangered or other sensitive species, such as the desert tortoise, a BLM sensitive species. Loss of individual animals of desert tortoise is also considered a significant impact.

San Bernardino and Riverside counties have land use authority over private lands, and the BLM administers public (Federal) lands in the desert and can require mitigation measures as part of the ROW permit. Additionally, the USFWS may require certain stipulation on Federal lands to protect wildlife resources.

The EIR describes several feasible mitigation measures which would serve to avoid or substantially lessen the significant environmental impacts of project construction.

The following discussion presents mitigation measures of general applicability first, followed by those specific to a particular sensitive species or location.

GENERAL MITIGATION MEASURES

Construction should avoid, to the maximum extent possible, disturbance to all sensitive wildlife habitats. Locations to be avoided would be determined by the BLM with the USFWS or other land management authority. When routing around such habitats is not feasible, the construction ROW should be reduced to 50-foot wide in sensitive habitats and staging areas should not be located in these areas. This would reduce the impacts on sensitive habitats by 50 percent or more.

Site restoration and revegetation plans should be required by the BLM prior to construction for sensitive habitat areas. The plans should be prepared and carried out in consultation with USFWS personnel. Rehabilitation activities should restore the sites to their natural condition as much as feasible.

Revegetation by natural succession is not likely to be successful for 70 years or more, so there would be significant unavoidable adverse impacts from pipeline construction on desert tortoise habitat and desert dune thickets.

During construction in creosote scrub and alkali scrub areas of the desert, ROW clearing should be limited to trimming or crushing whenever possible. This would limit the amount of shrub vegetation disturbed and reduce erosion. By not disturbing the root system, many crushed or clipped shrubs will resprout and revegetate the ROW more quickly. In all desert areas, some of the cleared or clipped vegetation should be piled in small thickets off the ROW (where acceptable to the

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landowner or land manager) to provide cover for displaced animals. This would provide cover for displaced small mammals and reptiles, especially small desert tortoise, and would decrease heat stress and minimize exposure to predators. These measures would reduce the loss of and speed the re-establishment of desert wildlife habitat.

Vehicle operation off the ROW by construction workers should be prohibited except where specified by the landowner or land management agency. Limiting vehicle use off the ROW will minimize the risk of impacting wildlife habitat, or sensitive animal species. This would be especially important in desert bighorn sheep range.

The pipeline ROW should be required to use or follow existing ROWs or roads to the extent possible. This would help minimize the amount of wildlife habitat lost and the number of individual animals disturbed or killed.

Federal, state, and county laws and regulations pertaining to sensitive vegetation and wildlife (e.g., I & E species, game species) should be posted in conspicuous places at the job site and included in pipeline contractor's contract. The Applicants should provide basic educational materials concerning wildlife laws and regulations as well as the required mitigation measures designed to minimize impacts. Posted laws and regulations and educating field crews on the intent of mitigation measures would at least eliminate the violator's excuse for ignorance of the law or ROW grant provisions.

SPECIFIC MITIGATION MEASURES

Desert Tortoise

All construction across desert tortoise habitat should occur between October and March when tortoises are hibernating. A desert tortoise expert should be present during construction. Any active desert tortoise should be removed from the construction ROW ahead of construction equipment and moved to habitat within 100 yards of the capture site. Burrows within the ROW should be carefully opened using hand tools and hibernating tortoises removed. Injured tortoises should be turned over to the Department of Fish and Game. Adequate funds for costs involved in rehabilitating injured tortoises and returning them to their home sites (within 100 yards of capture site) should be paid by the applicant. Injuries and deaths of tortoises will be minimized if construction occurs when tortoises are inactive (i.e., only tortoises hibernating right on the ROW would be impacted). Removal of active tortoises from the construction area will ensure survival of these individuals. Burrows can be successfully constructed with hand tools and plywood. These measures would eliminate loss of

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individual tortoises. Previously discussed measures for desert habitat would substantially reduce impacts on tortoise habitat, but some loss would result, an unavoidable significant adverse impact.

Raptors

A competent wildlife biologist should survey all potential raptor nesting habitat within 0.5 mile of the pipeline prior to construction. Active and inactive nests should be identified. No construction should occur within 0.5 mile of active eyries during the nesting season (generally between March 15 to July 15, site-specific timing constraints may vary based on biologist recommendations). Construction could be permitted near inactive nests; however, no nest sites should be disturbed. This measure would prevent nest abandonment resulting from pipeline construction and minimize loss of perch sites. It will also help provide flexibility for construction scheduling.

Desert Bighorn Sheep

During construction the open pipeline trench should be limited to 0.5 mile in desert bighorn sheep areas. Skip sections or temporary bridges across the pipeline trench should also be used if more than 0.5 mile of trench must remain open for an extended period. Backfilling of the trench, especially at skip sections, should be a gentle grade to allow escape of animals from the trench. This would minimize impacts caused by disruption of movement patterns.

The Applicant should work with BLM biologists in evaluating potential opportunities to minimize impacts to bighorn sheep, such as developing water sources in other parts of their habitat to encourage movement away from disturbed areas, and ORV access points. Developing new water resources away from development may reduce future man-bighorn conflicts especially in areas where ORV use is difficult to control.

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DESERT UTILITY PLAN CORRIDOR

TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss or disturbance of sensitive plant communities or individuals of sensitive plant species.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (San Bernardino and Riverside counties; BLM).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline involves clearing a 100 foot ROW with heavy earth-moving equipment. Above-ground obstacles such as trees, brush and boulders are removed, and any stumps or roots in the ditch line are taken out. After clearing, the ROW is graded and leveled as necessary for vehicle and equipment operation.

These construction activities would generally remove or kill all vegetation in the 100 foot ROW corridor. Furthermore, adjacent vegetation may be disturbed by cut-and-fill excavations disposal of refuse vegetation and rocky soil, and vehicle movement off the ROW.

Where the pipeline route crosses through sensitive and ecologically valuable communities such as ironwood washes and dune thicket communities, or removes individuals of sensitive plant species, such as the California ditaxis, ROW construction would cause a significant impact.

San Bernardino and Riverside counties have land use jurisdiction over private lands and the BLM administers public (Federal) lands in the California desert and can require mitigation measures as part of the ROW permit.

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Several mitigation measures are suggested in the EIR which the BLM or other land management authority can require to reduce the impact of ROW construction on sensitive plant communities or species.

Construction should avoid, to the maximum extent possible, disturbance to sensitive and valuable plant communities, including a population of California ditaxis, desert dune thickets, and ironwood washes. Locations to be avoided should be determined by the BLM or other land use authority. The construction ROW should be reduced to 50-foot wide in sensitive communities, and no staging areas should be located in these areas. This would reduce the impacts on sensitive plant communities by 50 percent or more.

Site restoration and revegetation plans should be required by the BLM or other land use authority prior to construction for all sensitive plant communities. Rehabilitation activities should restore the sites to their natural condition as much as feasible. Revegetation by natural succession is not likely to be successful in desert communities for 70 years or more so there would be significant adverse impacts due to construction in the sensitive communities crossed by the ROW.

The pipeline ROW should be required to use existing ROW's or roads to the extent possible. Vehicle operation off the ROW by construction workers should be prohibited except where specified by land manager. These measures, would reduce impacts to sensitive plant communities and species by minimizing total area disturbed.

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BRENDA ALTERNATIVE

SOILS: Operation

IMPACT: Major oil spills or leaks would contaminate soil affecting erosion rates, water uptake, and productivity. No agricultural lands occur along this route.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Riverside and San Bernardino Counties).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Significant adverse impacts to soils would result from oil pipeline leaks and ruptures. Contamination of soils would result in increased microbial activity and decreased water uptake and infiltration rates. Soil productivity would be reduced within a spill area and result in a temporary decrease in vegetation production levels. The size and duration of soil impacts due to oil spills would be dictated by the extent of the spill, infiltration depth of the oil, soil characteristics, local topography and type of vegetative cover.

Depending on the depth of oil penetration and climatic conditions, reclamation of oil-damaged soils can take from one to many years following contamination. Oil spill-related impacts to soils would be minimized to the extent possible.

A number of project components are discussed in the project description in the Draft EIR/EIS which will substantially decrease the oil spill risk or the amount of oil to be released in the event of a spill occurrence. For example, the proposed project includes the use of automatic block and check valves at all major stream crossings and sensitive areas. The use of such valves could isolate a section of pipeline in the event of a rupture and substantially reduce the amount of release of oil

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into the environment. In addition, prior to operation, an oil spill contingency plan for the entire project will be formulated and approved by the Environmental Protection Agency and authorities of the respective states. The oil spill contingency plan will include procedures for containment and cleanup.

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BRENDA ALTERNATIVE

GROUNDWATER: Operation

IMPACT: Degradation of groundwater quality resulting from an oil spill in a sensitive groundwater basin.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (BLM).

FACTS SUPPORTING FINDING:

Significant groundwater impacts could occur primarily during operation of the pipeline. Impacts would include groundwater contamination by introduction of crude oil which would occur only in the event of pipeline leaks, ruptures, or spills. Although the probability of these events is low, their occurrence may be significant in terms of groundwater impacts. The greatest potential for groundwater problems is associated with small undetected leaks in the pipeline. This is due to the larger probability of occurrence, relatively small amount of oil needed to contaminate a water supply, the long lasting effects of such a leak, and the difficulty of aquifer decontamination. Major spills, ruptures, and detectable leaks could probably be cleaned up before significant groundwater contamination results and have lower probabilities of occurrence than smaller leaks.

Because of the linear nature of the pipeline, many government agencies have land use responsibility and jurisdiction over the project and, thus, can require mitigation measures as part of the ROW or construction permit or grant. BLM administers public (Federal) lands in the deserts, along the Brenda Alternative.

Several mitigation measures follow which the BLM can require to reduce the impact of ROW construction.

Detailed hydrogeologic investigations should be conducted for each sensitive area along the pipeline alignment as shown in Table 3-14 of the DEIR/EIS. These investigations should include definition of groundwater depth, recharge sources, properties of overlying soils, hydraulic gradient, background

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water quality and existing water uses. Existing wells should be inventoried in an area extending hydrogeologically down gradient from the pipeline for two miles or in accordance with the formula as noted in Mitigation 6 of the FEIR/EIS. This information should be used to formulate an Oil Spill Contingency Plan that should include plans for monitoring and early detection of groundwater users and appropriate governmental agencies, site-specific cleanup and response, and identification of emergency alternate water supplies.

In addition, low permeability backfill should be used in the bottom and sides of 20-foot sections of pipeline trench where the ROW approach's sensitive aquifers that are at risk from oil spills and leaks, as identified by Mitigation Measure 6. (See Mitigation 7)

The application of mitigation measures and standard operating procedures is assumed to reduce the probability of significant impact to a sensitive groundwater basin by 50 percent; However, if a spill occurs which contaminates the groundwater, this would be an unavoidable significant impact.

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BRENDA ALTERNATIVE

NOISE: Construction

IMPACT: Construction noise would exceed 60 dBA at residences along the pipeline ROW.

FINDINGS: a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDINGS:

Noise effects from construction of the Celeron/All American pipeline would be a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise generating activities. Construction activities would occur throughout the length of the pipeline corridor.

Along this alternative, residences on the south end of Quartzsite would be subjected to elevated noise levels during pipeline construction.

Because of the short duration of construction impacts in any one area (two weeks or less), limiting construction to daytime hours (as described in the Project Description, and the low probability of accomplishing effective mitigation of high noise levels associated with construction activities, mitigation beyond the standard requirements for use of equipment mufflers and similar OSHA requirements is not considered to be warranted.

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BRENDA

TERRESTRIAL BIOLOGY: Construction

IMPACT:

Loss of sensitive wildlife habitat and loss or disturbance of sensitive wildlife species.

FINDING:

- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (BLM; USEWS).
- c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline consists of a series of operations, including preparing the ROW, building and laying the pipe and cleaning up and restoring the site. The construction activities will require many machines, vehicles, and personnel and will be accompanied by noise, dust, and general human disturbance. Occasional blasting may be necessary as well.

Preparing the ROW involves clearing a 100 foot corridor with heavy earth-moving equipment followed by grading and leveling. These activities would generally remove all wildlife habitat, destroy dens and burrows, and kill most small mammals, amphibians, and reptiles with limited mobility, in the ROW corridor.

Construction in general would cause displacement of large mammals, birds, and some reptiles from the area for the duration of the construction. This would be significant if there are impacts to sensitive species such as disruption of nesting by raptors (including the American peregrine falcon), or disturbance of bighorn sheep lambing. Additionally, the ROW and pipe ditch may temporarily be a barrier to normal movement patterns and may separate animals from habitat requirements

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such as watering holes. Increased use of vehicles and human access into previously remote areas could increase the risk of wildlife harassment and illegal shooting a significant impact if sensitive species are disturbed or killed.

Loss of wildlife habitat due to ROW construction would be significant in habitats supporting the desert tortoise. Loss of individual animals of sensitive species, including the desert tortoise, Yuma mountain lion, or Gila monster, is also considered a significant impact.

The BLM administers public (Federal) lands in the desert and can require mitigation measures as a part of the ROW permit. Additionally, the USFWS may require certain stipulation on all Federal lands to protect wildlife resources.

The EIR describes several feasible mitigation measures which would serve to avoid or substantially lessen the significant environmental impacts of project construction. The following discussion presents a summary of mitigation measures of general applicability first, followed by those specific to a particular sensitive species or location.

GENERAL MITIGATION MEASURES

Construction should avoid, to the maximum extent possible, disturbance to all sensitive wildlife habitats, such as habitats for the desert tortoise. Locations to be avoided would be determined by the BLM in consultation with the USFWS. When routing around such habitats is not feasible, the construction ROW should be reduced to 50-foot wide in sensitive habitats and staging areas should not be located in these areas. This would reduce the impacts on sensitive habitats by 50 percent or more.

Site restoration and revegetation plans should be required by the local land use authority prior to construction for sensitive habitat areas. The plans should be prepared and carried out in consultation with USFWS personnel. Rehabilitation activities should restore the sites to their natural condition as much as feasible.

Revegetation by artificial means or natural succession is not likely to be successful in deserts and there would be significant unavoidable adverse impacts from pipeline construction on desert tortoise habitat.

During construction in desert scrub and areas of the desert, ROW clearing should be limited to trimming or crushing whenever possible. This would limit the amount of shrub

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vegetation disturbed and reduce erosion. By not disturbing the root system, many crushed or clipped shrubs will resprout and revegetate the ROW more quickly. In all desert areas, some of the cleared or clipped vegetation should be piled in small thickets off the ROW (where acceptable to the landowner or land manager) to provide cover for displaced animals. This would provide cover for displaced small mammals and reptiles, especially small desert tortoise, will decrease heat stress and minimize exposure to predators. These measures would reduce the loss of and speed the re-establishment of desert wildlife habitat.

Vehicle operation off the ROW by construction workers should be prohibited except where specified by the landowner or land management agency. Limiting vehicle use off the ROW will minimize the risk of impacting wildlife habitat, or sensitive animal species. This will be especially important in desert bighorn sheep range.

The pipeline ROW should be required to use or follow existing ROWs or roads to the extent possible. This would help minimize the amount of wildlife habitat lost and the number of individual animals disturbed or killed.

Federal, state, and county laws and regulations pertaining to sensitive vegetation and wildlife (e.g., T & E species, game species) will be posted in conspicuous places at the job site and included in pipeline contractor's contract. The Applicants should provide basic educational materials concerning wildlife laws and regulations as well as the required mitigation measures designed to minimize impacts.

Posted laws and regulations and educating field crews on the intent of mitigation measures will at least eliminate the violator's excuse for ignorance of the law or ROW grant provisions.

SPECIFIC MITIGATION MEASURES

Desert Tortoise

All construction across desert tortoise habitat should occur between October and March when tortoises are hibernating. A desert tortoise expert should be present during construction. Any active desert tortoise should be removed from the construction ROW ahead of construction equipment and moved to habitat within 100 yards of the capture site. Burrows within the ROW should be carefully opened using hand tools and

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hibernating tortoises removed. Injured tortoises should be turned over to the USFWS. Adequate funds for costs involved in rehabilitating injured tortoises and returning them to their home sites (within 100 yards of capture site) should be paid by the Applicant. Injuries and deaths of tortoises would be minimized if construction occurs when tortoises are inactive (i.e., only tortoises hibernating right on the ROW would be impacted). Removal of active tortoises from the construction area would ensure survival of these individuals. Burrows can be successfully constructed with hand tools and plywood. These measures would eliminate loss of individual tortoises. Previously discussed measures for desert habitat would substantially reduce impacts on tortoise habitat, but some loss would result, an unavoidable significant adverse impact.

Raptors

A competent wildlife biologist should survey all potential raptor nesting habitat within 0.5 mile of the pipeline prior to construction. Active and inactive nests should be identified. No construction will occur within 0.5 mile of active eyries during the nesting season (generally between March 15 to July 15, site-specific timing constraints may vary based on biologist recommendations). Construction can be permitted near inactive nests; however, no nest sites should be disturbed. This measure would prevent nest abandonment resulting from pipeline construction and minimize loss of perch sites. It would also help provide flexibility for construction scheduling.

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BRENDA

TERRESTRIAL BIOLOGY: Construction

IMPACT: Loss individuals of commercial cactus.

- FINDING:
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (BLM; Arizona Department of Agriculture and Horticulture).
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

FACTS SUPPORTING FINDING:

Construction of the pipeline involves clearing a 100 foot ROW with heavy earth-moving equipment. Above-ground obstacles such as trees, brush and boulders are removed, and any stumps or roots in the ditch line are taken out. After clearing, the ROW is graded and leveled as necessary for vehicle and equipment operation. These construction activities would generally remove or kill all vegetation in the 100 foot ROW corridor.

Where the pipeline route removes individuals of species of commercial cactus, ROW construction would cause a significant impact.

The BLM administers public (Federal) lands in the desert and can require mitigation measures as part of the ROW permit. The Arizona Department of Agriculture and Horticulture administers state laws protecting commercial cactus species.

The pipeline ROW should be required to use existing ROW's or roads to the extent possible. Vehicle operation off the ROW by construction workers should be prohibited except where specified by land manager. These measures, would reduce impacts to commercial cactus minimizing total area disturbed.

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Commercial cactus should be salvaged where practical, and loss minimized under the authority and direction of the Arizona Department of Agriculture and Horticulture.

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EXHIBIT E

STATEMENT OF OVERRIDING CONSIDERATIONS

The Celeron/All American and Getty proposals have potential significant construction and operation impacts on the environment. Construction impacts would result primarily from the clearing, trenching, and backfilling along the right-of-way, and by the presence and needs of the labor force. Operation impacts would result primarily from potential oil spills and leaks. Potential impacts in each of these areas have been analyzed in detail in the EIR/EIS.

Many mitigation measures, including route alternatives, can be implemented to reduce the significant adverse effects of the project. (See CEQA findings, Exhibit D) These measures, when implemented, would substantially lessen the environmental impacts which may result from the project. However, for many significant impacts identified in the EIR/EIS, there are no feasible mitigation measures which would totally reduce the impacts to a level of insignificance.

The proposed project is consistent with the national economic and energy policy goals of assuring national security and reducing dependence on: 1) foreign sources of foreign crude; and, 2) less secure marine transportation routes. The Congress of the United States has addressed west-to-east crude oil pipelines specifically via the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617), which states that "...national security and regional supply requirements may be such that west-to-east crude delivery systems serving both the northern tier States and inland States...are needed; [and] expeditious Federal and State decisions for west-to-east crude oil delivery systems are of the utmost priority..."

Only the "no project" alternative would completely eliminate all significant impacts. However, the Commission has examined this alternative and finds it unacceptable. With the "no-project" alternative, oil tankering would have to be relied upon to transport the projected amounts of additional oil production from the Santa Barbara Channel, Santa Maria Basin areas region, rather than pipelines. The State has, for many years, endorsed the use of pipelines over marine transportation. This policy has been supported by various studies including the EIR/EIS for the SOHIO Project. This project involved the transport of Alaskan oil from Valdez Alaska to the Port of Long Beach. The oil would then have been transported by pipeline from the Port to Midland Texas. Although the project did not proceed, a clear preference for pipeline transportation was indicated in the environmental analysis. The County of Santa Barbara has also adopted policies and conducted studies which endorse pipeline transportation over other forms.

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Transportation of oil by pipeline will result in land disturbance and impacts on terrestrial biological resources. By comparison, however, tanker transportation would have greater potential significant adverse impacts on air quality, visual quality, water quality and marine biological resources.

Although both pipeline and tanker systems have the potential for a major oil spill, the impacts of marine oil spills would be more significant than the impacts of pipeline oil spills for a number of reasons. For example: 1) The safety and monitoring mechanisms associated with the pipeline system would lessen the amount of oil that could be released should a leak occur in the pipeline. The size of the spill contributes to the nature and size of the resultant adverse environmental impacts; and 2) Marine oil spills may affect a greater concentration of sensitive resources particularly if nearshore areas are impacted. In contrast, the linear nature of a pipeline system and the distribution of sensitive resources along such a system would result in a lesser scope and severity of impacts should a spill occur. Pipeline transportation of oil is therefore regarded as the environmentally preferred, feasible means of transportation of oil from the Santa Barbara County area to major processing centers.

The State Lands Commission has considered the benefits and the nature and extent of the impacts of the project as described in the EIR/EIS for the Proposed Celeron/All American and Getty Pipeline Projects and as discussed in Appendix C of the Calendar Item. From this review, the Commission finds that, in balancing the project's benefits against its unavoidable environmental risks, the benefits outweigh the level of environmental risks which would remain after the application of mitigation measures discussed in the EIR/EIS.

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