

**CALENDAR ITEM
C59**

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**ADOPTION OF PROPOSED MITIGATED NEGATIVE DECLARATION AND
AUTHORIZATION TO REMOVE VARIOUS ONSHORE AND OFFSHORE HAZARDS
LOCATED IN SANTA BARBARA AND VENTURA COUNTIES**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

Staff has inventoried various derelict structures (hereafter hazards) located along the Santa Barbara Channel, Santa Barbara and Ventura Counties. These hazards impede uses of sovereign land and could pose a potential threat to public health and safety. The California State Lands Commission (Commission) was granted funding in the 2001/02 Budget Act to remove hazards within the Commission's jurisdiction. At its meeting of September 17, 2001, the Commission authorized staff to solicit bids, award and execute agreements for the removal of various hazards located on State sovereign land. At its meeting of January 30, 2002, the Commission authorized staff to solicit proposals, negotiate a fair and reasonable price, award and execute an agreement for the preparation of environmental documentation for the hazard removal program.

PROPOSED ACTIVITY:

The proposed program is the removal of hazards located within the Commission's jurisdiction in Ventura and Santa Barbara Counties. Twenty-one (21) hazard sites have been identified along the Santa Barbara Channel coastline from Tajiguas Creek to the Ventura River, including one deepwater hazard located approximately 13,500 feet offshore (see Exhibits A and B). Many of the hazards are remnants of past oil and gas development, while others are the result of other types of development along the coastline, that have been determined to pose a potential threat to public health and safety. The types of

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hazards identified along the coastline include piles, sheet piling, "H" piles, "H" beams, well casings, well caissons, groins, railroad irons, electrical cable, angle bar in conglomerate tar, pipelines, pipe frames, and a deep offshore wellhead. The objective of the Santa Barbara Channel Hazards Removal Program (Program) is to eliminate or mitigate risks to public health and safety and allow the sites to safely support public trust uses of State sovereign land.

Jurisdiction

All hazards, for purposes of identification and environmental analyses, were assumed to be within the jurisdiction of the Commission, i.e., below the ordinary high water mark of the Pacific Ocean. However, a formal boundary determination has not been completed at each of the sites. Much of the Santa Barbara County coastline, particularly westerly of Santa Barbara Harbor, is in a "state of nature" with fluid boundaries. Commission boundary staff will analyze historical information, as appropriate, as well as current data to determine the relationship of each hazard to the Commission's jurisdiction. Where a hazard is within the Commission's jurisdiction, it will be removed as specified in the Program. Where a hazard appears to occur outside the Commission's jurisdiction, staff will notify the adjacent upland landowner, and provide all pertinent information regarding the hazard. Where it is unclear that a hazard is located within the Commission's jurisdiction, the staff may negotiate with the upland owner to convey, to the State, a sufficient interest in the beach to allow removal of the hazard.

The Attorney General's Office will continue to monitor the project to verify that there is no legal recourse to the Commission to compel another responsible party or parties to remove a hazard(s).

Methodology for Hazards Removal

The method chosen for the removal of the hazards at each site is dependent upon the location and type of the hazard. Accordingly, five methods as summarized below will be employed to remove the hazards. In addition, as a worst-case scenario, if one of these five methods does not succeed in removal of the hazard, a sixth option (vibratory extraction) may be considered.

Beach – Work is conducted from/on the beach, with approach via land. The removal method is characterized as excavate/expose and cut/burn.

Beach/Shallow Diving– Work is expected to be conducted from/on the beach, but depending upon the tides, it may be necessary to perform some shallow diving in limited water depth. The removal method is characterized as excavate/expose and cut/burn.

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Boat Deployed Shallow Diving – Work consists of shallow air diving with approach via boat. Removal method is characterized as excavate/expose and cut/burn.

Beach Deployed Shallow Diving – Work consists of shallow air diving in limited water depth with approach via land. The removal method is characterized as excavate/expose and cut/burn.

Offshore – Work consists of deep air/gas diving with approach via boat. This removal method is characterized as excavate/expose as necessary and cut/burn.

Vibratory – Work is conducted from/on the beach using vibratory pile extractors with approach via land. The removal method is characterized as expose and extraction/removal.

Disposal of all metal and wood debris will be by separation and recycling. Roll-off dumpsters will be supplied as required for the collection of the salvageable metal and wood materials. All debris that is not recyclable will require disposal at local approved landfill facilities. Roll-off bins will be located at each site as necessary for the collection of all non-recyclable debris.

At the completion of hazard removal activities at each site, all beach excavations will be backfilled and graded to match the surrounding area. All trash and debris will be removed from the sites and properly disposed. Temporary access ramps will be removed and the fill materials will be returned to their place of origin. All temporary staging areas that may have been erected will also be removed and the sites will be cleaned.

Contractor Certification

Divecon Services LP (Divecon) has been selected by the Commission's staff as the prime contractor for the Santa Barbara Channel Hazards Removal Program. As stated within Bid Log No. 2001-12, prepared for the Commission in May of 2002, Divecon's staff has extensive and certified experience with wellhead and marine facility abandonment and the disposal of associated hazardous substances. Prior to the removal of the proposed hazards, all required permits will be obtained by Divecon. Once Divecon has received a notice to proceed, the hazards will be removed, when and as directed by Commission staff, following the methodology described above.

ENVIRONMENTAL:

The California Environmental Quality Act (CEQA) applies, in part, to an activity undertaken by any public agency that has the potential to result in either a direct or indirect physical change to the environment. The Commission is the CEQA

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lead agency for the Program by virtue of its discretionary authority to implement it and has prepared a Proposed Mitigated Negative Declaration to fulfill the requirements of the CEQA.

FURTHER APPROVALS REQUIRED

U.S. Army Corps of Engineers (USACOE)
California Coastal Commission (CCC)
Regional Water Quality Control Board (RWQCB)
California Department of Fish and Game (CDF&G)
California Department of Parks and Recreation (CDPR)
University of California, Santa Barbara (UCSB)
U.S. Fish and Wildlife Service (USFWS)
National Marine Fisheries Service (NMFS)
Ventura and Santa Barbara Counties
City Jurisdictions (Santa Barbara, Ventura, Carpinteria, and Goleta)
Air Pollution Control Districts (APCD)

CEQA INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15070), the staff has prepared a Proposed Mitigated Negative Declaration (MND) identified as CSLC MND No. 717, State Clearinghouse No. 2002071146. Such MND was prepared and circulated for public review pursuant to the provisions of the CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resource Code section 21081.6), is contained in Exhibit C and incorporated as part of the proposed Program.
2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Area and Site Location Map 1-1A
- B. Area and Site Location Map 1-1B
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT A PROPOSED MITIGATED NEGATIVE DECLARATION, CSLC MND NO. 717, STATE CLEARINGHOUSE NO. 2002071146, WAS

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PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN, AND THAT THE PROPOSED MITIGATED NEGATIVE DECLARATION REFLECTS THE COMMISSION'S INDEPENDENT JUDGEMENT AND ANALYSIS.

ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

ADOPT THE MITIGATION MONITORING PROGRAM, AND AIR QUALITY BEST MANAGEMENT PRACTICES (BMP) AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THE ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCE CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE CONTRACTOR, UNDER THE DIRECTION OF THE COMMISSION STAFF AND PURSUANT TO THE MITIGATION MONITORING PROGRAM, AND AIR QUALITY BEST MANAGEMENT PRACTICES (BMP) TO PROCEED IN REMOVING IDENTIFIED HAZARDS WITHIN THE JURISDICTION OF THE COMMISSION. ALL NECESSARY PERMITS AND APPROVALS WILL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.