

MINUTE ITEM

's Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 12/22/83
meeting.

CALENDAR ITEM

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12/22/83
WP 2763
Maricle
Cohen
R. Ludlow

LEASE TERMINATION AGREEMENT AND
ACCEPTANCE OF QUITCLAIM DEED

LESSEE: Texaco, Inc.
3350 Wilshire Boulevard
Los Angeles, California 90051
Attention: Mr. Robert Wark

AREA, TYPE LAND AND LOCATION:
A 167-acre parcel of tide and submerged
land, located at Morro Bay, San Luis Obispo
County.

LAND USE: Maintenance and use of two submarine pipelines.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from June 16,
1961.

Renewal options: Two successive periods
of ten years each.

Consideration: \$2,432.19 per annum.

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COMMISSION FEE	102
STATE FEE	2820

BACKGROUND AND PRESENT SITUATION:

1. The State's lessee, Texaco, Inc., is the owner of two pipelines occupying sovereign land. The pipelines are each ten inches, inside diameter, and both reach from the high water mark of the Pacific Ocean to a point about 3,300 feet seaward. from the town of Morro Bay.
2. The lease under which the pipelines were authorized expired at the close of June 15, 1976. The lines were formerly used by Texaco to offload crude oil. When that use was discontinued, the lines were cleaned. They were then made available to the City of Morro Bay for use as a municipal outfall facility.
3. After much deliberation, the City of Morro Bay declined the use of the pipelines. The staff then instructed Texaco, in 1979, to remove a portion of the lines located between the high water mark and the lowest surf zone. In compliance with that instruction, Texaco applied to the Coastal Commission for a permit to do the work. Such was not granted, however, on the basis that the area is environmentally sensitive and that the work could not proceed without a favorable environmental impact report. The staff then re-examined the entire question, for environmental considerations, whether the pipelines should be partially removed, entirely removed, or left entirely in place.
4. In consultation with other permitting jurisdictions, and with local communities and individuals, the staff invited comment as to the disposition of the pipelines. Such consultation included distribution of an assessment prepared by HDR Sciences, of Santa Barbara, in 1981. The assessment concluded that the pipelines should be left in place,

with a covering reef over the seaward terminous to anchor the exposed portions of the pipelines, and to serve as a fish habitat. Of 50 parties who received the circulated information, one private property owner stated that the pipelines should be removed; ten other parties stated that the pipelines be left in place, and the balance did not comment.

5. The pipelines are buried except for a portion of their seaward ends. The seaward portion of the lines were exposed for a distance of 100 feet in 1978, and up to 300 feet in 1980. On April 22, 1983, a four-member diving team examined the area again; at that time, about 20 feet was exposed in 55-foot depth water near a rock-outcropping, and about 30 feet of the lines were exposed where they cross each other. Further inland, the lines are covered by sand; two excavations (1981 and 1982) failed to expose the lines within the tideland area which they traverse.
6. The staff has concluded that partial or complete removal of the pipelines would have an adverse environmental impact in the Morro Bay vicinity. Such action would affect the recreational use of the adjacent beach for approximately three months; it would also cause noise and visual disturbances and would affect local beachfront residents for the duration of removal operations; temporary increases in turbidity and temporary loss of certain beach-dwelling organisms would additionally occur.
7. To preclude the effects described above, the staff believes that it is environmentally sound and in the public interest, to leave the pipelines in place subject to conditions of strict accountability and liability.

8. Texaco and the staff have agreed in principle with respect to the disposition of the subject pipelines in the following particulars:
- a) The pipelines shall be abandoned in place.
 - b) Texaco will anchor the seaward terminus of the pipelines with riprap cover to create an artificial fishing reef under a plan approved by the State Department of Fish and Game.
 - c) Texaco will quitclaim to the State all of Texaco's interest within the lease area.
 - d) Texaco will indemnify the State against any and all loss, damage or claim connected with the pipelines.
 - e) Texaco will remove the pipelines, or any portion thereof, or riprap cover, should they ever become a public hazard or extreme public nuisance, as the Executive Officer may direct.
 - f) Texaco will post a continuous proof of ability to assure performance of removal.
 - g) Texaco will provide an annual report of the tideland portion of the abandoned pipeline to confirm that it remains unexposed and presents no public hazard.
9. A Negative Declaration was prepared by the Commission staff, pursuant to CEQA and the State CEQA Guidelines. Staff has found that the artificial reef project will not have a significant effect on the environment.

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10. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

After the period within which to respond to the Negative Declaration had ended, two commercial fishermen notified the staff that the artificial reef may possibly be detrimental to gill net fishing; that is, that the nets could be caught and torn in the rocks comprising the reef. The staff consulted with them and the president of the local Fishermen's Association, and with the State Department of Fish and Game. After such consultation, it is the considered opinion of the staff that the area of the proposed reef is quite small in relation to the overall area of Estero Bay, and that the presence of the reef structure will have only a negligible effect on commercial fishing operations. For that reason, the staff keeps to the recommendations presented today. The staff has also invited the commercial fishermen to appear personally, or by representation, to present their arguments to the Commission for review and consideration.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
United States Coast Guard, United States
Fish and Wildlife Service, and State Department
of Fish and Game.

FURTHER APPROVALS REQUIRED:

California Coastal Commission.

EXHIBITS:

- A. Location Map.
B. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE COMMISSION AFTER CONSULTATION WITH RESPONSIBLE AND TRUSTEE AGENCIES.
2. CERTIFY THAT A NEGATIVE DECLARATION, NO. 344, HAS BEEN COMPLETED IN ACCORDANCE WITH CEQA, THE STATE CEQA GUIDELINES, AND THE COMMISSION'S ADMINISTRATIVE REGULATIONS; AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN TOGETHER WITH COMMENTS RECEIVED DURING THE REVIEW PROCESS.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND FIND THAT THE PROJECT IS CONSISTENT WITH THE LAND'S USE CLASSIFICATION, PURSUANT TO PRC 6370.1.
4. ACCEPT A QUITCLAIM DEED FROM TEXACO, INC., AS TO THE LAND DESCRIBED IN LEASE PRC 2763.1.
5. AUTHORIZE EXECUTION, BY THE EXECUTIVE OFFICER OR ASSISTANT EXECUTIVE OFFICER, OF A LEASE TERMINATION AGREEMENT WITH TEXACO, INC., SUBSTANTIALLY IN THE FORM PRESENTLY ON FILE WITH THE COMMISSION, PROVIDING FOR THE CONDITIONS IN PARAGRAPH 8 HEREINABOVE SET FORTH.

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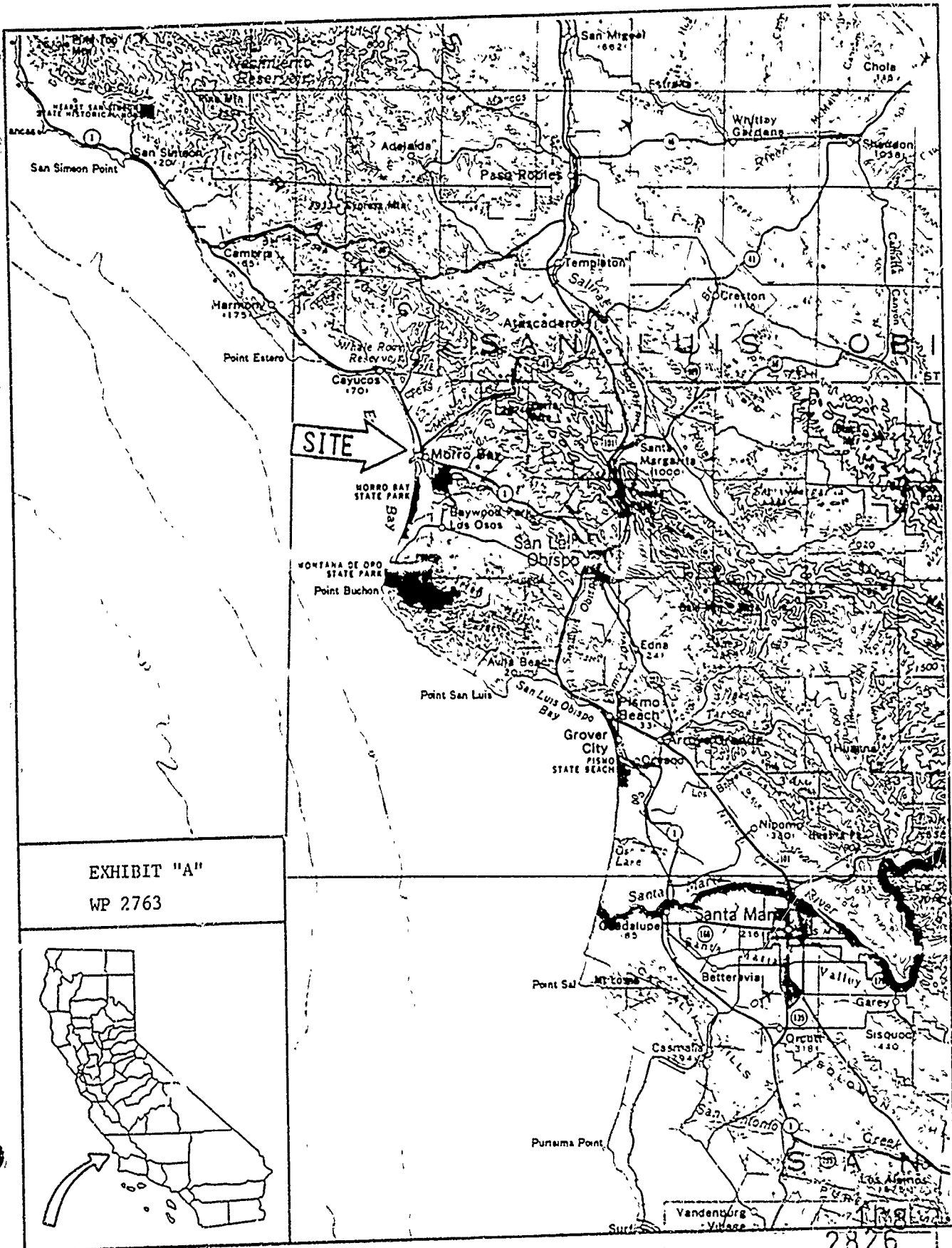


EXHIBIT "A"
 WP 2763



Exhibit "B"

PROJECT NEGATIVE DECLARATION

EIR NO 344

File Ref.: WP 2763

SCH#: 83041911

Project Title: Texaco Pipeline Abandonment/Artificial Fishing Reef
Construction

Project Location: Pacific Ocean, Estero Bay, San Luis Obispo County

Project Description: The construction of an artificial fishing reef to secure the
terminous of two abandoned pipeline approximately 3,000 feet
offshore.

This NEGATIVE DECLARATION is prepared pursuant to the requirements of the California
Environmental Quality Act (Section 21000 et seq. of the Public Resources Code), the State
CEQA Guidelines (Section 15000 et seq., Title 14, of the California Administrative Code),
and the State Lands Commission regulations (Section 2901 et seq., Title 2, of the
California Administrative Code).

Based upon the attached Initial Study, it has been found that:

- the project will not have a significant effect on the environment.
- the attached mitigation measures will avoid potentially significant effects.

Contact Person: Ted T. Fukushima
1807-13th Street
Sacramento, CA 95831
Telephone: (916) 322-7813

PROJECT NO.	109
FILE NO.	2827

ENVIRONMENTAL IMPACT ASSESSMENT FORM - Part I

(To be completed by applicant)
FORM 69.3111/921

A. GENERAL INFORMATION

1. Name, address, and telephone number:

a. Applicant

b. Contact person if other than applicant:

Mr. R. J. Wark
Texaco, Inc.
Post Office Box 3756
Los Angeles, CA 90051
(213) 385-0515

2. a. Project location: (Please reference to nearest town or community and include county)

Pacific Ocean, Estero Bay, San Luis Obispo County
(Off Atascadero State Beach)

b. Assessor's parcel number: N/A

3. Existing zoning of project site: Unzoned

4. Existing land use of project site: Ocean

5. Proposed use of site: Placement of artificial fishing reef at terminus of
abandoned pipeline.

6. Other permits required: Coastal Commission

B. PROJECT DESCRIPTION

1. For building construction projects, complete "ATTACHMENT A". N/A

2. For nonbuilding construction projects: Describe fully, the proposed activity, its purpose and intended use, e.g. for prospecting permits, include the number of test holes, size of holes, amount of material to be excavated, maximum surface area of disturbance, hole locations, depth of holes, etc. Attach plans or other drawings as necessary.

See Initial Study.

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C. ENVIRONMENTAL SETTING

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures.
See Initial Study.
2. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.).
See Initial Study.

D. ENVIRONMENTAL IMPACT ASSESSMENT

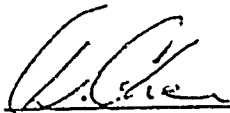
Answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe".
(Attach additional sheets as necessary)

Will the project involve:	YES	MAYBE	NO
1. a change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. a change in scenic views or vistas from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a change in pattern, scale, or character of the general area of project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* 4. a significant effect on plant or animal life?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. significant amounts of solid waste or litter?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. a change in dust, ash, smoke, fumes, or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* 7. a change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. construction on filled land or on slope of 10 percent or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. use or disposal of potentially hazardous materials, such as toxic or radioactive substances, flammables, or explosives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. a change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. an increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a larger project or a series of projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- E. CERTIFICATION
- *4. Positive impact - creates habitat for marine life.
 - *7. Alteration of ocean floor by construction of reef.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief

Date June 24, 1985

Signed: 
for Texaco, Inc.

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: WP 2763

SCH No.: 83041911

I. BACKGROUND INFORMATION

A. Applicant: Texaco, Inc.
Los Angeles, California

B. Checklist Date: 4 / 28 / 83

C. Contact Person: Dan Cohen
Telephone: (916) 522-7805

D. Purpose: To secure the terminus of two pipelines and enhance the marine environment.

E. Location: Pacific Ocean, Estero Bay, San Luis Obispo County

F. Description: Construction of an artificial fishing reef as discussed in the attached study. Note: The design alternative proposing a combination of rock and concrete debris salvaged from Diablo Canyon has been designated as preferred (pages 23-29).

G. Persons Contacted:

See pages 34-38 and 56-60 of attached study.

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

Table with 3 columns: Question, Yes, Maybe, No. Contains 7 rows of environmental impact questions with corresponding checkboxes and handwritten answers.

Yes Maybe No

B. *Air* Will the proposal result in

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

C. *Water* Will the proposal result in

- 1. Changes in the currents or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. *Plant Life* Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the number of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. *Animal Life* Will the proposal result in

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise* Will the proposal result in

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare* Will the proposal result in

- 1. The production of new light or glare?

H. *Land Use* Will the proposal result in

- 1. A substantial alteration of the present or planned land use of an area?

I. *Natural Resources* Will the proposal result in

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

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- J. *Risk of Upset.* Does the proposal result in
- | | Yes | Maybe | No |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. *Population.* Will the proposal result in
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. *Housing.* Will the proposal result in
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. *Transportation/Circulation.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. *Energy.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
- | | | | |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. *Human Health.* Will the proposal result in:
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- R. *Aesthetics.* Will the proposal result in
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|
- S. *Recreation.* Will the proposal result in
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

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T Cultural Resources.

Yes Maybe No

- 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

U. Mandatory Findings of Significance.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2. Does the project have the potential to achieve short term, to the disadvantage of long term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

A.2., 3. Although the physical nature of the project area will be modified, such activity is not expected to cause significant impacts (see pages 30-31 of attached study).

E.1., 3. Beneficial effects will occur on the area's marine organisms (page 30).

General See pages 16-18 of the attached study for a discussion of other possible impacts. As indicated, these factors are not deemed to be of probable significance if planning and construction techniques are accomplished with a high degree of care and skill.

Note: At this writing test borings are scheduled to determine whether a filtration layer under the reef is necessary.

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

Date: 4 / 28 / 83

[Signature]
For the State Lands Commission

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