

CALIFORNIA COASTAL COMMISSION

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April 18, 2002

Ms. Jeanine Derby, Forest Supervisor
Los Padres National Forest
6755 Hollister Avenue, Suite 150
Goleta, CA 93117

RE: Comments on Oil and Gas Leasing DEIS for Los Padres National Forest and Request for Consistency Determination

Dear Ms. Derby:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) regarding proposed changes to oil and gas leasing in Los Padres National Forest (LPNF). Our primary comment at this time is that adopting a change to the Forest's Management Plan will require the Forest Service to submit to the Coastal Commission for review and approval a determination that the proposed action is consistent to the maximum extent practicable with the California Coastal Management Program (CCMP).

We are also providing two related recommendations regarding elements of the DEIS that will need to be addressed as part of our consistency review – first, we recommend you update the information used in the DEIS analyses to determine the consequences of the proposed actions; and second, we recommend you ensure the updated information and subsequent analyses are adequate to allow the necessary review for conformity to Coastal Act policies. We also recommend that this update take the form of a supplemental DEIS so that other interested parties are fully involved in the review.

CONSISTENCY DETERMINATION REQUIRED:

The actions being contemplated in the DEIS require the Forest Service to submit a consistency determination to the Coastal Commission, pursuant to requirements of the federal Coastal Zone Management Act (CZMA, 16 U.S.C. 1451 et seq.). While the DEIS (at page 1-5) acknowledges part of the state's role pursuant to the CZMA in reviewing proposed activities requiring federal permits, it does not fully describe the obligation of federal agencies whose actions may affect the coastal zone. While the analyses presented in the DEIS are based largely on most of the LPNF lands within the coastal zone being withdrawn from leasing consideration, there are still several areas of LPNF lands within the state's coastal zone that are eligible for increased oil and gas leasing and there are many LPNF lands outside of the coastal zone upon which leasing activities could affect coastal resources. For example, parts of the Rincon Creek High Oil and Gas Potential Area (HOGPA), an area considered a strong candidate for leasing activities, are located within and adjacent to the coastal zone in Santa Barbara County. In addition, some of the leasing activities inland of the coastal zone could result in direct, indirect, or cumulative adverse effects on coastal resources.

Section 307 of the CZMA requires federal agencies to provide a consistency determination to the state that includes a finding as to whether the proposed activities within the coastal zone or proposed activities outside the coastal zone that may affect coastal resources are consistent to the maximum extent practicable with the enforceable policies of the CCMP. This finding must be accompanied by the information necessary to support such a conclusion, including an analysis of the proposal's consistency with Chapter 3 of the state's Coastal Act (see CFR Section 930.39 for a full listing of the information required for a complete consistency determination). The state may then review the proposed activities and provide its concurrence with, or objection to, the federal agency's determination. The Coastal Commission previously reviewed the LPNF Management Plan in 1988 and provided its concurrence with that Plan on June 7, 1988 (Consistency Determination #CD-18-88). The proposed changes to the Management Plan now being evaluated in this DEIS trigger the need for an additional consistency determination.

The Coastal Commission will evaluate the consistency determination you submit based on the policies of Chapter 3 of the California Coastal Act. These policies relate to public access, recreation, biological resources, environmentally sensitive habitat areas, agriculture, water quality, cultural resources, aesthetics, hazard prevention, oil and gas development, and other elements associated with coastal resources. In addition, Local Coastal Programs (LCPs) of the affected areas that have been certified by the Commission are used to provide additional information and guidance for applying Chapter 3 policies.

GENERAL COMMENTS ON THE DEIS:

As stated above, we are providing the following general comments in anticipation of completing full review upon receipt of your consistency determination and supporting information. These comments are intended to help identify the further analysis you need to submit as part of our CCMP consistency review.

Need for Current Information: Significant elements of the DEIS appear to be based largely on what appears to be out-of-date information. For example, the section of the DEIS describing the biological environment (Section 3.2), including threatened and endangered species, sensitive habitat areas, and other resources, cites data sources primarily from the early to mid-1990s. Section 3.3 of the DEIS, covering socioeconomic issues related to employment, population, and other economic conditions and trends, uses sources from that same time period. Additionally, in its discussion of recreational uses on LPNF lands, the DEIS states that the Forest Service stopped collecting data on this resource use in 1982. There is also no mention of the National Park Service (NPS) proposal to establish a new national seashore or similar recreational area along the Gaviota Coast and in some portions of the LPNF, and no assessment of the direct, indirect, or cumulative impacts of the proposed LPNF leasing on the NPS proposal.

As a result of using these older data sets, the analyses of environmental and socioeconomic consequences contained in Chapter 4 of the DEIS likely do not adequately describe current and potential conditions in LPNF or the likely effects of the proposed activities. This is of particular concern in the evaluation of biological resources, given that LPNF provides habitat for at least 23 species identified as endangered, threatened, or proposed for listing under the federal Endangered Species Act. Many of these species are dependent on habitat in areas identified in

the DEIS as suitable for increased oil and gas leasing. We are also concerned about the use of older data to describe socioeconomic conditions and the related potential adverse effects (e.g., public access, transportation, etc.), given the likelihood for some of those impacts to occur within the coastal zone of Santa Barbara and Ventura counties, as identified on pages 3-84 and 3-85 of the DEIS.

Recommendation: We recommend the analyses of environmental and socioeconomic consequences be based on more recent and thorough data to allow an adequate evaluation of the proposed activities. We believe there are numerous sources of more recent applicable data that would provide a better evaluation of current and likely future conditions.

Basis of Assumptions Used in the Analyses: It is not clear whether the assumptions used in the DEIS to determine the likely environmental and socioeconomic consequences of the proposed actions are related to specific mandatory requirements or other applicable regulatory standards. While the assumptions used provide a way to assess the scope or scale of a potential impact, it is not possible to determine how realistic they are in accurately determining the potential consequences of the proposed actions.

For example, the assumptions contained in Table 2-1 of the DEIS are described as being common to all the alternatives and as providing the basis for the environmental consequences outlined in Chapter 4. The table includes, for instance, assumptions that access roads would be constructed at the rate of 1,000 feet per day, would be surfaced with native soils for the first year and would be paved after one year; that wells would be drilled one at a time in any given area and drilling a well would take 23 days; and that pipelines would be constructed at the rate of 333 feet per day in trenches three feet wide and 4.5 feet deep. The DEIS does not state, however, whether these assumed performance measures are regulatory requirements, or if they are merely advisory. Without tying the assumptions to a specific required performance standard, we are unable to determine whether the analyses result in a valid assessment of likely impacts.

We have similar concerns regarding some of the technological assumptions used in the DEIS. For example, the DEIS analyses are based on the assumption that drilling can reach only about ½ mile, whereas current extended reach drilling capacities allow wells to be drilled several miles from their target deposit. Incorporating just this one change into the analyses could significantly reduce adverse impacts by resulting in fewer roads and drillpads, less surface erosion, and fewer adverse effects on water quality.

Recommendations: We recommend you provide additional information that relates the assumptions used in the DEIS analyses to specific regulatory requirements that would be imposed by the Forest Service or by other regulatory agencies. This additional information should include a description of whether these assumptions conform to applicable Coastal Act policies, including those policies that require activities be implemented using the feasible least environmentally damaging alternative and adverse environmental impacts be mitigated to the maximum extent feasible.

The DEIS analysis of surface water supplies and riparian areas provides a good example of where to apply this recommendation. Section 3.1.2.4.2 of the DEIS states that riparian habitat represents only one percent of the LPNF land base, and that many of these riparian areas are

degraded or below potential due to various activities occurring on or near those areas. Section 3.1.2.4.3 describes the LPNF lands as the source of surface water for 37 reservoirs used for municipal and agricultural water supplies. It also states that while surface water in LPNF generally meets water quality standards, sedimentation is considered a major water quality problem affecting water storage in those reservoirs as well as fish and wildlife habitat.

Chapter 4 in the DEIS (Environmental Consequences) then goes on to state that environmental values associated with these surface waters and riparian areas are likely to be adversely affected by an increase in leasing activities. This analysis, however, does not appear to identify all feasible measures to avoid or minimize these adverse effects, and does not adequately describe what requirements would be imposed on particular activities to ensure adverse effects are avoided or minimized. This is particularly important given that the DEIS describes the surface waters in LPNF as providing significant fish and wildlife habitat and serving as a significant source of municipal and agricultural water supplies for the surrounding areas. Even if these surface waters are currently degraded to some extent, they are still providing important beneficial uses and apparently have the potential for improvements.

Given that the surface water and riparian areas are a relatively small portion of the LPNF land base, and are not necessarily related to the location of oil and gas reserves, it appears the DEIS could evaluate additional measures that would provide further avoidance or minimization of impacts. For instance, as noted above, Table 2-1 includes assumptions directly related to surface water quality and riparian habitat that clearly leave room for additional avoidance measures. Regarding road construction, for example, the DEIS assumes roads needed for increased oil and gas leasing would be constructed at a rate of 1,000 feet per day and that they would be paved one year after they are constructed. The DEIS does not adequately evaluate, however, whether there are feasible measures to avoid or reduce constructing new roads, nor does it evaluate specific Best Management Practices that will be required for road construction. For instance, what effect would extended reach drilling or helicopter access have on the amount of new or improved roads needed for the anticipated exploration or production activities? What if roads were paved immediately upon construction? Will roads be prohibited on particular steep slopes or on areas with unstable soils? Additionally, the DEIS does not adequately address some of the cumulative impacts associated with road construction – for example, will new roads prejudice future LPNF land management options for lands that are currently roadless? What effect would the presence of roads in currently roadless areas of the forest have on recreation, water quality, fire hazards, and other areas of concern?

We recommend that where applicable, the additional avoidance and minimization measures you identify for any of the environmental consequences of the proposed action be related to specific regulatory requirements, and most particularly to specific Coastal Act policies. Continuing the use of the above examples, measures related to water quality, riparian habitat, and sedimentation should be tied specifically to California's Nonpoint Source Pollution Control Program (January 2000, State Water Resource Control Board and California Coastal Commission), which has been incorporated into the state's CCMP. We also recommend you consider at least one additional alternative scenario to the ones presented; one that is focused on avoidance or minimization of adverse impacts to coastal resources. An alternative such as this could help address some of the concerns expressed above regarding the proposal's conformity to Coastal Act policies. For example, a "coastal resource avoidance" alternative could emphasize removing all or some of the

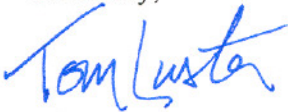
HOGPAs within or near the coastal zone from leasing consideration, de-emphasizing new or increased development in coastal watersheds, requiring specific appropriate buffers around coastal-related resources, and other similar measures.

CONCLUSION:

To conclude, we believe the analyses presented in the DEIS should be updated with more recent information and that the environmental and socioeconomic consequences of the proposed actions should be evaluated with stronger consideration of Coastal Act requirements. We also believe the appropriate next step in your review process is development of a Supplemental DEIS that incorporates the comments expressed above.

Again, thank you for this opportunity to comment. We look forward to continuing our review. Please feel free to contact me at 415-904-6093 or at tluster@coastal.ca.gov if you have any questions or would like additional information.

Sincerely,



Tom Luster
Energy Unit

Cc: Coastal Commission – Sarah Christie, Melanie Hale, Lee Otter
County of Santa Barbara – Doug Anthony
County of Ventura, Planning Division – Christopher Stephens, Director