July 29, 2025

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Re: Sable's Application for an Easement for Line CA-325: California Department of Parks and Recreation's Obligation to Conduct Environmental Review

Dear Mr. Quintero and Ms. Bellman,

On behalf of Get Oil Out!, Santa Barbara County Action Network , Sierra Club, by and through the Santa Barbara-Ventura Chapter, Santa Barbara Channelkeeper, and the Environmental Defense Center,[1] we submit this letter to explain why the Department of Parks and Recreation ("State Parks") must conduct environmental review of Sable Offshore Corporation's ("Sable") application for an easement to restart, operate, and maintain the portion

[1] GOO! was formed in the wake of the 1969 Santa Barbara Oil Spill and continues to work to protect California from further oil and gas development and exploitation. SBCAN is a countywide grassroots organization that works to promote social and economic justice, to preserve our environmental and agricultural resources, and to create sustainable communities. Sierra Club, a national organization with more than 400,000 members and supporters in California, is dedicated to protecting the quality of the natural environment and promoting the responsible use of natural resources. Santa Barbara Channelkeeper's mission is to protect and enhance the water quality of the Santa Barbara Channel and its tributaries through science based advocacy, field work, and enforcement of environmental laws. EDC is a nonprofit public interest law firm that defends nature and advances environmental justice on California's Central Coast through advocacy and legal action.

of pipeline CA-325 that passes through Gaviota State Park ("Gaviota SP"), pursuant to State Parks' obligations under the California Environmental Quality Act (CEQA).

As you know, Sable is seeking an easement from State Parks as part of its effort to restart CA-325, which, along with CA-324, comprise the "Las Flores Pipeline System." The entire Las Flores Pipeline System has been shut down since 2015 when, due to a defect in its design, it ruptured at Refugio Beach State Park, resulting in a catastrophic oil spill along the Gaviota Coast.[2] The spill closed public parks and beaches, killed and injured wildlife, shut down fisheries, and destroyed sensitive habitats and cultural resources.[3]

Our clients were involved in the immediate response to the 2015 oil spill and remain concerned about the risks of operating the Las Flores Pipeline System. They have well-founded concerns that the pipeline system cannot be safely restarted and, as to Sable, that this speculative company will not be able to responsibly operate the pipelines or fulfill its remediation obligations when another spill occurs.

Concerningly, Sable intends to restart the Las Flores Pipeline System without remedying the underlying defect(s) that caused the 2015 spill — i.e., the pipelines *still* lack effective protection from corrosion. Instead, pursuant to State Waivers issued by the Office of the State Fire Marshal (OSFM), Sable plans on resuming operations under the guise of increased corrosion monitoring, using inspection tools that we know from the 2015 spill to be demonstrably unreliable.

The conditions of the Waivers neither remedy the pipeline system's underlying defect(s) nor ensure that it will be safe to operate. Rather, the Waivers *allow* pervasive corrosion of the pipelines to continue unabated, creating a distinct and likely possibility that the pipelines will rupture again. Moreover, the Waivers actually *require* Sable to cause substantial environmental impacts to areas along the pipeline route, mandating a minimum of 192 excavations for repairs and testing over the next ten years.

Granting a new easement for CA-325 will directly facilitate Sable's proposed restart of the Las Flores Pipeline System; will create an imminent risk of another oil spill; and will result in extensive excavations, including in highly sensitive areas like Gaviota SP. Should State Parks grant the requested easement, significant environmental impacts are not just likely, but unavoidable. Accordingly, because the requested easement is neither statutorily nor categorically exempt from CEQA, State Parks must prepare an Environmental Impact Report (EIR) that fully considers its reasonably foreseeable impacts. Moreover, even if State Parks determines that a *new* EIR is not required, it must, at a minimum, prepare a subsequent EIR (SEIR) in light of

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[2] *See* Pipeline and Hazardous Materials Safety Administration ("PHMSA"), *Failure Investigation Report, Plains Pipeline, LP, Line 901*, at 3 (May 2016) [hereinafter "PHMSA Report"], available here: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/PHMSA_Failure_Investigation_Report_Plains_Pipeline_LP_Line_901_Public.pdf. [Attachment 1]

[3] California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment*, at 3 (June 2021) [hereinafter "DARP"], available here: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193144&inline. [Attachment 2]

Sable's proposed substantial modifications to how CA-325 will operate, changed circumstances under which the project will be undertaken, and new information.

Thus, State Parks must conduct necessary environmental review *before* deciding whether to grant the requested easement, as required under CEQA.

I. Sable's Restart Proposal

In the wake of the 2015 Refugio Oil Spill, the Pipeline Hazardous Materials and Safety Administration (PHMSA) determined that the rupture in the Las Flores Pipeline System was a result of "progressive external corrosion," and that the pipelines' cathodic protection system — intended to prevent such corrosion — had failed.[4] Concerningly, it was ultimately determined that, by flaw of design, cathodic protection is ineffective on the Las Flores Pipeline System, leaving both CA-324 and CA-325 vulnerable to pervasive corrosion and the possibility of another rupture.[5]

Without effective cathodic protection, the risk of a spill from the Las Flores Pipeline System is *five times* greater than the average failure rate.[6] One analysis, prepared for the County of Santa Barbara, found that restarting the pipeline system could result in a spill every year, and a major rupture every four.[7] In other words, bringing the system back online in the manner envisioned by Sable would not only invite another oil disaster on the Central Coast, it would all but ensure it.[8]

Because of its extensive corrosion issues, in order to restart the Las Flores Pipeline System, Sable must obtain waivers that excuse it from complying with certain regulations concerning corrosion prevention from OSFM. As relevant here, OSFM issued a State Waiver for CA-325 that allows Sable, under certain conditions, to operate the pipeline despite its lack of effective cathodic protection.[9] The conditions of the Waiver, however, fail to ensure that CA-325 will be safe to operate.[10] And, they will necessarily require extensive impacts to resources in Gaviota SP and other areas along the pipeline route.

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[4] *See* PHMSA Report, at 14.
[5] *Id.*
[6] Santa Barbara County, *Administrative Draft of Draft EIR for Plains Pipeline Replacement Project*, Section 5.6, p. 78 (Mar. 2022) [hereinafter "County ADEIR"], available here: https://www.environmentaldefensecenter.org/wp-content/uploads/2024/08/DEIR_PlainsReplacementPipeline_03.21.22.pdf. [Attachment 3]
[7] *Id*.
[8] *Id.* at 79-80.
[9] California Department of Forestry and Fire Protection, Office of the State Fire Marshal, *Letter of Decision on the State Waiver Request for Limited Effectiveness of Cathodic Protection on Thermally Insulated Pipeline and Corrosion of or along a Longitudinal Seam Weld* (CA-325A/B) (Dec. 17, 2024) [hereinafter "CA-325A/B Waiver"]. [Attachment 4]
[10] Our clients maintain that the issuance of the Waiver is both procedurally and substantively defective, and it is currently the subject of litigation in *Environmental Defense Center et al. v. California Department of Forestry and Fire Protection et al.*, Case No. 25CV02247 in Superior Court for the County of Santa Barbara.

In short, the Waiver substitutes cathodic protection with more frequent inspections of the pipeline using in-line inspection ("ILI") tools.[11] In other words, rather than *proactively* preventing corrosion in the first place, the Waiver allows for the pervasive, progressive corrosion of the pipeline to continue, and instead relies on purely *reactive* measures in the hopes that corrosion anomalies can be properly detected, located, and repaired before rupturing.

One of the most obvious issues with this approach is that, for a number of reasons, ILI tools cannot serve as an adequate substitute for effective cathodic protection. Such tools have proven to be unreliable, both with respect to detecting corrosion on the Las Flores Pipeline System, and in detecting corrosion on other oil pipelines.[12] In fact, the PHMSA Failure Investigation Report for the 2015 pipeline spill shows that ILI tools used on the Las Flores Pipeline System undercalled the degree of metal loss on the pipeline and revealed an "uncharacteristically high deviation" compared to excavation data.[13]

The many issues with the Waiver, and the pipeline system more generally, are addressed in depth in two expert reports attached hereto, which together conclude that the Las Flores Pipeline System remains unsafe to operate.[14]

Also relevant here are the Waivers' excavation requirements. The Waivers require bi-annual ILI inspections for the first two years, and then annual inspections for the remaining eight — i.e., a total of twelve ILI inspections on CA-325 over the next decade.[15] For each ILI run, Sable is required to conduct a minimum of four "validation digs" to corroborate the accuracy of the tool, as well as four "direct examination excavations."[16] Thus, over the next ten years, Sable must conduct *at least* ninety-six excavations along CA-325, and 192 excavations along the entirety of the Las Flores Pipeline System.[17] And, pursuant to repair criteria listed in the waiver, additional excavations will likely be required to repair anomalies as the pipeline system continues to corrode.[18]

Each of these excavations gravely threatens the surrounding environment, placing Gaviota SP's sensitive species and habitats at risk. The excavations — whether for validation or repairs — may involve removal of sensitive vegetation alliances and associations, extensive grading, and the use of heavy equipment and vehicles in the Park.[19] These activities cause habitat

[11] CA-325A/B Waiver, Conditions 19-29.
[12] PHMSA Report, Appendix G: In-Line Inspection Report.
[13] *Id*. at 13.
[14] Richard Kuprewicz, Accufacts Inc., *Evaluation of Las Flores Pipeline System Startup Proposal* (Dec. 20, 2024); Richard Kuprewicz, Accufacts Inc., *Observation on OSFM Letters of Decision for State Waiver Requests on Line CA-324 and CA-325A/B Related to Possible Restart* (Feb. 21, 2025). [Attachment 5]
[15] CA-325A/B Waiver, Conditions 28-29.
[16] CA-325A/B Waiver, Conditions 19-29.
[17] *Id*.
[18] CA-325/B Waiver, Conditions 31-37.
[19] *See* Larry Hunt, *Potential Impacts of Las Flores Pipeline System Repair and Operation on Special-Status Habitats and Species in Gaviota State Park, Santa Barbara County*, at 4 (July 2025) [hereinafter "Larry Hunt Letter"]. [Attachment 6].

loss, long-term changes to wildlife movement and dispersal, direct mortality of sensitive species, and impacts to water quality.[20]

II. Legal Framework under CEQA

A. Requirement for an EIR

CEQA is "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.) CEQA's essential purposes are to "(1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities; (2) Identify the ways that environmental damage can be avoided or significantly reduced; (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved." (CEQA Guidelines § 15002(a).[21])

"To achieve these goals, CEQA and its implementing regulations" — i.e., the CEQA Guidelines — "provide for a three-step process." (*Save Our Access v. City of San Diego* (2023) 92 Cal.App.5th 819, 842.) First, the lead agency determines whether a proposed action is a 'project' within the meaning of the statute. (*Id.*) If so, in the second step, the agency determines whether the project is exempt from CEQA. (*Id.*) If it is exempt, no further environmental review is required, and the agency files a Notice of Exemption for the project. (*Id.*) If it is not exempt, the agency proceeds to the third step — evaluating the project's environmental impacts, which may include preparing an EIR. (*Id.*)

The purpose of an EIR "is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." (Pub. Res. Code § 21001(a); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511-12.) The EIR is "the heart of CEQA." (CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) It is an "'environmental alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392, quoting *County of Inyo* (1973) 32 Cal.App.3d 795, 810.) "The EIR process protects not only the environment but also informed self-government." (*Laurel Heights Improvement Assn*., 47 Cal.3d 376, 392.)

An EIR is required where there is substantial evidence that a project *may* have a significant effect on the environment. (CEQA Guidelines § 15064(a), (f)(1) (emphasis added); *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.) "[I]f a lead agency is

[20] *Id*. at 4-5.
[21] The CEQA Guidelines are set forth in Title 14 California Code of Regulations, section 15000 *et. seq*.

presented with a *fair argument* that a project *may* have a significant effect on the environment, the lead agency *shall* prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect." (CEQA Guidelines § 15064(f)(1), citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68 (emphasis added).) In evaluating the potential significance of the environmental effect of a project, the agency must consider both direct physical changes in the environment as well as reasonably foreseeable indirect physical changes in the environment. (CEQA Guidelines § 15064(d).)

In addition to this general requirement, the CEQA Guidelines identify situations in which preparation of an EIR is *mandatory*. For example, an EIR is required if the project has the potential to, among other factors, substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; or substantially reduce the number of one or more rare, threatened, or endangered species. (CEQA Guidelines § 15065(a)(1).)

B. Subsequent Environmental Review

In addition to the requirement for preparation of an EIR, CEQA provides for further environmental review when certain conditions apply to a project that was previously subject to review. According to Public Resources Code section 21166(a), an SEIR is required when "[s]ubstantial changes are proposed in the project which will require major revisions of the environmental impact report." (*See also* CEQA Guidelines § 15162(a)(1) (an SEIR is required where "[s]ubstantial changes are proposed in the project which will require major revisions of the previous EIR [] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.").)

Subsequent review is also required when "[s]ubstantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (*See also* CEQA Guidelines § 15162(a)(2) (requiring preparation of an SEIR where such revisions are required "due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects").)

Finally, an SEIR is required when "[n]ew information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available." (Pub. Res. Code § 21166(c).) The CEQA Guidelines elaborate on this provision, requiring an SEIR where new information "of substantial importance" shows, among other things, "[s]ignificant effects previously examined will be substantially more severe than shown in the previous EIR." (CEQA Guidelines § 15162(a)(3)(B).)

These requirements apply even where the prior environmental review was conducted by another agency. (*See* CEQA Guidelines § 15162(c) (if any of the conditions described in section 15162(a) apply, an SEIR shall be "prepared by the public agency which grants the next discretionary approval for the project").)

III. State Parks Must Conduct Environmental Review under CEQA before Deciding Whether to Approve Sable's Requested Easement.

Pursuant to State Parks' own operations manuals, Sable's requested easement is a "project" that is subject to CEQA because it will result in a change in the density or intensity of use, indicating the project may have significant environmental effects, and its approval is entirely discretionary. (*See* Cal. State Dept. Parks & Recreation, *Environmental Review Operations Manual*, at 06-7 (June 2003) (hereinafter "Environmental Review Manual.")) [22] As explained below, because the project may have a significant effect on the environment, State Parks must prepare an EIR *before* deciding whether to grant Sable's requested easement. (CEQA Guidelines § 15002, 15002(f)(1).)

A. Approving an Easement to Restart, Operate, and Maintain the Pipeline Constitutes a "Project" under CEQA.

Under CEQA, a "project" is defined as "any activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code. § 21065; CEQA Guidelines § 15378(a).) A "project" includes private activities that require authorization from a public agency, such as through permits, leases, or "other entitlements." (CEQA Guidelines § 15378(a)(3).) State Parks' issuance of an easement to allow restart and operation of Line CA-325 constitutes such a "project."

In State Parks' letter to Sable dated December 20, 2024, State Parks noted that the prior easement for CA-325 expired in 2016, and that Sable would need to obtain a new easement before it could restart, operate, and maintain the pipeline through Gaviota SP.[23] In other words, granting an easement to allow restart of the pipeline — and the Las Flores Pipeline System more generally — would be a departure from the status quo, which is a *nonoperational* pipeline system.

As discussed above in Part I, restarting and operating the segment of CA-325 that passes through Gaviota SP may cause direct physical changes to the environment, both from potential oil spills and from the mandatory, extensive excavations required under the OSFM Waiver. Indirectly, restarting the segment — a necessary predicate to restarting the Las Flores Pipeline System as a whole — will cause reasonably foreseeable physical changes along the entire route of the pipeline system. But for State Parks' granting a new easement, none of those potential changes to the environment would occur.

State Parks has made it abundantly clear that the approval of easements is a "project" that requires CEQA review. (*See* Cal. State Dept. Parks & Recreation, Real Property Management Operations Manual, at 21-8 (Aug. 2010) (hereinafter "Real Property Manual") (stating, "Entering

[22] Cal. State Dept. Parks & Recreation, *Environmental Review Operations Manual*, at 06-7 (June 2003) [hereinafter "Environmental Review Manual"]. [Attachment 7].
[23] Letter from Emma Siverson, Senior Staff Counsel, Department of Parks and Recreation, to Lee Alcock, Assistant General Counsel, Sable Offshore, at 1 (Dec. 20, 2024) [hereinafter "Siverson Letter"]. [Attachment 8].

into an encumbrance, Right-of-Entry or Right-of-Way Permit or property sale is a discretionary decision and therefore a 'project' under [CEQA]"; *see also* Environmental Review Manual, at 06-7.)[24] State Parks recognized that easements "can negatively impact park resources and public use, individually or cumulatively, often in perpetuity, and therefore must be carefully analyzed before being approved." (Real Property Manual, at 21-7.)

Furthermore, as discussed in depth in Part V, *infra*, Sable intends to operate CA-325 in a fundamentally different manner than the previous owners. In particular, operating the pipeline without effective cathodic protection represents a grave departure from the project initially envisioned and approved in the 1980's. Notable, also, is that the pipeline system has now aged past its expected 30-year lifespan. Taken together, the risks of an oil spill are significantly higher than initially estimated and, as noted, the continual maintenance necessary to operate the corroded pipeline system will necessarily cause disturbances to the environment.

Accordingly, granting Sable's requested easement unequivocally "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code. § 21065; CEQA Guidelines § 15378(a).) Thus, approval of the easement constitutes a "project" for purposes of CEQA.

B. Granting an Easement for Operating the Pipeline May Have Significant Environmental Effects.

As discussed above, an agency must prepare an EIR when there is a fair argument that a project may have a significant environmental impact, or where certain "mandatory findings of significance" exist.

Gaviota SP encompasses thousands of acres of grassland, oak woodland, chaparral, coastal sage scrub, coastal strand, riparian, freshwater aquatic, freshwater marsh, estuarine, and marine habitats.[25] Not only are "all wetland, riverine, estuarine, and marine habitats . . . considered to be 'sensitive," but upland vegetation communities are also designated and protected as Environmentally Sensitive Habitat Areas (ESHA) in Gaviota SP pursuant to the County of Santa Barbara's Gaviota Coast Plan, which was certified by the California Coastal Commission (CCC) on November 7, 2018.[26] Specifically, native grasslands, oak woodlands, large contiguous areas of chaparral and coastal sage, and annual grasslands and other vegetation communities which support special-status species occurring in Gaviota SP are recognized as ESHA.[27] The pipeline route passes through all of these ESHAs within the State Park.[28]

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[24] The Real Property Manual defines an easement as an "encumbrance." Cal. State Dept. Parks & Recreation, *Real Property Management Operations Manual*, at 21-5 (Aug. 2010) [hereinafter "Real Property Manual"]. [Attachment 9]
[25] Larry Hunt Letter, at 1.
[26] County of Santa Barbara, *Gaviota Coast Plan, Chapter 2: Natural and Cultural Resources Stewardship*, at 2-16 (2018), available here: https://cosantabarbara.app.box.com/s/67cui9hpdphz64ajtmbdndqwq1x8tr5h. [Attachment 10]
[27] Larry Hunt Letter, Table 1.

Furthermore, dozens of special-status species occur within the Park.[29] These include federally and state endangered southern California steelhead, federally threatened tidewater goby and California red-legged frog, state-designated Species of Special Concern arroyo chub, south coast newt, and southwestern pond turtle, and the state endangered California brown pelican, among others.[30] Gaviota SP is also home to rare plant species listed by the California Native Plant Species (CNPS) and California Natural Diversity Database ranking, including Black-flowered figwort, late-flowered mariposa lily, Refugio manzanita, bitter gooseberry, and Davidson's saltbush.[31] Santa Barbara honeysuckle is also likely to occur in the Park.[32] Refugio manzanita is listed with a California Rare Plant Rank of 1B.2 (rare, threatened, or endangered in California and elsewhere) and has been documented within twenty-five meters of the pipeline in the vicinity of three recent repair projects.[33] (Figure 1). Late-flowered mariposa lily is listed with a California Rare Plant Rank of 1B.3 (rare, threatened or endangered in California and elsewhere) and has been recorded within 300 meters of the pipeline.[34] Suitable habitat for these species occurs along the pipeline route.[35] (Figures 1 and 2) Oil spills and maintenance and repairs required for the pipeline's operation may significantly impact these species and their habitats.[36]

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[28] *See* Environmental Defense Center, *Map of Sensitive Species and Habitats in Gaviota State Park* (July 2025). [Attachment 13]. *See also* Environmental Defense Center, *Key for Map of Sensitive Species and Habitats in Gaviota State Park* (July 2025). [Attachment 14].
[29] Larry Hunt Letter, Table 1; *See also* CalFlora Records (last viewed July 28, 2025) [hereinafter "CalFlora Records"], available here: https://www.calflora.org/. [Attachment 11].
[30] *Id*.
[31] See CalFlora Records.
[32] Larry Hunt Letter, at 1.
[33] CalFlora Refugio manzanita webpage (last viewed July 28, 2025), available here: https://www.calflora.org/app/taxon?crn=605.
[34] CalFlora late-flowered mariposa lily webpage (last viewed July 28, 2025), available here: https://www.calflora.org/app/taxon?crn=11230.
[35] Larry Hunt Letter, Table 1.
[36] Larry Hunt Letter, at 6.

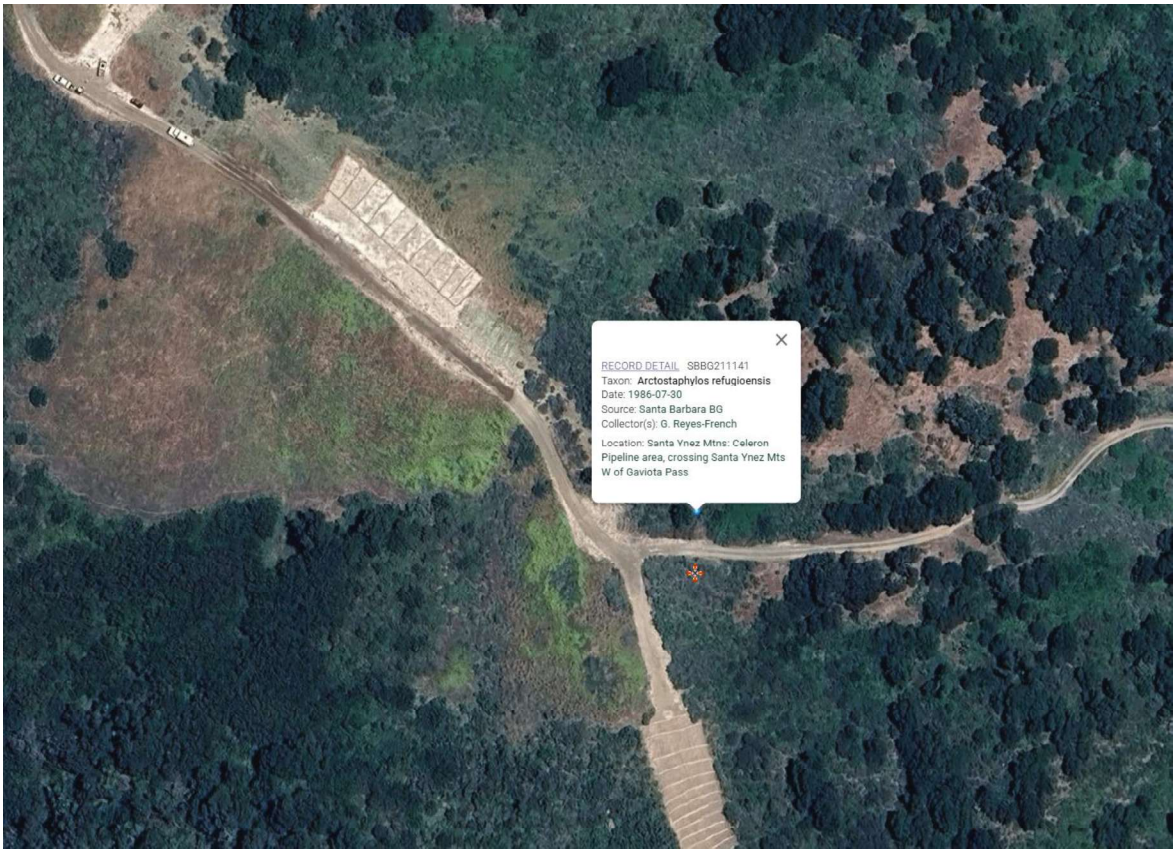

Figure 1. Refugio manzanita observation adjacent to pipeline. CalFlora. July 28, 2025. https://www.calflora.org/entry/observ.html?track=m#srch=t&lpcli=t&taxon=Arctostaphylos+refugioensis&chk=t&cch=t&cnabh=t&inat=r&cc=SBA

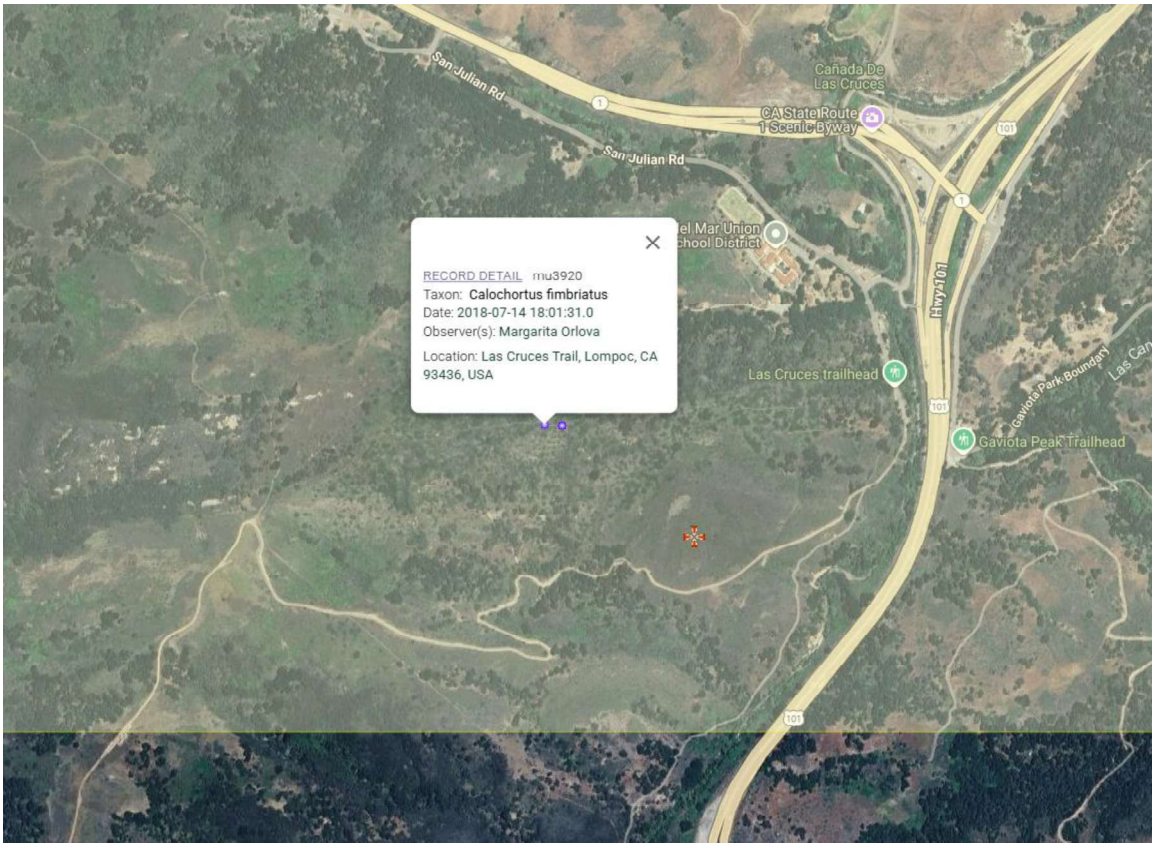

Figure 2. Late-flowered mariposa lily occurs near the pipeline route and suitable habitat occurs along the pipeline route. CalFlora. July 28, 2025. https://www.calflora.org/app/taxon?crn=11230

Based on these facts, State Parks is *required* to find that the proposed easement may have significant environmental effects because the "project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species . . . [or] substantially reduce the number or restrict the range of an endangered, rare or threatened species." (CEQA Guidelines § 15065(a)(1).) Both the heightened risk of oil spills and the impacts of required maintenance and repairs on Gaviota SP's sensitive resources compel a finding that an EIR is required.[37]

In addition, a fair argument can surely be made that operating the already corroded Las Flores Pipeline System without effective cathodic protection will cause significant environmental effects from a future oil spill. Indeed, the rupture of the pipeline in 2015 spilled over 120,000 gallons of crude oil into the surrounding environment, killing and injuring wildlife, shutting down fisheries, and sickening residents.[38] It is undeniable that a rupture or oil spill in the easement area may directly have "significant, long-term impacts to habitats and species" in

[37] Larry Hunt Letter, at 5-6.
[38] *See* DARP, at 3. *See also* California Coastal Commission ("CCC"), *Staff Report: Recommendations and Findings for Cease and Desist Order, Restoration Order, and Administrative Civil Penalty*, at 3 (Mar. 28, 2025) [hereinafter "CCC Report"]. [Attachment 12]

Gaviota SP.[39] Even the "cleanup and remediation of oil spills . . . could have significant, long-term impacts to upland and aquatic habitats and soils and wildlife populations, particularly aquatic and aquatic-associated wildlife if oil enters Gaviota Creek."[40]

Aside from the risk of oil spills, required maintenance and repairs may also have significant environmental effects. In maintaining and operating the pipeline and its right-of-way, vegetation grubbing, grading to widen the access road, the use of heavy equipment, and excavations may be necessary.[41] According to a biological expert, "[g]rading and vegetation grubbing can remove or significantly alter suitable habitat, causing wildlife to abandon these areas."[42] The use of heavy equipment and vehicular traffic "can kill wildlife and/or crush the burrow systems" used as refugia by a number of sensitive Gaviota SP species.[43] Grading and vegetation removal may "facilitate the spread of invasive, non-native vegetation that displaces native plant species and degrades wildlife habitat beyond the immediate work areas."[44] Invasive, nonnative plant species, including tocalote and veldt grass which thrive in disturbed areas, grow near the pipeline route in Gaviota SP and are visible from Hollister Trail.[45] And, "soil erosion from exposed soils and/or soil stockpiles may reach drainages where it can degrade spawning habitat for fish, smother fish and amphibian egg masses, and lower oxygen levels."[46] Sable has improperly installed erosion control in various locations including CDFW's Carrizo Plain Ecological Reserve. (Figure 3) The pipeline maintenance also increases the risk of human-caused wildfires from equipment or vehicles used in the process.[47] To the extent that Sable may need to conduct hydrostatic pressure testing during the pipeline's operation, this activity may also have a significant impact on the environment. In particular, hydrostatic pressure testing may cause nesting birds to abandon broad areas around the worksite "due to increased human presence, night-lighting, and noise."[48]

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[39] Larry Hunt Letter, at 6.
[40] *Id*. at 5.
[41] *Id*. at 4-5.
[42] *Id*. at 5.
[43] *Id*.
[44] *Id*.
[45] California Invasive Plant Council, *Centaurea melitensis* webpage (July 29, 2025) (stating, "Malta starthistle prefers disturbed and open areas, including grasslands, open woodlands…"), available here: https://www.cal-ipc.org/plants/profile/centaurea-melitensis-profile/; See also California Invasive Plant Council, *Erharta erecta* webpage, (July 29, 2025) (stating, "Panic veldtgrass is commonly found in disturbed areas, including riparian areas, scrub, grassland, woodland…"), available here: https://www.cal-ipc.org/plants/profile/ehrharta-erecta-profile/.
[46] Larry Hunt Letter, at 5.
[47] *Id.*
[48] *Id.*

Figure 3. Improperly installed erosion control measures at Sable pipeline repair site in CDFW's Carrizo Plain Ecological Reserve. April 24, 2025.

In previous repairs conducted by Sable, which it characterized as "routine," Sable created access routes and staging areas for excavations in protected habitat, including staging above known southwestern pond turtle and southern California steelhead habitat.[49] Sable excavated and filled wetlands mapped in numerous locations, including Santa Barbara Land Trust's Overlook Preserve on the Gaviota Coast where a wetland drainage, which was flowing, was excavated this spring.[50] (Figures 4 and 5). Sable conducted grading and pipeline repair adjacent to California red-legged frog breeding habitat in Arroyo Quemada Creek within federally-designated critical habitat within the public Baron Ranch during the 2025 breeding season.[51] (Figure 6) Sable's excavations also damaged wetlands, riparian areas, coastal sage, native grasslands, and

[49] CCC Report at 4-5.
[50] Email from Brian Trautwein, Senior Analyst and Watershed Program Director, EDC to April Woods, Environmental Scientist, Central Coast Regional Water Quality Control Board describing observations of fill in wetland, and including photos and USFWS Wetland Mapper map depicting riverine wetlands in the National Wetlands Inventory in the filled drainage (Apr. 22, 2025); *See also* Email from April Woods, Environmental Scientist, Central Coast Regional Water Quality Control Board to Brian Trautwein, Senior Analyst and Watershed Program Director, EDC (Apr. 22, 2025) (stating, "it's not on the inventory list, and unsurprisingly this work has not been permitted since the inventory was generated"); US Fish and Wildlife Service Wetland Mapper, National Wetlands Inventory showing mapped riverine wetland (Apr. 24, 2025), available here: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper.
[51] CCC Report, at 5, Exhibit 87.

woodlands, designated as ESHA and "is most likely to result in erosion, scarring, and discharge of sediment into wetlands and watercourses."[52] Under the waiver issued by OSFM, Sable is required to conduct a minimum of ninety-six validation digs across CA-325 as part of its corrosion monitoring.[53] Excluding all other unanticipated repairs, each of the ninety-six digs may cause significant environmental effects, including threats to sensitive species and habitat.

Figure 4. Sable pipeline repair project in mapped wetland with surface water present on Santa Barbara Land Trust Overlook Preserve Property on the Gaviota Coast. April 20, 2025.

[52] CCC Report, at 5.
[53] CA-325A/B Waiver, Condition 29.

Figure 5. Filled wetland at Sable pipeline repair site pictured above in Figure 4 showing surface water in wetland upstream from wetland fill location at Santa Barbara Land Trust Overlook Preserve Property on the Gaviota Coast. April 24, 2025.

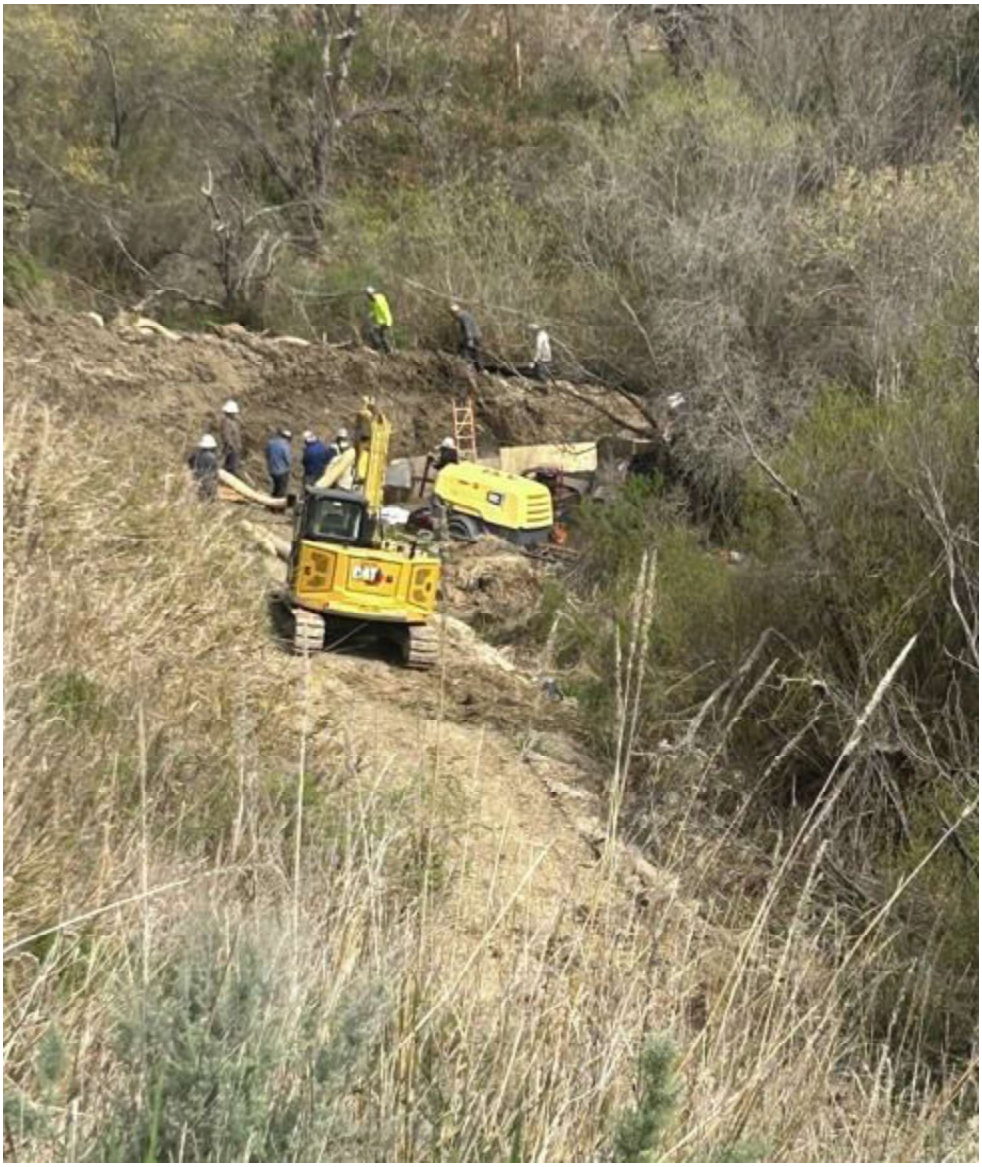

Figure 6. Sable pipeline repair site in and adjacent to riparian habitat of Arroyo Quemada Creek. The creek is a breeding habitat for California red-legged frog. Work was undertaken during the red-legged frog breeding season. February 21, 2025.

Accordingly, it is beyond reasonable dispute that the proposed easement "has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; . . . [or] substantially reduce the number or restrict the range of an endangered, rare or threatened species." (CEQA Guidelines § 15065(a)(1).) In any event, for the reasons above, a fair argument can surely be made that proposed easement may cause significant environmental effects.

In sum, then, State Parks must prepare an EIR before issuing Sable an easement to operate the Las Flores Pipeline System within Gaviota SP. State Parks must ensure that the risks

of operating a defective and corroded oil pipeline in such a pristine environment are sufficiently considered and subject to thorough review and public scrutiny.

IV. Sable's Easement Application is not Exempt from Review Under CEQA.

Under CEQA, certain projects may be exempt from environmental review, either under a statutory exemption or because they belong to a class of activities that do not typically result in a significant effect on the environment. (CEQA Guidelines § 15260 – 85, 15300 – 32.) Sable's proposal to restart and operate the pipeline within Gaviota SP does not qualify for either type of exemption.

A. Sable's Project is not Eligible for a Statutory Exemption.

Although CEQA includes a statutory exemption for pipeline projects, the exemption is limited. Sable's project does not qualify for this exemption because (1) the project goes beyond mere maintenance, repairs, and similar activities; (2) the pipeline has already been subject to this exemption in the previous twelve months; and (3) Sable is not in compliance with all applicable state and federal laws. (See CEQA Guidelines §§ 15284(a), (b)(2), and (b)(6).)

B. Sable's Project does not Qualify for a Categorial Exemption.

Sable's project also does not qualify for a categorical exemption because it may have a significant effect on the environment. Categorical exemptions are appropriate for types of projects that "have been determined *not* to have a significant effect on the environment…" (CEQA Guidelines § 15300 *et seq*. (emphasis added).) "It follows that an activity that may have a significant effect on the environment cannot be categorically exempt." (*Mountain Lion Foundation v. Fish and Game Com.* (1997) 16 Cal.4th 105, 124.)

Notably, the State Parks' Environmental Review Manual further mandates that "[a]n activity or project is exempt only if there is no significant impact as determined through specialist review." (Environmental Review Manual, at 06-24 (emphasis in original).)

The potential significant impacts identified above, in addition to the mandatory findings of significance set forth in CEQA Guidelines section 15065, prohibit the use of an exemption here.

C. Even if Categorical Exemptions Applied, Exceptions Preclude their Use.

The CEQA Guidelines contain exceptions to the use of categorical exemptions where specific circumstances exist such that the proposed project could result in a significant effect. Relevant here are the exceptions for location-specific considerations (CEQA Guidelines § 15300.2(a)), cumulative impacts (CEQA Guidelines § 15300.2(b)), and significant effects from unusual circumstances (CEQA Guidelines § 15284(c)). These exceptions must be considered when an agency invokes a categorical exemption. (*See Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1103.)

1. The Project's Sensitive Location Precludes the Invocation of a Categorical Exemption for Minor Alterations.

Should State Parks find that the requested easement and operation of the pipeline constitutes a minor alteration to the land or a minor alteration to land use limitations, this project is still not categorically exempt because of its sensitive location. (*See* CEQA Guidelines § 15300.2(a), prohibiting the use of class 4 or 5 exemptions for projects located in a "particularly sensitive environment.") The State Parks Environmental Review Manual also explicitly recognizes an exception "due to the location or presence of sensitive resources." (Environmental Review Manual, at 06-24.) The rationale behind these exceptions is that typically exempt projects may not have significant environmental impacts, but the sensitive location of the project makes significant impacts more likely.

Gaviota SP is an ecological treasure home to a variety of sensitive species and habitats, as mentioned above. The Park is also part of the Kashtayit State Marine Conservation area, and is a site of incredible cultural significance to the Chumash.[54] Sable's pipeline spans much of Gaviota SP and, per Sable's own submittals to Santa Barbara County, is located within ESHA.[55] The pipeline route crosses, follows, or is in close proximity to Gaviota Creek and its surrounding riparian habitat, along with several public trails such as Beach to Backcountry Trail, Overlook Trail, Yucca Trail, and Hollister Trail.[56] As "[t]he purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of [California's] ecological regions," exempting the project from CEQA review would be at odds with State Parks' mission.[57]

Gaviota SP is also located within an area designated as a State Seashore. (Pub. Res. Code. § 5001.6(b)(8).) State seashores are established "to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values." (Pub. Res. Code § 5019.62.) Development within the State Seashore is limited to projects "making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value." (*Id*.) The location of Gaviota SP within a State Seashore triggers the exception requiring environmental review.

Additionally, as mentioned above, Gaviota SP is home to several state and federally recognized sensitive species including the southern California steelhead, California red-legged

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[54] Cal. Dept. Fish & Wildlife, *Kashtayit State Marine Conservation Area*, available here: https://wildlife.ca.gov/Conservation/Marine/MPAs/Kashtayit.
[55] *See* Pacific Pipeline Company, *Sable's Application for State Waivers, Attachment B. Pipeline System Background Data*, at 3 (June 2023), available here: https://downloads.regulations.gov/PHMSA-2025-0002-0004/attachment_1.pdf.
[56] *Id.* at 2.
[57] Cal. Dept. of Parks & Recreation, *Gaviota State Park System Preliminary General Plan*, at 8 (May 1979).

frog, southwestern pond turtle, tidewater goby, and arroyo chub, Davidson's saltscale, Gaviota tarplant, and Santa Barbara honeysuckle, among others.[58] Gaviota SP also serves as a critical habitat for the federally recognized endangered southern California steelhead and California red-legged frog.[59] The easement would cross rare and endangered species habitat including native grasslands, annual grasslands, coastal sage scrub, chaparral, riparian habitat, and oak woodland, recognized by the state as ESHA.[60]

Operating the pipeline in this sensitive habitat may not only impact critical resources due to possible oil spills, but also through required maintenance and repairs. Sable has already impacted the habitat of several designated endangered or threatened species in conducting repairs, including the California red-legged frog, arroyo toad, and southern California steelhead.[61] As these activities continue in Gaviota SP's sensitive areas, the project may further impact designated environmental resources of critical concern,[62] therefore precluding the use of class 4 and 5 categorical exemptions for minor alterations.

2. The Unusual Circumstances of this Project Preclude the Invocation of all Categorical Exemptions.

CEQA Guidelines section 15300.2(c) prohibits the use of a categorical exemption for "an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." In Sable's case, the project *will* have a significant environmental impact. Beyond the already-heightened risk of an oil spill due to the lack of effective cathodic protection on the pipeline, maintenance and repairs required to keep this pipeline active are reasonably likely to degrade the environment. Excavation, grading, and removing vegetation, among other activities necessary for repairs, will foreseeably impact Gaviota SP's natural resources.[63] In previous repair efforts, Sable employed heavy equipment to excavate substantial areas, involving grading and the removal of vegetation in habitats for sensitive species like the southern California steelhead and the California red-legged frog.[64] The excavation work threatens erosion, scarring, and discharge of sediment into surrounding wetlands, watercourses, and other areas.[65] As discussed above, the required excavations and maintenance can kill wildlife, crush burrow systems, facilitate the spread of invasive species, degrade spawning habitat, and significantly alter habitats.[66]

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[58] Larry Hunt Letter, Table 1.
[59] Larry Hunt Letter, Table 1.
[60] Larry Hunt Letter, Table 1; County of Santa Barbara, *Gaviota Coast Plan, Chapter 2: Natural and Cultural Resources Stewardship*, at 2-16, available here: https://cosantabarbara.app.box.com/s/d0q9mjo271x641anhmzjv2e2i24oq5c4/file/425259919356.
[61] CCC Staff Report, at 5.
[62] Larry Hunt Letter, at 1-6.
[63] *Id.*
[64] CCC Report, at 5.
[65] *Id*.
[66] Larry Hunt Letter, at 4-6.

As noted by the California Supreme Court, "evidence that the project *will* have a significant effect *does* tend to prove that some circumstance of the project is unusual." *Berkeley Hillside Preservation* (2015) 60 Cal.4th 1086, 1105 (emphasis in original). Indeed, there are several unusual circumstances present here. An easement to allow the operation of an oil pipeline inside a state park is itself an unusual use of an easement. Location of the proposed easement almost entirely within state-recognized ESHA is also unusual. An easement for the operation of a pipeline which already had a catastrophic oil spill is even more unusual. Further, the corroded pipeline will be operating without effective cathodic protection and, in fact, requires a waiver of pipeline safety standards. These circumstances and the near certainty of environmental effects from an oil spill and required repairs preclude the project from qualifying for any categorical exemption.

4. The Cumulative Impacts of this Project Preclude the Use of Categorical Exemptions.

A third exception precluding exemption for projects in which "the cumulative impact of successive projects of the same type in the same place, over time is significant" also applies here. (CEQA Guidelines § 15300.2(b).) The operation of the pipeline in Gaviota SP is part of a much larger project, encompassing approximately 120 miles, that adversely impacts sensitive habitats; rare, threatened, and endangered wildlife; and streams, rivers, and wetlands. The easement cannot be assessed in isolation; it must be considered in light of the cumulative effects of operating the entire Las Flores Pipeline System. Therefore, the cumulative impact exception also precludes the use of any categorical exemption.

V. State Parks Is Required, at Minimum, to Prepare a Subsequent EIR.

Even if a new EIR is not required, State Parks must, at minimum, prepare an SEIR before issuing the easement. Pursuant to section 21166 of the Public Resources Code and section 15162 of the CEQA Guidelines, an agency is required to conduct a SEIR for a project when at least one of three conditions are met. In this instance, all three conditions, discussed below, are met.

A. There Are Substantial Changes in the Project Which Require Major Revisions to the 1985 EIR/EIS.

When the 1985 EIR/EIS was prepared, it expressly premised its assessment of the environmental impacts of operating the pipeline system on an effective cathodic protection system.[67] The 1985 EIR/EIS, prepared forty years ago, also anticipated a 30-year projected lifespan for the pipeline.[68]

[67] California State Lands Commission et al., *Final Environmental Impact Report Environmental Impact Statement*, at 04-53 – 55 (Jan. 1985) [hereinafter "1985 EIR/EIS"]. The Final EIR incorporates the 1984 Draft EIR, California State Lands Commission et al., *Draft Environmental Impact Report Environmental Impact Statement* (Aug. 1984).
[68] 1985 EIR/EIS, at 1-9; 1-16.

Presently, Sable intends to operate the pipeline without effective cathodic protection, which, as discussed above, greatly increases the risk and severity of oil spills. Cathodic protection is invaluable for the safety of oil and gas pipelines, as demonstrated by the severity of the 2015 oil spill that resulted from failed cathodic protection.[69] Operating without it is a major change to the project which must be adequately considered in a SEIR. Indeed, the public has a right to understand how the Las Flores Pipeline System's lack of effective cathodic protection will impact the State Park land in which it lies.

Operating without effective cathodic protection will also require more excavations to monitor for and respond to anomalies in the pipeline, involving the use of heavy equipment, grading, and vegetation removal.[70] Neither the heightened risk of oil spills nor the potential environmental impacts of these excavations were contemplated in the 1985 EIR/EIS. In fact, as to the excavations, one governing body recognized that the excavations and repairs now required to detect and address corrosion *would not have been contemplated in the original EIR*.[71] Indeed, the extent of inspections and repairs required by the OSFM State Waiver is significantly greater than the maintenance considered in the original 1985 EIR, and each additional inspection poses risk of new environmental effects.

Increased repairs and lack of cathodic protection are fundamental, substantial changes to the project. Where "changes to [a] project would cause new or increased significant environmental effects," the agency must prepare an SEIR. (*Save Berkeley's Neighborhoods v. Regents of Univ. of California* (2020) 51 Cal.App.5th 226, 236-37.) Thus, according to Public Resources Code section 21166(a) and CEQA Guidelines section 15162(a)(1), State Parks must prepare an SEIR before deciding whether to approve the requested easement.

B. There Are Substantial Changes to the Circumstances of the Project Which Require Major Revisions to the 1985 EIR/EIS.

Subsequent environmental review is also required where there are changes in circumstances under which a project is undertaken that will cause new or increased significant effects. (Pub. Res. Code § 21166(b); CEQA Guidelines § 15162(a)(2).) Here, there are several substantial changes in the project's circumstances since the 1985 EIR/EIS that involve a substantial increase in impacts.

First, this pipeline system is subject to pervasive corrosion and will be operated without effective cathodic protection. The project's original circumstances included a brand-new pipeline designed to operate with effective anti-corrosion protection as a key safety mechanism to prevent oil spills.[72] The fact that the cathodic protection system failed and the pipeline is vulnerable to

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[69] *See* PHMSA Report, at 3; County Draft EIR, at Section 5.6, p. 78. *See also* California State Lands Commission et al., *Draft Environmental Impact Report Environmental Impact Statement*, at 2-5, 4-106, 4-117 (Aug. 1984).
[70] CA-325A/B Waiver, Conditions 19-29; CCC Report, at 4.
[71] CCC Report, at 4.
[72] 1985 EIR/EIS, at 2-57, 2-94, 2-106.

further pervasive, continuous, and progressive corrosion is a circumstance that was not evaluated in the 1985 EIR/EIS.

Additionally, a devastating oil spill occurred in the pipeline's recent history, a circumstance that did not exist at the time of the initial project.

Further, several new species have been designated as endangered or threatened, and much of their habitat in the easement areas has also been recognized as critical habitat.[73] For example, the southern California steelhead was listed as federally endangered in 1997 and state listed in 2022, the tidewater goby was federally listed in 1994, and the California red-legged frog was federally listed in 1996.[74]

These changed circumstances present heightened risk of oil spills and environmental damage from required repairs and inspections, while also making such impacts more devastating by threatening newly recognized sensitive species and habitats. As such, the 1985 EIR/EIS requires major revisions, necessitating preparation of an SEIR, to reflect these changed circumstances and adequately provide the public with an opportunity to participate in a decision with such grave impacts.

C. New Information of Substantial Importance is Available That Was Not Known at the Time of the 1985 EIR/EIS.

This project also meets the third condition of the SEIR provision which requires a SEIR when new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available and shows that significant effects will be substantially more severe." (Pub. Res. Code § 21166(c); CEQA Guidelines § 15162(a)(3)(B).) Here, new information regarding deficiencies in cathodic protection and new information regarding the vulnerabilities of affected species requires preparation of a SEIR.

1. New Information Regarding the Effectiveness of Cathodic Protection and the Existence of Threatened or Endangered Species is "Substantial."

Since the 1985 EIR/EIS, new information regarding the effectiveness of cathodic protection on the lines at issue here, the heightened risk of oil spills, and the amount of excavation required to maintain the pipeline has become available. Additionally, as mentioned above, new species and critical habitats in Gaviota SP have been recognized by state and federal agencies as endangered or threatened since the1985 EIR/EIS. State certification of the Gaviota Coast Plan and recognition of the affected habitats as ESHA in 2018 is also new substantial information. This information substantially alters the impacts associated with the original project and the grounds for which the EIR was prepared.

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[73] CCC Report, at 6.
[74] *Id*.

As discussed above, the original 1985 EIR/EIS hinged its oil spill risk assessment based largely off an assumption that cathodic protection would prevent oil spills.[75] However, in 1992, seven years after the 1985 EIR/EIS, the National Association of Corrosion Engineers concluded that despite effective cathodic protection measures, buried, insulated pipelines could still be susceptible to aggressive corrosion.[76] As we know, unfortunately, that conclusion was correct and extreme corrosion of the pipeline caused the 2015 oil spill. This information has a substantial impact on determining the pipeline's safety and could not have been known in 1985 when the original EIR/EIS was prepared. Now knowing that even with cathodic protection, the Las Flores Pipeline System is susceptible to aggressive corrosion, a SEIR must be prepared to assess the environmental risks of operating the project anyway.

Beyond the general conclusion made in 1992, new information became available in 2016 demonstrating that the cathodic protection of the Las Flores Pipeline System, specifically, is ineffective.[77] In its 2016 report on the 2015 Refugio Oil Spill, PHMSA determined the cause of the spill to be progressive external corrosion that was not prevented by the system's cathodic protection mechanisms.[78] This information also has a dramatic and foundational impact on determining the environmental impacts of operating the pipeline.

Furthermore, the State Waivers issued by the OSFM require more frequent excavations to monitor and repair corrosion on the pipeline as needed.[79] The number of excavations now required was not, and could not have been, originally known or foreseen at the time of the 1985 EIR/EIS. Again, this is substantial information that impacts the determination of the pipeline's environmental effects as each excavation itself poses environmental threats.[80]

2. <u>New Information Shows Significant Effects Will Be Substantially More Severe than Contemplated in the 1985 EIR/EIS.</u>

Based on the understanding that cathodic protection is less effective in buried, insulated lines and is entirely ineffective in the Las Flores Pipeline System, specifically, the effect of operating this pipeline is much more severe than understood at the time of the 1985 EIR/EIS.

The County of Santa Barbara has already concluded that without effective anti-corrosion protection, another spill would not be a matter of if, but when.[81] The County found that an oil spill is five times more likely without cathodic protection than average failure rates.[82] In its assessment, the County also concluded that there could be a spill every year and a rupture in the pipeline every four years.[83]

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[75] 1985 EIR/EIS, at 2-57, 2-94, 2-106.
[76] PHMSA Report, at 7.
[77] *Id*. at 3, 14.
[78] *Id*.
[79] CA-325A/B Waiver.
[80] Larry Hunt Letter, at 5.
[81] County ADEIR, at Section 5.6, p. 79.
[82] *Id*.
[83] *Id*.

Although the 1985 EIR/EIS contemplated the risk of oil spills and the impact of such spills, such a dramatic increase in their likelihood presents substantially more severe environmental effects than originally understood. Potentially five times as many oil spills than average pipelines could have a devastating impact on Gaviota SP and its sensitive resources.[84] Thus, State Parks is required to prepare a SEIR before deciding whether to approve the requested easement so these threats can be properly assessed and considered.

Further, the excavations and repair work required to maintain and repair the pipeline, as now required within the OSFM State Waivers, will also cause substantially more severe effects than the 1985 EIR/EIS contemplated. The Waivers for both CA-324 and CA-325 require a combined 192 excavations as part of its corrosion monitoring over the next ten years.[85] Excavations and digs can be detrimental to Gaviota SP land and resources surrounding the pipeline.[86] Sable's previous digs already interfered with protected habitat for sensitive species like the southern California steelhead and California red-legged frog.[87] The original 1985 EIR/EIS did not contemplate so many digs, and with each dig possibly involving grading, vegetation removal, and more, this new information demonstrates the overall environmental impact of the project will be much more severe than initially anticipated.

For these reasons, the proposed easement is not exempt from environmental review and, at a minimum, an SEIR is required.

VI. Conclusion

Since it was previously subject to environmental review over forty years ago, the Las Flores Pipeline System has exceeded its anticipated lifespan, was found to lack effective protection from corrosion, and caused one of the largest oil spills in California history. Its renewed operation without effective cathodic protection requires dramatically more monitoring and repair work, yet the risk of another oil spill is still five times greater than average failure rates. The possible environmental effects are too severe and too likely to ignore.

State Parks has the duty to conduct environmental review of the project before deciding whether to approve the easement and allow Sable to put the cherished and invaluable Gaviota SP at risk. The Park is home to more than two dozen rare species, including several endangered, threatened, and sensitive species and habitats, cultural resources, and unique recreational and scenic assets, all of which are of state-wide importance. State Parks must carefully consider the risks posed to them by Sable's operations. Thus, CEQA requires that State Parks prepare a new, or at least a subsequent, EIR to evaluate such risks.

Thank you for your consideration.

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[84] Larry Hunt Letter, at 5-6.
[85] CA-325A/B Waiver, Condition 29.
[86] Larry Hunt Letter, at 4-6.
[87] CCC Report, at 5.

Sincerely,

Linda Krop,
Chief Counsel

Maggie Hall,
Deputy Chief Counsel

cc: California State Park and Recreation Commission
Wade Crowfoot, Secretary, California Natural Resources Agency
State Senator Monique Limón
State Assemblymember Gregg Hart

Attachments:

1: Pipeline and Hazardous Materials Safety Administration, *Failure Investigation Report, Plains Pipeline, LP, Line 901* (May 2016)
2: California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment* (June 2021)
3: Santa Barbara County, *Administrative Draft of Draft EIR for Plains Pipeline Replacement Project*, (March 2022)
4: Office of State Fire Marshal, *Letter of Decision on the State Waiver Request for Limited Effectiveness of Cathodic Protection on Thermally Insulated Pipeline and Corrosion of or along a Longitudinal Seam Weld (CA-325A/B)* (December 2024)
5: Richard Kuprewicz, *Evaluation of Las Flores Pipeline System Startup Proposal* (December 2024); Richard Kuprewicz, *Observations on OSFM Letters of Decision for State Waiver Requests on Line CA-324 and CA-325A/B Related to Possible Restart* (February 2025)
6: Larry Hunt, *Potential Impacts of Las Flores Pipeline System Repair and Operation on Special-Status Habitats and Species in Gaviota State Park, Santa Barbara County* (July 2025) and Curriculum Vitae
7: California Department of Parks & Recreation, *Operations Manual – Environmental Review* (June 2003)
8: Letter from Emma Siverson, Senior Staff Counsel, Department of Parks and Recreation, to Lee Alcock, Assistant General Counsel, Sable Offshore (December 2024)

9: California Department of Parks & Recreation, *Operations Manual – Real Property Management* (August 2010)
10: County of Santa Barbara, *Gaviota Coast Plan, Chapter 2: Natural and Cultural Resources Stewardship* (2018)
11: CalFlora, *CalFlora Records* (July 2025)
12: California Coastal Commission, *Staff Report: Recommendations and Findings for Cease and Desist Order, Restoration Order, and Administrative Civil Penalty* (March 2025)
13: Environmental Defense Center, *Map of Sensitive Species and Habitats in Gaviota State Park* (July 2025)
14: Environmental Defense Center, *Key for Map of Sensitive Species and Habitats in Gaviota State Park* (July 2025)