

# Staff Report 44

## **APPLICANT/LESSEE:**

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Chevron Products Company, a Division of Chevron USA, Inc. (Chevron)

## **PROPOSED ACTION:**

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Consider adoption of a Mitigated Negative Declaration (MND), adoption of a Mitigation Monitoring Program, termination of the existing lease, and issuance of a General Lease – Industrial Use/Other, and delegation of authority for acceptance of a Lease Quitclaim Deed

## **AREA, LAND TYPE, AND LOCATION:**

1.68 acres, more or less, of sovereign land in San Francisco Bay, Richmond, north of the Richmond-San Rafael Bridge and south of Point San Pablo, Contra Costa County.

## **AUTHORIZED USE:**

Removal of the Non-operational Chevron Point Orient Wharf and authorization of eelgrass Restoration and Monitoring.

## **TERM:**

8 years, beginning December 8, 2021.

## **CONSIDERATION:**

**Non-operational Wharf:** \$64,451 per year, subject to modification by Lessor as provided for in the lease.

**Eelgrass Restoration and Monitoring:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$5,000,000 per occurrence. Lessee may satisfy all or part of the insurance requirement through maintenance of a staff approved self-insurance program as specified in the lease.
- Bond or other Surety in the amount of \$10,000,000.
- Lessee shall submit a complete set of demolition plans (stamped, signed, and dated) by a California registered Civil/Structural Engineer 60 days prior to start of demolition.
- Lessee shall fully carry out, implement, and comply with all mitigation measures and reporting obligations set forth in the Mitigation Monitoring Program (MMP) as provided in the lease.
- Confirmation of removal of all improvements shall relieve Lessee of its obligation to pay annual rent and maintain a surety bond beginning on the lease anniversary following verification.
- Within 60 days of removal of all improvements and completion of eelgrass restoration as described in the MND, this Lease shall terminate by staff's acceptance of a lease quitclaim deed.

**BACKGROUND:**

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The Chevron Point Orient Wharf (Wharf) was constructed in 1904 and was used by Chevron and its predecessors for the transfer of refinery products to and from vessels until the mid-1980s, when it was decommissioned. The Wharf is a pile-supported structure with wooden decking that extends approximately 1,300 feet into San Francisco Bay, with a total length of about 2,000 feet. The narrower portion of the Wharf that runs perpendicular to the shoreline is referred to as the Causeway; the wider portion parallel to and further from the shoreline is referred to as the Main Wharf. Approximately 17 steel pipelines, which were once used to transport petroleum products to and from vessels, run parallel to the wood decking along the southern side of the Causeway and on to the Main Wharf structure. The majority of the piles supporting the structure are creosote-treated wood piles, some of which are encased in a concrete jacket or a polyvinyl chloride wrapping. Some steel piles are also associated with the structure, providing support to the mooring dolphins and fendering. A concrete and steel fendering system is present on the western edge of the Main Wharf. In total, there are 910 creosote-treated piles supporting the structure, 289 of which are encased in a jacket/wrapping. There are also 90 steel piles (34 at 36-inch-diameter, 40 at 30-inch-diameter, and 16 at 24-inch-diameter) supporting the structure.

## PROJECT DESCRIPTION:

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The Lessee proposes to demolish the Wharf in its entirety because it is no longer used and is beginning to deteriorate and to restore eelgrass in areas previously shaded by the Wharf and eelgrass disturbed by Wharf demolition. Demolition would occur over two seasons, from June 1 to November 30 in 2022 and 2023 (Year 1 and Year 2, respectively), to match established in-Bay work windows for San Francisco Bay designed to reduce impacts to listed fish species. Eelgrass restoration will take place after demolition, with restoration monitoring for at least 5 years.

During demolition, temporary "Aids to Navigation" would be placed that would assist boaters in continuing to see the Main Wharf. Aids to navigation would consist of signs and lighting on vessels in conformance with U.S. Coast Guard navigation rules (USCG 2021). A "Notice to Mariners" would also be filed with the U.S. Coast Guard at the start of demolition and would be in effect until Project completion and would be updated monthly.

In Year 1, the Causeway would be removed in its entirety. Demolition would begin by removing 1,600 feet of process piping that is supported along the southern edge of the Causeway. The pipes would be cut in sections and loaded onto a barge for transport to a permitted disposal or recycling facility. Following removal of the piping and other Causeway mounted structures, the wooden decking, stringers, and pile caps would be removed. Finally, the piles that supported the Causeway would be removed.

In Year 2, the Main Wharf would be removed in its entirety in a manner similar to that described for Year 1 demolition of the Causeway. First, the mooring dolphins and steel pipe bridges would be removed. The breasting dolphins and steel fendering would then be removed. Finally, the decking and piles of the Main Wharf structure would be removed.

Removal of the Wharf and its supporting structures would be completed using barge mounted floating equipment and cranes. Work barges would have a crane or excavator onboard, along with small tooling and a work crew. A fleet of material barges would support the work barges and would be used to transport the demolition debris from the site. Once a material barge is fully loaded, it would be moved off site by tugboat and a new material barge placed alongside the working barge. Demolition would generate approximately 36 barge loads of debris to be removed from the site. An estimated 12 to 13 material barge trips loaded with demolition debris would occur in Year 1 of demolition. The remaining 23 to 24 barge trips would occur in Year 2 of demolition. Most demolition debris would be barged

to a contractor facility on Pier 96 at the Port of San Francisco for drying, sorting, and hauling to appropriate permitted disposal or recycling locations.

The demolition contractor may use a variety of methods to remove the treated wood and steel piles that currently make up the mix of piles supporting the Wharf structure. If the piles have sufficient structural integrity (such as steel piles), the piling would be wrapped with chain or cable attached to a crane and pulled directly upward, removing the pile from the sediment. A vibratory pile-driving hammer may also be used to loosen the pile with vibration. In some cases, the piles may break when pulled. In these cases, the contractor would cut the pile using an underwater pneumatic chainsaw or cutting torch, approximately 2 feet below the mudline.

Areas of eelgrass that are impacted during the Wharf demolition activities, as well as areas that were formerly shaded by the Wharf, would be restored. The goal of restoration is to develop a net increase in eelgrass in the area by returning the area beneath the Causeway to productive eelgrass habitat. Eelgrass planting within and along the footprint of the Causeway demolition would occur during Year 2. Post-restoration monitoring of eelgrass beds would be conducted following the methods outlined in the California Eelgrass Mitigation Policy and Implementation Guidelines (NOAA 2014). Eelgrass restoration would be conducted using hand-planting techniques, either while diving or wading, depending on water depth. It is anticipated that the planting area would total approximately 3 acres. Post-restoration monitoring of eelgrass beds would be conducted to ensure that the restoration was successful and to identify and guide any adaptive management or maintenance that may be needed in the following 5-year period.

Portions of the Wharf demolition and eelgrass restoration areas lie on privately owned tidelands and uplands outside the Commission's leasing jurisdiction. As lead agency, the Commission assessed the full scope of the Project in its MND.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study

identified several potentially significant impacts to Air Quality; Biology; Cultural and Tribal Cultural Resources; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; and Hydrology and Water Quality, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that “there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment” (State CEQA Guidelines, § 15070, subd. (b)(2)), and a MND was prepared.

Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), the staff prepared a MND identified as CSLC MND No. 806, State Clearinghouse No. 2021090584.

The Proposed MND and Initial Study were circulated for a 30-day public review period from Thursday, September 30, 2021, and ending Monday, November 1, 2021; staff received two comment letters. One was from a local agency and one from a special interest group. Below is a summary of the comments and responses to these commenters.

TRAILS FOR RICHMOND ACTION COMMITTEE (TRAC) COMMENT SUMMARY:

TRAC asked that the Commission adopt a requirement that Chevron donate a free and clear Bay Trail easement along the shoreline of its Point Orient property no later than the November 2023 expiration of the 7-year extension of its November 2009 agreement with the East Bay Regional Park District (Park District) for the donation of real property rights to construct and operate a recreational trail along the Point San Pablo Peninsula shoreline.

COMMISSION RESPONSE:

The Park District entered into an Agreement for an Easement Donation (Agreement) for the development of the Bay Trail with Chevron in 2009 as a condition of approval required by the Commission for renewal of Chevron’s lease to operate the Long Wharf in Richmond, CA.

The Agreement calls for the proposed trail alignment to mostly follow the former Richmond Beltline Railroad right-of-way (ROW). This ROW is nonoperational but remaining property interests are still held by Union Pacific and Burlington Northern and Santa Fe railroads, with Chevron as the underlying fee owner. The Park District and Chevron have worked collaboratively to acquire the railroads’ rights for the future trail; but negotiations have not concluded. As a result, in 2016, the Park District and Chevron extended the Agreement for an additional 7 years until

November 2, 2023. It is likely that the Park District and Chevron will need to extend the Agreement again unless a resolution is reached with the railroad companies before the current agreement expires in 2023. TRAC's comment did not address a potential environmental impact associated with the Project, and no changes were made to the MND in response.

PARK DISTRICT COMMENT SUMMARY:

The Park District provided information for the response to the TRAC comment letter, summarized above.

In addition, the Park District expressed interest in a discussion with Commission staff, Chevron, and the San Francisco Bay Conservation and Development Commission (BCDC) to determine if removing the Wharf could be used as mitigation credit by the Park District for expanding the width of the shoreline to allow for development of the Bay Trail north of the Project site.

COMMISSION RESPONSE:

Commission staff would be happy to participate in a discussion with all parties about how to account for mitigation credits for eelgrass restoration and fill removal in the larger scheme of development of the Bay Trail. The Park District's comment did not address a potential environmental impact associated with the Project, and no changes were made to the MND in response.

Commission staff determined that neither comment required revisions or additions to the MND. Therefore, recirculation of the MND prior to Commission consideration is not required pursuant to State CEQA Guidelines section 15073.5.

Based upon the Initial Study, the MND, and the comments received in response thereto, there is no substantial evidence that the Project will have a significant effect on the environment; California Code of Regulations, title 14, section 15074, subdivision (b). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit C.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On August 17, 2017, the Commission authorized a General Lease – Industrial Use to the Applicant, for the continued maintenance of the existing non-operational Wharf in caretaker status ([Item 35, August 17, 2017](#)). The lease will expire on July 31, 2022. The short-term lease required Chevron to submit an application by August 1, 2020, for either a long-term lease for the construction of a Wharf modification project for reuse or full removal of the Wharf. On July 25, 2020, the Applicant submitted an application for the full removal of the Wharf and appurtenant

facilities and has requested termination of the current lease effective December 7, 2021. Lessee has paid annual rent through August 1, 2022. A prorated portion of the rent, \$41,672.43, will be credited against the new lease starting on December 8, 2021. Lessee will pay \$22,778.57 for the remainder of the first lease year.

Wharf removal and eelgrass restoration will return this portion of the Bay to a natural condition for the first time in over 100 years. Following removal and restoration, the area will be open to public navigation and will be more suitable habitat for Bay flora and fauna. The Project is expected to benefit the ecology and aesthetics of the Lease area.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the State for the occupation of the public land involved, except for the eelgrass restoration, which provides a public benefit.

**CLIMATE CHANGE:**

Sea level rise as a function of global climate change is not expected to affect the Project because there are no permanent structures or infrastructure proposed. The Project involves removing the unused and decommissioned Wharf. The removal of the Wharf piles may change the local hydrodynamic conditions at the Project site. Current speeds would be more uniformly distributed over the site, which would reduce the localized scour that is currently seen in the bathymetry around the piles and beneath the Wharf. Areas currently beneath the Wharf are likely to become depositional without the influence of the piles. Generally, removing piles would allow waves to pass through the Project site undisturbed, potentially increasing the wave action at the shore. Because the waves and currents are relatively small to begin with, it is unlikely that the removal of the Wharf would change the conditions enough to negatively impact eelgrass habitat or the shoreline relative to other portions of the shoreline north and south of the Wharf that do not have existing structures (AECOM 2020). This would be the case in the short term, as well as long term under conditions of sea level rise. Sea level rise may negatively impact the shoreline in the Project area, but the Project would not exacerbate these conditions.

**TRIBAL COORDINATION AND CONSULTATION:**

Under AB 52 (Chapter 532, Statutes of 2014), lead agencies must notify Tribes of the opportunity to consult on a project if that Tribe has requested notification, and must avoid damaging Tribal cultural resources, when feasible, whether consultation occurred or is required. For all lead agency projects, in addition to any required AB

52 notifications, Commission staff contacts the Native American Heritage Commission (NAHC) to obtain results of a sacred lands file search (the sacred lands file is a database maintained by the NAHC of culturally sensitive areas or resources) as well as a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to a project area. For this Project, staff sent a letter to the NAHC and on March 17, 2021, the NAHC provided a letter and a list of eight individual tribal contacts from the following seven tribes:

- Mission San Juan Bautista
- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- Ohlone Indian Tribe
- The Confederated Villages of Lisjan
- Rumšen Am:a Tur:ataj Ohlone

The NAHC's reply also stated that no records were identified in the Sacred Lands File record search for the Project area.

On July 7, 2021, CSLC staff provided CEQA notice of the Project to all tribes on the NAHC list. No responses or comments have been received to date.

**ENVIRONMENTAL JUSTICE:**

The Project vicinity is an environmentally impacted area, although not officially designated as a Disadvantaged Community. The Project would remove the Wharf and restore eelgrass to the subtidal habitat in areas under the Causeway that are suitable for eelgrass and are currently affected by the shading and scour imposed by the structure. Objectives of the Project include removing the pile-supported overwater structure that currently adversely affects localized productivity of macroalgae and eelgrass, increasing the overall ecological health of portions of San Francisco Bay, and providing habitat. Project activities would not pose a threat to the environment and overall public health and would in fact benefit the environment and overall public health. Therefore, it does not appear that the Project would disproportionately affect an environmental justice community, and no existing environmental justice communities would be disproportionately burdened as a result of the Project.

**CONCLUSION:**

For all the reasons above, staff believes that approval of the requested actions will not substantially interfere with the public rights to navigation and commerce; will enhance the public's ability to fish and promote the Public Trust needs and values at this location; is consistent with the common law Public Trust Doctrine; and is in the State's best interests.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the lessee may not remove the existing non-operational Wharf.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Acceptance of a lease quitclaim deed is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. The Project involves lands identified as possessing significant environmental values in the Commission's Significant Lands Inventory, pursuant to Public Resources Code section 6370 et seq. (CSLC 1975). The Project area is in the Significant Lands Inventory as parcel number 07-063-100, which includes the submerged land in San Francisco Bay. The subject lands are classified in use category Class C, which authorizes multiple uses. Environmental values identified for these lands are mostly biological, including endangered species habitat, migratory path for anadromous fish, and tidal habitat for wildlife support, but also scenic/aesthetic and recreational. Based on Staff's review of the Significant Lands Inventory and the CEQA analysis provided in the MND, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification.

**APPROVALS REQUIRED:**

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- U.S. Army Corps of Engineers

- National Marine Fisheries Service
- U.S. Coast Guard
- San Francisco Bay Regional Water Quality Control Board
- San Francisco Bay Conservation and Development Commission
- City of Richmond

## **EXHIBITS:**

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- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Quitclaim Deed
- E. Photographs of Existing Structures

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the MND, CSLC MND No. 806, State Clearinghouse No. 2021090584 (September 2021), was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein, and in the comments received in response thereto, and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the removal of the non-operational wharf and eelgrass restoration will not substantially interfere with the public rights to navigation and commerce; will enhance the public's ability to fish and promote the Public Trust needs and values at this location; is consistent with the common law Public Trust Doctrine; and is in the State's best interest.

### **SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

1. Authorize termination of Lease 139, effective December 7, 2021, and apply prorated rent in the amount of \$22,778.57 to newly issued Lease 139.
2. Authorize issuance of a General Lease – Industrial Use/Other to the Applicant beginning December 8, 2021, for a term of 8 years, for the removal of a Non-operational Wharf and eelgrass restoration and monitoring, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the Wharf: \$64,451 per year; consideration for the eelgrass restoration and monitoring: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State’s best interest; and liability insurance in an amount no less than \$5,000,000 per occurrence, Applicant may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the lease; and surety bond in the amount of \$10,000,000.
3. Authorize the Executive Officer or her designee to relieve the Lessee of its obligation under Lease 139 to pay annual rent beginning on the anniversary of the Lease following verification by the Executive Officer or her designee of the removal of the Wharf from the Lease Premises.
4. Authorize the Executive Officer or her designee to relieve the Lessee of its obligation under Lease 139 to maintain the \$10,000,000 surety bond beginning on the anniversary of the Lease following verification by the Executive Officer or her designee of the removal of the Wharf from the Lease Premises.
5. Authorize the Executive Officer or her designee upon Lessee’s demonstration of successful removal of all improvements from the Lease Premises and eelgrass restoration to terminate this Lease upon execution and acceptance of quitclaim deed.

## EXHIBIT A

PRC 139

### LAND DESCRIPTION

The land referred to herein is situated in the State of California, County of Contra Costa, City of Richmond, described as follows:

Commencing at Station SP 159 on the exterior boundary of the San Pablo Rancho as shown on "Map of the San Pablo Rancho, accompanying and forming a part of the final report of the Referees in Partition" filed in the Office of the Recorder of Contra Costa County, California, March 1, 1894, said Station SP 159 being also known as Station 443 as shown on "Map No. 1 of Salt Marsh and Tidelands, situate in the County of Contra Costa, State of California, 1872", from which said Point Station 159, an iron pipe set in the center line of the Richmond Belt Railway bears North 15° 18' 25" West, 541.08 feet, said points are *shown* on that Record of Survey Map filed December 2, 1966 in book 45 LSM at pages 47 and 48 of Contra Costa County records, thence leaving the exterior boundary of the San Pablo Rancho South 1° 20' 55" West, 1335.47 feet to the POINT OF BEGINNING on Chevron U.S.A. Inc. Causeway marked by a railroad spike, said point also being on the Established Waterfront Line and the boundary line of lands, owned by Chevron U.S.A. Inc. Thence leaving said point of beginning South 25° 27' East, 46.88 feet; Thence South 73° 36' West, 526.25 feet; Thence North 16° 24' West, 10.00 feet; Thence South 73° 36' West, 220.56 feet; Thence South 5° 06' 20" East, 144.40 feet; Thence South 84° 53' 40" West, 193.40 feet; Thence North 5° 06' 20" West, 793.33 feet; Thence North 84° 53' 40" East, 193.40 feet; Thence South 5° 06' 20" East, 202.01 feet; Thence North 84° 53' 40" East, 55.00 feet; Thence South 5° 06' 20" East, 320.00 feet; Thence South 84° 53' 40" West, 55.00 feet; Thence South 5° 06' 20" East, 70.02 feet; Thence North 73° 36' East, 316.21 feet; Thence North 16° 24' West, 33.00 feet; Thence North 73° 36" East., 120.00 feet; Thence South 16° 24' East, 33.00 feet; Thence North 73° 36' East, 288.98 feet to a point on the aforementioned Established Waterfront Line; Thence South 25° 27' East, 19.75 feet to the POINT OF BEGINNING.

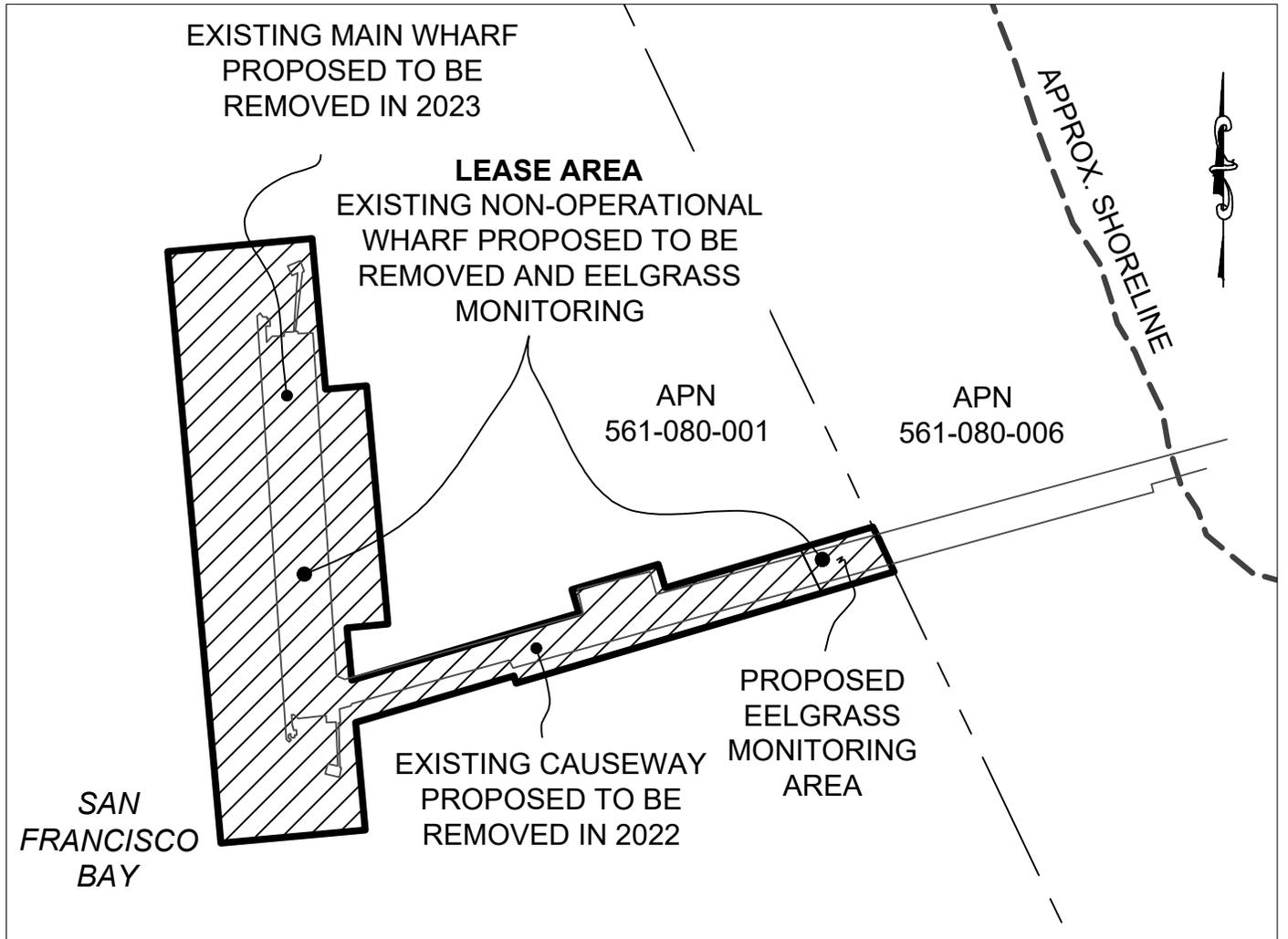
### END OF DESCRIPTION

Revised 11/10/2021 by the State Lands  
Commission Boundary Unit.



NO SCALE

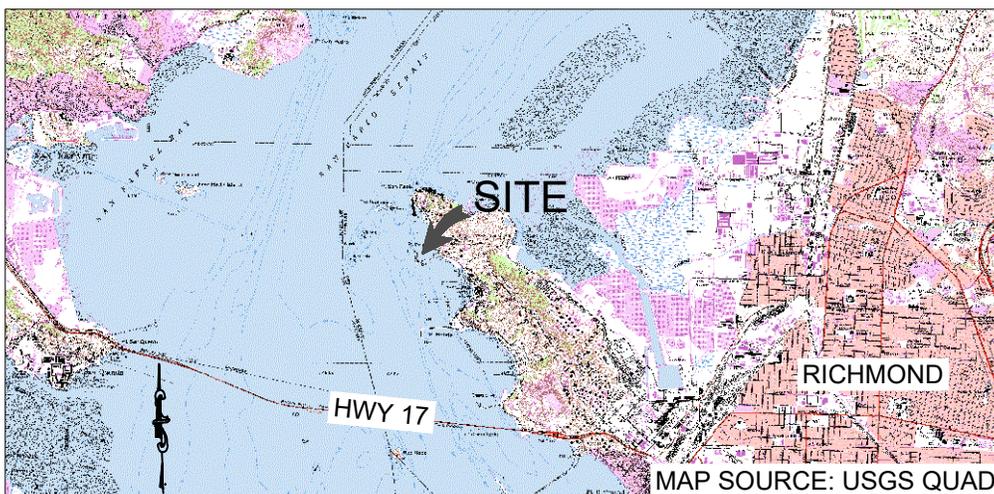
### SITE



### POINT ORIENT WHARF, RICHMOND

NO SCALE

### LOCATION



### EXHIBIT B

PRC 139  
 CHEVRON PRODUCTS CO.  
 APN 561-080-001  
 GENERAL LEASE -  
 INDUSTRIAL/OTHER USE  
 CONTRA COSTA COUNTY



JWP 11/18/2021

THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**CHEVRON POINT ORIENT REMOVAL PROJECT**  
(State Clearinghouse No.2021090584)

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The California State Lands Commission (Commission or CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Chevron Point Orient Removal Project (**Project**). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15074, subdivision (d) and 15097.

The Project authorizes Chevron Products Company (Chevron or Applicant) to remove the now-decommissioned Point Orient Wharf in San Francisco Bay.

### **PURPOSE**

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

### **ENFORCEMENT AND COMPLIANCE**

The Commission is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

### **MONITORING**

The Commission staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the California Department of Fish and Wildlife (CDFW). The Commission and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- Ensuring that the Applicant has obtained all applicable agency reviews and approvals

- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during the deconstruction phase)
- Ensuring that the MMP is followed

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to the Commission staff or its designee. The Commission staff or its designee shall approve any deviation and its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following actions shall be taken to ensure successful implementation.

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant, and once the Project is complete, a compilation of all the logs shall be submitted to the Commission staff. The Commission staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall ensure that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and would be provided upon request.

## **MITIGATION MONITORING TABLE**

This section presents the mitigation monitoring table for the following environmental disciplines: Air Quality; Biological Resources; Cultural Resources; Cultural Resources-Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; and Hydrology and Water Quality. All other environmental disciplines were found to have less than significant or no impacts and are therefore not included below. The table lists the following information, by column:

- Potential Impact
- Mitigation measure (full text of the measure)
- Location (where impact occurs and mitigation measure should be applied)
- Monitoring/reporting action (action to be taken by monitor or Lead Agency)
- Effectiveness criteria (how the agency can know if the measure is effective)
- Responsible party
- Timing (before, during, or after construction; during operation, etc.)

**Table C-1. Mitigation Monitoring Program**

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
<b>Air Quality</b>					
<p>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.</p>	<p><b>MM AQ-1: Implement Basic Construction Emission Control Practices (Best Management Practices).</b> The demolition contractor shall comply with the following BAAQMD best management practices, as applicable, for reducing construction emissions of uncontrolled fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>):</p> <ul style="list-style-type: none"> <li>A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>B. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</li> <li>C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>D. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>E. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure, Cal. Code Regs., tit. 13, § 2485). Clear signage shall be provided for Project workers at all access points.</li> </ul>	<p>Incorporation of BAAQMD BMPs as applicable</p>	<p>Chevron and CSLC</p>	<p>During Wharf demolition and eelgrass restoration</p>	<p>Reduction in fugitive dust generation</p>

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
	<p>F. The contractor bid documentation and contract specifications shall state that all construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Chevron will report results to CSLC staff.</p> <p>G. A publicly visible sign shall be posted with the telephone number and person to contact at Chevron regarding dust complaints. Chevron shall inform CSLC staff and respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.</p>				
<b>Biological Resources</b>					
Impact Migratory Birds	<p><b>MM BIO-1: Nesting Bird Surveys.</b> Chevron shall conduct pre-activity surveys for nesting birds if work is to take place during the nesting season (April 1 through August 31). A qualified wildlife biologist shall conduct a pre-activity nest survey no more than 3 to 5 days prior to initiation of activities to search for active migratory bird or raptor nests. If active nests are encountered, Chevron will contact the California Department of Fish and Wildlife to determine the best course of action for the situation encountered. Measures may include nest-start removal or relocation, species-specific avoidance buffers to prevent abandonment of the nest until the young have fledged, and/or measures such as incubation of eggs that will be implemented by a qualified biologist in consultation with state and/or federal resources.</p>	Document site visit/ Incorporation of mitigation strategies	Chevron and CSLC	Prior to the start of Project activities conducted between April 1 and August 31	Nesting birds and nest failures avoided; any established buffers adhered to

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Impact Eelgrass	<b>MM BIO-2: Environmental Awareness Training.</b> Conduct environmental training for work crews with specific information on reducing eelgrass damage by following barge corridors, minimizing vessel movements in very shallow water or low tides, reducing propeller thrust, and positioning tugs and tender boats carefully to avoid scouring the bottom during vessel movements.	Document training for all work personnel prior to working on the Project	Chevron and CSLC	Prior to project activities	All construction workers complete the program, impacts to eelgrass appropriately minimized
Impact Eelgrass	<b>MM BIO-3: Mark Barge Operations Corridor.</b> Mark the barge work corridor along the Wharf with upright posts or large floats on self-centering anchors to reduce potential encroachment on the existing eelgrass beds to the minimum needed.	Onsite monitor to verify	Chevron and CSLC	Prior to Wharf demolition in-water activities	Impacts to eelgrass appropriately minimized
Impact Eelgrass	<b>MM BIO-4: Perform Pre- and Post-Demolition Surveys.</b> Conduct eelgrass surveys in accordance with the California Eelgrass Mitigation Policy and Implementing Guidelines to document any impacts during demolition activities (see Section 2.3 for details). Complete two annual surveys following Wharf removal to evaluate how the removal of the Wharf influences scour and deposition in the removal area and how this may influence eelgrass restoration.	Conduct survey and prepare report with mapping	Chevron and CSLC	Prior to and following Wharf demolition	Impacts to eelgrass appropriately minimized
Impact Eelgrass	<b>MM BIO-5: Debris Booms.</b> Set surface debris booms tied to the Wharf pilings or anchored with limited anchor points along the Project footprint boundary to catch all floating debris from decking removal. In the shallow Causeway area supporting eelgrass, an alternative for debris capture would be use of a small shallow-draft skiff and trained crew to skim up floatable debris on a consistent basis during demolition. Silt curtains will not be placed around the Wharf during demolition because, in the shallow Causeway, curtains could drag on the bottom and damage eelgrass; or could accelerate water under the curtains during changing tides, resulting in potential scour impacts.	Onsite monitor to verify	Chevron and CSLC	During Wharf demolition	Impacts to eelgrass appropriately minimized

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Impact Eelgrass	<b>MM BIO-6: Vessel Operation.</b> Conduct vessel operation and movements at slack high tides or during neap tide exchanges to reduce the need for excessive thrust to maneuver the barges.	Onsite monitor to verify	Chevron and CSLC	During Wharf demolition and eelgrass restoration	Impacts to eelgrass appropriately minimized
<b>Cultural Resources/Tribal Cultural Resources</b>					
Disturb Archaeological Resources	<b>MM CUL-1/TCR-1: Cultural Resources Contractor Awareness Training.</b> Prior to beginning construction, the Applicant shall retain a qualified archaeologist to prepare a Cultural Resources Contractor Awareness Training, subject to CSLC approval. Local Native American representatives with an interest in the Project should also be invited to provide training to construction personnel. The training shall be given to all construction personnel prior to working on the Project, and the training shall include, but not be limited to, the following: <ul style="list-style-type: none"> <li>Guidance on identification of potential cultural resources that may be encountered, including Tribal cultural resources</li> <li>The probability of exposing cultural resources</li> <li>Clear direction on procedures if a find is encountered</li> </ul>	Document training for all work personnel prior to working on the Project, including identification and handling of previously unknown cultural resources	Prior to Project activities	Chevron and CSLC	Educate workers regarding cultural resources

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Disturb Archaeological Resources	<p><b>MM CUL-2/TCR-2: Unanticipated Discoveries.</b> If construction personnel unearth Tribal cultural resources, or precontact or historic-period archaeological resources during Project implementation, all Project activities within 100 feet will halt until a professional archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards in archaeology is retained and determines the significance of the discovery. Precontact archaeological materials/Tribal cultural resources might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, or scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and/or battered stone tools, such as hammerstones. Historic period materials may include shipwreck debris. The qualified archaeologist will determine impacts, significance, and mitigation in consultation with local Native American representatives. If the resource is a Tribal Cultural Resource, substantial adverse changes to this resource shall be avoided or minimized following the measures identified in Public Resources Code section 21084.3, subdivision (b), if feasible, unless other equally or more effective measures are mutually agreed on by CSLC, the archaeologist, and the interested local Native American representative(s).</p>	<p>Inform Project contractors of unearthed Tribal cultural resources, or precontact or historic-period archaeological resources procedure/ Document any reported finds and treatment plan, if needed</p>	Chevron and CSLC	During Wharf demolition and eelgrass restoration	Disturbance of any discovered Tribal cultural resources, precontact or historic-period archaeological resources reduced

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
	<p>A treatment plan, if needed to address a find, shall be developed cooperatively by the archaeologist and, for Tribal cultural resources, the interested local Native American representative(s). The plan will be submitted to the appropriate tribal representatives and CSLC staff for review, input, and concurrence prior to its implementation.</p> <p>Protection in place of Tribal cultural resources shall be prioritized, if feasible; if the archaeologist or Tribal representative determines that damaging effects on the cultural Tribal cultural resource can be avoided in place, then work in the area may resume provided the area of the find is clearly marked for no disturbance. If avoidance in place of tribal cultural resources is infeasible, the treatment plan shall include measures that place priority on Tribal self-determination over collection and curation, including the option to repatriate (rebury) materials nearby at a location of their choosing, and to transfer possession/ ownership to the culturally affiliated Tribe.</p> <p>Title to all archaeological sites, historical or cultural resources, and Tribal cultural resources on or in the tide and submerged lands of California is vested in the state and under CSLC jurisdiction. The final disposition of archaeological, historical, and Tribal cultural resources recovered on state lands under CSLC jurisdiction must be approved by the CSLC.</p>				

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Disturb unanticipated discovery of Human Remains	<b>MM CUL-3/TCR-3: Treatment of Human Remains.</b> If human remains are encountered, all provisions of California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery, and both an archaeologist and CSLC staff must be contacted within 24 hours. The archaeologist shall consult with the County Coroner. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage Commission within 24 hours of this determination, and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented.	Inform Project contractors of human remains notification procedure/ Document any reported finds	Chevron and CSLC	During Wharf demolition and eelgrass restoration	Potential impacts on human remains reduced
<b>Geology, Soils, and Paleontological Resources</b>					
Disturb Paleontological Resources	See <b>MM CUL-2/TCR-2: Unanticipated Discoveries</b>				
<b>Hazards and Hazardous Materials</b>					
Degrade Water Quality	See <b>MM HYD-1: Spill Prevention, Control, and Countermeasure Plan.</b>				

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
<b>Hydrology and Water Quality</b>					
Degrade Water Quality	<p><b>MM HYD-1: Spill Prevention, Control, and Countermeasure Plan.</b> A hazardous material spill prevention, control, and countermeasure plan will be developed and implemented at the Project site. The purpose of this plan will be to reduce the potential for, and the potential impacts associated with, spills of hazardous, toxic, and/or petroleum substances. The plan will provide the protocols for providing notification to appropriate agencies (such as CSLC, resource agencies, and the California Governor's Office of Emergency Services, as required) and protocols for spill containment and clean-up. Chevron and CSLC staff will review and approve the plan before demolition work begins. The plan will contain practices such as:</p> <ul style="list-style-type: none"> <li>• Equipment shall be inspected daily by the operator for leaks or spills. If leaks or spills are encountered, the source of the leak shall be identified, equipment leaks shall be repaired promptly, leaked material shall be cleaned up, and all spilled and cleaning materials shall be collected and properly disposed.</li> <li>• All fuel, waste, oils, and solvents shall be stored away from the Project site. Fueling of marine-based equipment shall be conducted in accordance with Best Management Practices described in the plan. Any spills shall be contained and properly cleaned up. Chevron will be notified by the contractor of all spills, regardless of size. Chevron will notify CSLC staff.</li> <li>• Containment booms and sorbent materials will be available during all work activities and will be deployed immediately in the event of a spill to limit its spread. Containment booms with absorbent materials will also be deployed during removal of creosote-treated piles to contain any residual creosote oil sheen incidentally released during pile removal.</li> </ul>	Incorporation of hazardous material spill prevention, control, and countermeasure plan	Chevron and CSLC	During Wharf demolition and eelgrass restoration	Unanticipated impacts to water quality avoided or appropriately mitigated

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Degrade Water Quality	<p><b>MM HYD-2: Treated Wood Pile Extraction.</b> The following practices shall be implemented during pile removal to protect water quality:</p> <ul style="list-style-type: none"> <li>• Debris barges for treated wood pile removal will be equipped with containment basins to prevent wastes (sediment, liquid, or debris) from falling back into the water.</li> <li>• Vibratory extraction will be employed first unless the pile is too decayed or short for the vibratory hammer to grip.</li> <li>• If a pile needs to be cut, no hydraulic jetting devices shall be used to move sediment away from piles. Excavation of sediment in subtidal areas to expose broken piles shall be accomplished by divers using hand tools.</li> <li>• During pile extraction, piles will be lifted slowly from the water and placed directly into the containment basin on the debris barge. Piles will not be washed, shaken, or otherwise held to be allowed to drain over Bay waters or to remove sediment prior to placement on the debris barge.</li> <li>• The deck of the debris barge will not be washed in a manner that would allow wastewater to enter the Bay.</li> <li>• Sediment accumulated from the pile removal operations will be assumed to contain creosote and will be captured, tested, and disposed off site in an appropriate landfill.</li> </ul>	Onsite monitor to verify	Chevron and CSLC	During Project pile removal	Unanticipated impacts to water quality avoided or appropriately mitigated

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing	Effectiveness Criteria
Degrade Water Quality	<p><b>MM HYD-3: Debris Management and Demolition Waste.</b> The following practices shall be followed for the handling of demolition wastes from the Project:</p> <ul style="list-style-type: none"> <li>• During demolition activities, the contractor will install floating debris booms (in accordance with MM BIO-5) to capture floating surface debris to contain releases if they occur.</li> <li>• When cutting materials above water, any debris generated will be contained and prevented from entering the Bay by using platforms or other devices below the work area to catch debris before it enters the Bay.</li> <li>• If any solid materials or wastes are inadvertently released to the Bay, the contractor will use all available resources to contain and remove the material.</li> <li>• Demolition waste will be collected and transported to an authorized upland disposal or recycling site by a properly licensed transporter (in accordance with Cal. Code Regs., tit. 22, div. 4.5).</li> </ul>	Onsite monitor to verify	Chevron and CSLC	During Wharf demolition	Project demolition waste properly collected and disposed of reduces degradation to water quality
Degrade Water Quality	<p><b>MM HYD-4: Demobilization.</b> Upon Project completion, Chevron shall safely demobilize all equipment and materials from the Project site(s) and (in accordance with Cal. Code Regs., tit. 22, div. 4.5):</p> <ul style="list-style-type: none"> <li>• All debris will be unloaded from barges and placed into trucks for proper disposal.</li> <li>• All wastes, demolition debris, sediment, rubbish, trash, etc., will be removed from the site and the waste handling facility and transported to an authorized disposal or recycling site.</li> <li>• Shoreline fill will be sufficiently stabilized to eliminate erosion.</li> </ul>	Onsite monitor to verify	Chevron and CSLC	Upon Project completion	Project equipment and materials safely demobilized following completion

**EXHIBIT D**

RECORDED AT THE REQUEST OF  
AND WHEN RECORDED MAIL TO:  
STATE OF CALIFORNIA  
California State Lands Commission  
Attn: Title Unit  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

**STATE OF CALIFORNIA**  
**OFFICIAL BUSINESS**  
Document entitled to free recordation  
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N. 561-080-001  
County: Contra Costa

**LEASE QUITCLAIM DEED**

**WHEREAS**, pursuant to lease designated Lease 139, executed by the State Lands Commission on \_\_\_\_\_, 2021 (the "Lease") by and between the **State of California**, acting by and through the **State Lands Commission**, as "Lessor," **Chevron Products Company, a Division of Chevron USA Inc.**, as "Lessee," said Lessee was granted for a term of 8 years commencing December 8, 2021, the right to remove certain improvements and restore and monitor eelgrass on real property specified in said Lease; and

**WHEREAS**, pursuant to said Lease, Lessee agreed to execute and deliver to State a good and sufficient quitclaim deed on the last day of said term or sooner termination of said lease.

**NOW THEREFORE**, Lessee does hereby remise, release, and forever quitclaim unto the State of California any and all right, claim, title, or leasehold interest arising by virtue of or pursuant to that certain Lease, respecting lands located in Contra Costa County, State of California, and described on Exhibit A ("Description of Lease Premises"), attached hereto. The State's Certificate of Acceptance is attached hereto as Exhibit B ("Certificate of Acceptance and Consent to Recording"). Lessee does not intend, and this Lease Quitclaim Deed shall not be understood to, quitclaim any right, claim, title or interest in any property owned in fee by Lessee, including Chevron USA Inc. or any of its affiliates.

**LESSEE: Chevron Products Company, a Division of Chevron USA Inc.**

By: \_\_\_\_\_  
ALAN DAVIS

Title: REFINERY MANAGER

In witness whereof, this Quitclaim Deed is executed this \_\_\_\_\_ day of \_\_\_\_\_,

**ATTACH NOTARY ACKNOWLEDGMENT**

**EXHIBIT A**

**DESCRIPTION OF LEASE PREMISES**

**LEASE 139**

[BEHIND THIS PAGE]

**EXHIBIT B**

**CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDING  
Government Code 27281**

**This is to certify that the STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION (“Grantee”), an agency of the STATE OF CALIFORNIA, hereby accepts from Chevron Products Company, a Division of Chevron USA Inc., (“Grantor”), a Lease Quitclaim Deed effective \_\_\_\_\_, of any and all of Grantor’s right, claim, title, or interest arising by virtue of or pursuant to that certain lease designated as Lease No. PRC 139.**

The STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION, an agency of the STATE OF CALIFORNIA, hereby consents to the recordation of this conveyance in the Office of the Recorder for the County of Contra Costa.

This acceptance and consent to recording is executed by and on behalf of the STATE OF CALIFORNIA by the STATE LANDS COMMISSION, acting pursuant to law, as approved by [include Item or Minute Item] of its public meeting in California on \_\_\_\_\_ by its duly authorized undersigned officer.

**STATE OF CALIFORNIA  
STATE LANDS COMMISSION**

\_\_\_\_\_  
**ROBERT BRIAN BUGSCH  
Chief, Land Management Division**

Date: \_\_\_\_\_

**ATTACH NOTARY ACKNOWLEDGMENT**

# Exhibit E

## Photographs of Existing Structures



