

APPENDIX A

Comments on NOP and Index to Location
Where Each Individual NOP Comment
Is Addressed in EIR
(Updated: March 2022)

INDEX TO NOP COMMENTS

1 Appendix A includes a copy of the Notice of Preparation (NOP) for the PRC 421
2 Decommissioning Project, transcripts from the Public Scoping Hearings conducted on
3 the NOP, copies of all comment letters received on the NOP during the public comment
4 period, and an indication (Section or sub-Section) where each individual comment is
5 addressed in the Environmental Impact Report (EIR). Table A-1 lists all comments and
6 shows the comment set identification number for each letter or commenter. Table A-2
7 identifies the location where each individual comment is addressed in the EIR.

Table A-1
NOP Commenters and Comment Set Numbers

Agency/Affiliation	Name of Commenter	Date of Comment	NOP Comment Set
California Department of Fish and Wildlife – South Coast Region	Erinn Wilson-Olgin	July 14, 2021	1
City of Goleta	Peter Imhof	July 9, 2021	2
Santa Barbara Air Pollution Control District	Carly Barham	June 29, 2021	3
Native American Heritage Commission	Andrew Green	June 9, 2021	4
Transcript from NOP Public Scoping Meeting on June 24, 2021 (2:00 p.m. and 6:00 p.m.)	Jacqueline Rosa Sean Anderson Andrew Miller	June 24, 2021	5
Surfrider Foundation – Santa Barbara Chapter	Andrew Miller (Shute, Mihaly & Weinberger LLP)	July 9, 2021	6
Sandpiper Golf Course	Beth Collins (Brownstein Hyatt Farber Schreck)	July 9, 2021	7

Table A-2
Responses to the NOP Comments

Table A-2 (Comment 1): California Department of Fish and Wildlife

Comment Number	Responses
1-1	Section 4.3.1.2 (Vegetation of the Project Site) provides a description of plant communities in the vicinity of Project components. Vegetation maps are provided in Figures 4.3-1 through 4.3-3. Coastal bluff scrub (primarily composed of quail bush) is considered as an Environmentally Sensitive Habitat Area (ESHA) by the City of Goleta, and Project-related impacts are considered significant.
1-2	Botanical and wildlife surveys were conducted in support of this EIR. Vegetation was surveyed, classified and mapped as described in the response to Comment 1-1 above.
1-3	EIR mitigation measures MM BIO-5a and MM BIO-6a have been proposed to address potential impacts to sensitive natural communities that would result from implementation of Component 2. The measures include development of a coastal wetlands mitigation and coastal bluff scrub replacement plan. These measures include replacement ratios of 3:1 and 2:1, respectively. A larger replacement ratio was not proposed due to the disturbed and fragmented nature of this plant community along the existing access roadway.
1-4	The coastal bluff scrub replacement plan specified in MM BIO-6a will include success criteria, irrigation limitations and monitoring requirements. Topsoil salvage is not proposed.
1-5	See Table 4.3-5. Based on biological surveys conducted for the Project, suitable habitat for Crotch bumble bee does not occur in the proximity to the Project site.
1-6	See response to Comment 1-5.
1-7	See response to Comment 1-5.
1-8	Potential impacts to globose dune beetle are discussed under Impact BIO-5 and mitigation measures MM BIO-3c, BIO-3d, BIO-3e and BIO-6b are provided to avoid impacts to this species.
1-9	EIR mitigation measures MM BIO-3c through MM BIO-3e and MM BIO-6b would be implemented to reduce potential impacts to globose dune beetle.
1-10	Globose dune beetle is discussed in Table 4.3-5 and Section 4.3.4 of the EIR. This species is assumed to be present, such that a focused survey was not conducted. It should be noted that the last record of globose dune beetle in the Project area is from 1987.

Comment Number	Responses
1-11	The Project site is composed of existing PRC 421 facilities and not “undisturbed land”. Botanical and wildlife surveys were conducted in support of this EIR to facilitate impact assessment. The CNDDDB was also reviewed as part of EIR preparation.
1-12	A regional setting and a discussion of plant communities in proximity to Project components is provided in Section 4.3.1 of the EIR.
1-13	The botanical surveys and vegetation mapping was floristic in nature and consistent with the CDFW Protocol.
1-14	Vegetation mapping and impact assessment is included in Section 4.3.4 of the EIR. The Manual of California Vegetation was reviewed, but not used to classify vegetation due to the disturbed and fragmented nature of vegetation at the Project site.
1-15	See Section 4.3.1 of the EIR for an assessment of on-site biological resources. The CNDDDB was reviewed as part of this baseline setting discussion.
1-16	Biological surveys were conducted as part of EIR preparation, including a focused bat survey. No rare, threatened or endangered species have been reported from the immediate area or found during biological surveys.
1-17	Botanical and wildlife surveys were conducted in July and August 2021 and meet the stated requirements for recent surveys.
1-18	The potential for bird species listed in this Comment to occur at the Project site is discussed in Table 4.3-5 of the EIR. Project impacts to these species are discussed in Section 4.3.4 of the EIR.
1-19	Project activities cannot be limited to the specified timing (1 March – 30 September) in order to complete the proposed pier and caisson removal included in Component 1 (which requires negative tides); however mitigation measures have been included to prevent potential impacts to birds, including MM BIO-1 (Avoidance of cliff swallow nests), MM BIO-3c (Environmental Awareness Training), MM BIO-3d (Biological Pre-activity Surveys and Monitoring), and MM BIO-3e (Delineation of Work Limits).
1-20	EIR mitigation measure MM AES-1c would be implemented to minimize the potential effects of night lighting (when required). Mufflers would be in place for all engine-driven equipment.
1-21	No pile driving has been proposed.
1-22	Proposed staging areas are within the EOF, access roadway, and Bacara Fire Road access – which are all previously disturbed and unvegetated areas and along designated access routes. No off-road vehicle use has been proposed. Listed species habitat would not be affected.

Comment Number	Responses
1-23	Temporary disturbed areas would be limited to staging areas which are located in developed areas. No increase in weeds is anticipated.
1-24	See the response to Comment 1-18. Mitigation measures have been included to prevent potential impacts to birds, including MM BIO-1 (Avoidance of Active Cliff Swallow Nests), MM BIO-3c (Environmental Awareness Training), MM BIO-3d (Biological Pre-activity Surveys and Monitoring), and MM BIO-3e (Delineation of Work Limits).
1-25	See the response to Comment 1-18. A map would not be helpful as these birds could forage anywhere along the coast in the region.
1-26	See Section 1.3 (Project Purpose and Need) and 1.4 (Project Objectives)
1-27	See Section 1.3 (Project Purpose and Need) and 1.4 (Project Objectives). A map of all Project components (including staging areas) is included in Figure 2-1. A map specific to Project staging areas is included in Figure 2-21.
1-28	Section 5.0 includes the Project Alternatives Analysis.
1-29	Regulated waters and wetlands are discussed in Section 4.3.1.11. Coastal wetland maps are included in Figures 4.3-4 and 4.3-5. A wetland delineation report is included in Appendix F.
1-30	EIR mitigation measure BIO-5a provides for 3:1 replacement of coastal wetlands. MM BIO-5b requires preservation of adjacent wetlands. Following implementation of mitigation, no net loss of wetlands would occur.
1-31	EIR mitigation measures proposed to protect marine water quality include MM HAZ-1a through MM HAZ-1c, MM HAZ-2 and MM HWQ-1.
1-32	No take of CESA species would occur.
1-33	Cumulative biological impacts are discussed in Section 4.3.5.
1-34	Potential water quality impacts are discussed in Section 4.9. Water quality measures intended to avoid direct or indirect impacts to biological species are outlined in response 1-31 above. Potential impacts of Project implementation associated with decommissioning activities are addressed in Section 4.3.4.
1-35	The Project would not impact open space, riparian ecosystems, reserve lands or wildlife corridors.
1-36	No change in land use designations or zoning is proposed.
1-37	Cumulative impacts are outlined in Section 3.0 and discussed within each impact section. Cumulative biological impacts are discussed in Section 4.3.5.

Comment Number	Responses
1-38	EIR mitigation measures MM BIO-1 through MM BIO-6b have been proposed to mitigate for potential impacts to biological resources. No other compensatory mitigation is required or proposed.
1-39	Long-term management of mitigation areas would be addressed during mitigation plan development (see MM BIO-5a).
1-40	Mitigation measures have been included to prevent potential impacts to nesting birds, including MM BIO-1 (Avoidance of Active Cliff Swallow Nests), MM BIO-3c (Environmental Awareness Training), MM BIO-3d (Biological Pre-activity Surveys and Monitoring), and MM BIO-3e (Delineation of Work Limits).
1-41	Comment noted. No translocation/salvage has been proposed.
1-42	EIR mitigation measure MM BIO-3d requires biological monitoring and relocating wildlife out of harm's way during Project activities.
1-43	Mitigation plan development required under MM BIO-5a and MM BIO-6a will address these issues.
1-44	Propagules used for mitigation will be obtained from the nearest available source.
1-45	The stated special habitat elements are not consistent with the beach environment, but will be considered if applicable.

Table A-2 (Comment 2): City of Goleta

Comment Number	Responses
2-1	The access road and revetment are listed within the Executive Summary (Pg ES-2) and Project Summary (Pg 2-1) as items within Component 2. Component 2 removal is carried through the entire EIR and impact analysis.
2-2	The specified paragraph has been removed from Section 1.0
2-3	California Coastal Act policies have been reviewed as part of the EIR analysis. See the regulatory setting of all environmental impact sections as well as Appendix B for policies considered.

Table A-2 (Comment 3): Santa Barbara County Air Pollution Control District (APCD)

Comment Number	Responses
3-1	See Section 4.2 for the Air Quality analysis and Section 4.7 for GHG analysis. MM AQ-1a (Fugitive Dust Control Measures) and MM AQ-1b (Equipment Exhaust Emissions Reduction Measures) are proposed to reduce potential impacts. Section 7.0 includes the mitigation monitoring program that will be enforced during decommissioning activities.
3-2	See Section 4.2.4 for the air quality impact analysis, including a discussion of the recommended topics.
3-3	Comment noted. MM HAZ-1b includes notification requirements when encountering hydrocarbon contaminated soils.
3-4	Comment noted. PERP requirements are outlined in Section 4.2.2.2 (Applicable Regulatory Requirements).
3-5	Section 4.8.1 (Hazards and Hazardous Materials) contains a discussion of the potential for asbestos-containing materials (ACM). No ACM was determined to be present onsite.
3-6	Comment noted. Implementation of the Project will require development of a Remedial Action Plan (RAP) with associated regulators. The RAP has been initiated and will be implemented as outlined in MM HAZ-1a to address appropriate handling of contaminated soils onsite during Project activities.
3-7	Comment noted. The Project contractor and workplan has not been selected or developed but Comment 3-7 will be considered during development of the workplan related to purging of the pipelines.
3-8	See Section 4.2 for the Air Quality analysis including a discussion regarding fugitive dust.
3-9	MM AQ-1a includes fugitive dust control measures.
3-10	MM AQ-1b includes equipment exhaust emissions reduction measures.
3-11	Comment noted. MM AQ-1b describes equipment exhaust emissions reduction measures including specifications regarding limiting of engine idling time.

Table A-2 (Comment 4): Native American Heritage Commission

Comment Number	Responses
4-1	A record search was requested from the CCIC on 1/26/21. Results were received on 2/10/21 and reviewed as part of the cultural resources analysis.
4-2	See Appendix H for Archaeological Report.
4-3	NAHC Tribal consultation on 9/23/19. No records identified in the Sacred Lands File record search for the Project site. Additionally, CEQA notice of the Project sent to all tribes on NAHC list 8/20/21.
4-4	See proposed mitigation measures included in Sections 4.4 and 4.5 (MM CUL/TCR-1, MM CUL-2/TCR-2, MM CUL-3/TCR-3, and MM CUL-4/TCR-4)

Table A-2 (Comment 5): Transcript from NOP Public Scoping Meeting on June 24, 2021

Comment Number	Responses
5-1	Comment noted. However, the Project timing has been proposed in order to provide conditions necessary to enable decommissioning to occur. Several measures have been included with respect to protection of biological resources, and specifically birds; including: MM BIO-1 (Avoidance of Active Cliff Swallow Nests), MM BIO-3c (Environmental Awareness Training), MM BIO-3d (Biological Pre-activity Surveys and Monitoring), and MM BIO-3e (Delineation of Work Limits).
5-2	Comment noted. See discussion in Section 4.6.4 (Geologic Impacts) regarding the potential for shoreline retreat and bluff erosion.
5-3	The Project will be conducted in two primary “phases” including Components 1 and 2. As discussed in Section 4.6.4 (Geologic Impact Analysis), weathering and erosion/bluff retreat may occur following each of the Project components; however, removal of these structures would complete the return of the Project area along this stretch of coastline back to its natural condition. Erosion of the bluffs is already occurring in unarmored sections adjacent to the east and west of the Project area and is a natural process. This increased erosion may also contribute to sand replenishment in the Project area and downcoast. Therefore, geologic impacts are less than significant.
5-4	See Section 7.0 for a summary of proposed mitigation and implementation measures during the Project.
5-5	See Section 4.5 for a discussion on Tribal Cultural Resources.
5-6	Public access on PRC 421 access roads (through the EOF) cannot be established at this time since the EOF will remain in operation to support abandonment of Platform Holly. Additionally, decommissioning of the access roadway is required to accomplish the Component 2 Project objectives.
5-7	As described in Section 2.3.2.3, the two pipelines would be flushed and isolated during Component 1 Project activities and would no longer contain contaminated materials. Potential bluff erosion and the relation to sea level rise is discussed in Section 4.6.4 (Geology impact analysis).

Table A-2 (Comment 6): Surfrider Foundation

Comment Number	Responses
6-1	Comment noted. See discussion regarding existing public access in Section 4.13 (Recreation).
6-2	Correct. The existing access road exists within private easements from the EOF to the 421 piers, as further described in Section 2.2.2.
6-3	<p>Please note, the City is part of the Joint Review Panel (JRP) for the Project and will have discretionary approval over the Project in terms of staging and use of the area(s) above the mean high tide line. However, California Coastal Commission is responsible for issuance of a coastal development permit required on behalf of the Project for all components (since all are within the coastal zone).</p> <p>As noted in response to Comment 5-6 above, public access on PRC 421 access roads (through the EOF) cannot be established at this time since the EOF will remain in operation to support abandonment of Platform Holly. Additionally, decommissioning of the access roadway is required to accomplish the Component 2 Project objectives.</p>
6-4	Comment noted. The proposed Project does not constitute “new development”. Additionally, as discussed in Section 4.13.4, existing public access will not be precluded during Project activities.
6-5	The only Project component proposed to be abandoned in place includes the pipeline segments from the 12 th tee back to the EOF. Prior to abandonment, each pipeline will be flushed and isolated. Regardless, a discussion regarding sea level rise is included within Sections 4.6.4 (Geologic Impact Analysis) and 8.1 (Climate Change and Sea Level Rise).
6-6	See response to Comment 5-6 and Comment 6-3 above.

Table A-2 (Comment 7): Sandpiper Golf Course

Comment Number	Responses
7-1	Please see Section 2.2.2.1 for information regarding the access roadway soil investigation completed on behalf of the Project. Sampling results are included in Appendix J. Potential impacts of flushing and isolating the pipelines are included in Section 4.8 (Hazards and Hazardous Materials). A geophysical survey is not proposed.
7-2	The only Project component proposed to be abandoned in place includes the pipeline segments from the 12 th tee back to the EOF. Removal of pipelines within the Golf Course would not meet the project objectives or reduce impacts. Prior to abandonment, each pipeline will be flushed and isolated. Regardless, a discussion regarding sea level rise and bluff stability is provided in Sections 4.6.4 (Geologic Impact Analysis) and 8.1 (Climate Change and Sea Level Rise).
7-3	See response to Comment 7-2. Additionally, potential impacts to the wetland are included within Section 4.3.4 (Biological Resources).
7-4	Potential impacts to adjacent land uses have been considered in the EIR.

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July 14, 2021

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Subject: Comments on the Initial Study/Notice of Preparation of a Draft Environmental Impact Report for PRC 421 Decommissioning Project, SCH #2021060145, Santa Barbara County

Dear Mr. Gillies:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Initial Study/Notice of Preparation (IS/NOP) of a Draft Environmental Impact Report (DEIR) for PRC 421 Decommissioning Project (Project). The California State Lands Commission (CSLS) is the lead agency preparing a DEIR pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, §

2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The project site encompasses State tidal lands and submerged lands as well as the upland access road and revetment below the bluffs marking the southern limit of the Sandpiper Golf Course in the city of Goleta, California.

Project Description/Objectives: This Project is part of a decommissioning process for two wells that have been idle since 1994 and have been plugged and abandoned. The decommissioning process involves removing two piers (Pier 421-1 and Pier 421-2) and caissons and other infrastructure which includes two pipelines, the access road, and supporting rock revetment below the bluffs.

Specifically, the Project involves:

Fully remove the piers, caissons, and remaining portions of the wells (the riser pipe from the top of the cement plug and wellheads) above the bedrock located approximately 19 feet below the surface grade

Decommission and remove the two pipelines beneath the access road

Remove the access road and supporting rock revetment

Plug and abandon in place the remaining pipelines beneath the golf course back to the tie-in points just outside of the EOF

Restoration of the beach area to conditions similar to the surrounding area and appropriate for safe public access and use

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the CSLS in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- [Comment 1-1](#) 1) **Sensitive Vegetation Communities.** CDFW is concerned about the cumulative impacts to sensitive vegetation communities in the Goleta area.

The Project has the potential to affect what CDFW considers locally significant and sensitive vegetation communities. CDFW has reviewed five Projects in the last 3 months that impact coastal bluff vegetation ranked S1-S5. CDFW considers coastal bluff habitat sensitive in the Goleta area, even if ranked S4 and S5, due to the cumulative losses of habitat on the Goleta Coast.

Examples of sensitive vegetation communities include but are not limited to: *Sarcocornia pacifica* (*Salicornia depressa*) Alliance (*Pickleweed mats*), ranked S3, *Artemisia Californica*

Alliance, *Atriplex lentiformis* Shrubland (Quailbush Scrub) Alliance, and *Quercus agrifolia* Alliance are ranked S4. Given the loss of these vegetation community in the coastal Goleta area, CDFW considers these S4 species as a locally sensitive vegetation community. *Baccharis pilularis* (Coyote brush scrub) Alliance is ranked S5 by CDFW but given the local losses of this vegetation community in the coastal Goleta area, CDFW considers this a locally sensitive vegetation community.

In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish and Game Code Section 1940). This standard complies with the National Vegetation Classification System which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. Through this MCV vegetation classification system, CDFW tracks Sensitive Natural Communities and their respective rankings using the MCV alliance and association names for vegetation communities.

In order to analyze if a project may have a significant effect on the environment, the location, acreage, species composition, and success criteria of proposed mitigation information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well assess the adequacy of the mitigation proposed.

Recommended Potentially Feasible Mitigation Measure(s)

Comment 1-2

Mitigation Measure #1: CDFW recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The IS/MND should use the vegetation data collected for the PEIR and Specific Plan to crosswalk these species into current alliances for the purposes of establishing baseline for the IS/MND. The IS/MND document should identify, map, and discuss the specific vegetation alliances within the Project Area following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Survey Protocols) see: (<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>).

Comment 1-3

Mitigation Measure #2: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the sensitive vegetation communities found onsite due to cumulative loss of these vegetation communities along the Goleta coast.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Comment 1-4 **Mitigation Measure #3:** Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998, Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Comment 1-5 2) **Bumble Bee.** A review of CNDDDB indicate Crotch bumble bee (*Bombus crotchii*) within 0.5 miles of the Project. Project ground disturbing activities may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae. The Project may remove bee habitat by eliminating vegetation that may support essential foraging habitat. Impacts to Crotch's bumble bee could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Recommended Potentially Feasible Mitigation Measure(s)

Comment 1-6 **Mitigation Measure #1:** CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch bumble bee.

Comment 1-7 **Mitigation Measure #2:** CDFW recommends, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee and disclose presence or absence in the DEIR. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities.

Comment 1-8 3) **Globose Dune Beetle.** A review of CNDDDB indicate globose dune beetle (*Coelus globosus*) within 1000-feet of the Project vicinity. Project ground disturbing activities may result in crushing, causing the death or injury of adults, eggs, and larvae. CDFW has ranked this beetle is listed as S1, and it is also listed as Vulnerable on the International Union for Conservation of Nature's Red List of Threatened Species.

The globose dune beetle occupies leaf litter around coastal scrub plants, where larvae and adults can be found in December and January. In summer months, adults aggregate in the leaf litter beneath coastal scrub plants. Larvae and adults feed on dead organic matter that accumulates in the sand under plants (USFWS, 1981).

Comment 1-9 **Mitigation Measure #1:** CDFW recommends that measures be taken, primarily, to avoid Project impacts to globose dune beetle.

Comment 1-10 **Mitigation Measure #2:** CDFW recommends, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of globose dune beetle and disclose presence or absence in the DEIR. Surveys should be conducted during the appropriate season when the species is most likely to be detected. Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities

Comment 1-11⁴⁾ **Biological Baseline Assessment.** A CNDDDB review indicates the occurrence of several special status reptile, mammal, and plant species including tidewater goby (*Eucyclogobius newberryi*), Red-legged frog (*Rana draytonii*), Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*), southern tarplant (*Centromadia parryi* ssp. *australis*), and monarch - California overwintering population (*Danaus plexippus* pop. 1), black flowered figwort (*Scrophularia atrata*) within the Project vicinity. Most of the Project site is open space. Undisturbed land may provide suitable habitat for special status or regionally and locally unique species. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any alternative trail designs that could reduce impacts to any special status species detected, as well as assess direct, indirect, and cumulative biological impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

Comment 1-12 a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

Comment 1-13 b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>);

- Comment 1-14 c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation* should also be used to inform this mapping and assessment). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- Comment 1-15 d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;
- Comment 1-16 e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
- Comment 1-17 f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- Comment 1-18 5) **Impacts to Shorebirds.** CDFW is concerned that the Project could potentially impact California Endangered Species Act (CESA)-listed Belding's savannah sparrow (*Passerculus sandwichensis alaudinus*), California least tern (*Sternula antillarum browni*), Fully Protected California brown pelican (*Pelecanus occidentalis californicus*), and Species of Special Concern western snowy plover (*Charadrius nivosus*), and White-tailed Kite (*Elanus leucurus*), through vegetation clearing, crushing, and construction disturbance in and adjacent to areas occupied by the above species.

Grading, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by loud noises, lighting, increased human presence and activity, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species.

Site construction and operations may result in a substantial amount of noise through road use, equipment, and other project-related activities. Increase visual disturbance, from the current low-use baseline, is also a potential impact to listed species.

Anthropogenic noise can disrupt the communication of many wildlife species including birds (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Without assessing noise disruptions or providing appropriate minimization or mitigation measures, the Project may result in substantial impacts to sensitive wildlife species.

Recommended potentially feasible mitigation measure(s)

- Comment 1-19 Mitigation Measure #1:** CDFW recommends Project construction be limited to outside of the breeding season (1 March – 30 September) to minimize effects on breeding.
- Comment 1-20 Mitigation Measure #2:** CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am). Generators should not be used except for temporary use in emergencies. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source.
- Comment 1-21 Mitigation Measure #3:** CDFW recommends pile driving not be used during construction of the Project. Alternative methods to construct Project features, that produce less noise and vibration, should be utilized if technically possible.
- Comment 1-22 Mitigation Measure 4:** Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to the adjacent native vegetation should be minimized. CDFW recommends a minimum 250-meter buffer between Project operations and listed species habitat.
- Comment 1-23 Mitigation Measure #5:** Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council), should be prevented from establishing in temporarily disturbed areas, either by hand-weeding or selective application of herbicide. A weed monitoring program with regular inspection, mapping, and removal should be implemented.
- Comment 1-24 Recommendation #1:** Focused surveys should be conducted for the above referenced shorebird species with potential to be nesting or foraging in the Project area or within 500 feet of the Project footprint. Results of these surveys should be disclosed in the DEIR and be clearly marked on a map included in the DEIR so CDFW can comment on avoidance and minimization measures of any species present.
- Comment 1-25 Recommendation #2:** The DEIR should include a map of all known adjacent nesting and foraging sites for the sensitive shorebirds mentioned above to help with indirect affect analysis.

General Comments

- Comment 1-26 4) **Project Description and Alternatives.** To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- Comment 1-27 a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
- Comment 1-28 b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- Comment 1-29 5) **Wetlands Resources.** CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- Comment 1-30 a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- Comment 1-31 b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and

enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).

Comment 1-32⁶⁾ **CESA.** CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Comment 1-33⁷⁾ **Biological Direct, Indirect, and Cumulative Impacts.** To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

Comment 1-34 a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;

Comment 1-35 b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;

Comment 1-36 c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,

- Comment 1-37 d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- Comment 1-38 8) **Compensatory Mitigation.** The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- Comment 1-39 9) **Long-term Management of Mitigation Lands.** For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- Comment 1-40 10) **Nesting Birds.** CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- Comment 1-41 11) **Translocation/Salvage of Plants and Animal Species.** Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or

endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

Comment 1-42 12) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss. If the project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

Comment 1-43 13) Revegetation/Restoration Plan. Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Comment 1-44 a) CDFW recommends that local on-site propagules from the Project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.

Comment 1-45 b) Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks, and brush piles.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the CSLS in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Kelly Schmoker, Senior Environmental Scientist (Specialist), at (626) 335-9092, or by email at Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

Steve Gibson, Los Alamitos – Steve.Gibson@wildlife.ca.gov

Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov

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California Coastal Commission
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References

Francis, C. D., C. P. Ortega, and A. Cruz. 2009. Noise pollution changes avian communities and species interactions. *Current biology*: CB 19: 1415–1419.

Gillam, E. 2007. Eavesdropping by bats on the feeding buzzes of conspecifics. *Canadian Journal of Zoology* 85: 795–801.

Kight, C. R., and J. P. Swaddle. 2011. How and why environmental noise impacts animals: an integrative, mechanistic review. *Ecology Letters* 14: 1052–1061.

Orloff, S. 2007. Migratory Movements of California tiger salamander in upland habitat – a five-year study (Pittsburg, California). Ibis Environmental, Inc., prepared for Bailey Estates LLC, May 2008. 47 pp. + appendices.

Patricelli, G., and J. Blickley. 2006. Avian Communication in Urban Noise: Causes and Consequences of Vocal Adjustment. *The Auk* 123: 639–649.

Quinn, J., M. Whittingham, S. Butler, and W. Cresswell. 2006. Noise, predation risk compensation and vigilance in the Chaffinch *Fringilla coelebs*. *Journal of Avian Biology* 37: 601–608.

Rabin, L., R. Coss, and D. Owings. 2006. The effects of wind turbines on antipredator behavior in California ground squirrels (*Spermophilus beecheyi*). *Biological Conservation - BIOL CONSERV* 131: 410–420.

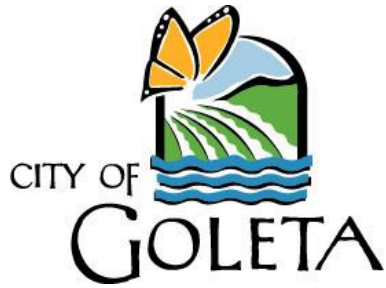
Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. *A manual of California Vegetation*, 2nd ed. ISBN 978-0-943460-49-9.

Slabbekoorn, H., and E. A. P. Ripmeester. 2008. Birdsong and anthropogenic noise: implications and applications for conservation. *Molecular Ecology* 17: 72–83.

Sun, J., and P. Narins. 2005. Anthropogenic sounds differentially affect amphibian call rate. *Biological Conservation* 121: 419–427.

Thorp, Robbin W., Horning Jr, Donald S., and Dunning, Lorry L. 1983. Bumble Bees and Cuckoo Bumble Bees of California. *Bulletin of the California Insect Survey* 23.

USFWS. 1981. Ecological Characterization of the Central and Northern California Coastal Region: pt.1. Regional characterization. pt.2. Species. Department of the Interior, U.S. Fish and Wildlife Service.



July 9, 2021

SENT VIA EMAIL
CEQA.comments@slc.ca.gov

CITY COUNCIL

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Mayor

James Kyriaco
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Councilmember

CITY MANAGER
Michelle Greene

Eric Gillies, Environmental Program Manager I
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

**RE: PRC 421 Decommissioning Project – Notice of Preparation
City of Goleta Comments**

Dear Mr. Gilles:

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) for the PRC 421 Decommissioning Project (Project) for the removal of the two piers and caissons and other infrastructure, including two pipelines and the access road and supporting rock revetment on Haskell's Beach.

Since the bankruptcy of Venoco, Inc., the City of Goleta (City) has been working with the California State Lands Commission (CSLC) during the State's efforts to safely plug and abandon the relic PRC 421 wells. The City and CSLC and other regulatory agencies determined and agreed, pursuant to a Memorandum of Understanding (MOU) for a Joint Review and Preparation (JRP) agreement, that the CSLC is acting as the Lead Agency for the Project pursuant to the California Environmental Quality Act (CEQA) and the City is a Responsible Agency for the purpose of the Environmental Impact Report (EIR). The EIR is intended to satisfy the environmental analysis required for the Project under CEQA. Additionally, the final adopted EIR would also serve as the foundational study for the approval of future required permits to commence work on the Project.

Based on our review of the NOP, dated June 8, 2021, the City provides the following comments to be included and/or addressed in the Draft EIR:

1) Section 1.0 Project Background and Location (Pg. 3 of 16)

Comment 2-1

- a. Please clarify and consistently discuss throughout the Draft EIR that the access road and revetment are a part of the project and project analysis. See example of omission (and suggested additional language) below:

“These deteriorating structures now represent a physical coastal obstruction, a potential public safety hazard, and a potential environmental hazard represented by the known presence of hydrocarbon-impacted soil and fill contained within the pier caissons as well as within the access road and revetment.”

Comment 2-2

- b. The final paragraph of Section 1.0 should be removed in its entirety. The City and the CSLC have an existing MOU (Agreement No. 2018-091) that authorizes the CSLC to undertake decommissioning and removal of all associated infrastructure related to the PRC 421 piers. It is vital that the EIR evaluate the entire decommissioning and pier infrastructure removal project in both the tidal and upland areas.

~~“By statute, CSLC has jurisdiction, in the Project area, over tidelands and submerged lands, waterward of the mean high tide line. Although the CSLC is the CEQA lead agency and will analyze the environmental effects of the entire Project, CSLC will undertake that portion of the Project within its jurisdiction. Certain Responsible Agencies (see Section 3.0 below) will have discretionary authority over the Project as a whole as well as authority to undertake components of the Project that lay landward of the mean high tide line.”~~

2) Section 4.2. Currently Identified Potential Environmental Impacts (Pg. 14 of 16)

Comment 2-3

- a. **Environmental Topic - Land Use and Planning:** Currently, the NOP indicates that “The analysis will examine the City’s General Plan and applicable policies and standards as it relates to the decommissioning.” However, it should be noted that the analysis will also need to ensure an adequate review of all applicable California Coastal Act policies.

Thank you for this opportunity to comment on the NOP. We appreciate CSLC efforts to pursue this Project. The removal of the PRC 421 infrastructure is of great importance and significance to our community. We look forward to participating in the review of this Project as it moves through the CEQA process.

Sincerely,



Peter Imhof, Director
Planning and Environmental Review

City of Goleta Comment Letter
July 9, 2021

cc: Anne Wells, Advance Planning Manager
J. Ritterbeck, Senior Planner



air pollution control district
SANTA BARBARA COUNTY

June 29, 2021

Eric Gillies
Environmental Program Manager I
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Via email to: CEQA.comments@slc.ca.gov

Re: Air Pollution Control District Response to Notice of Preparation of an Environmental Impact Report for the PRC 421 Decommissioning Project, SCH # 2021060145

Dear Mr. Gillies:

The Santa Barbara County Air Pollution Control District (District) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the PRC 421 Decommissioning Project. California State Lands Commission proposes to remove the two piers and caissons supporting two wells formerly producing oil and gas from the offshore Lease PRC 421. The two wells have been idle since 1994 and were plugged and abandoned in May and September 2019. Other supporting infrastructure, including two pipelines and the access road and supporting rock revetment, will also be removed. As part of the project, the 2-inch and 6-inch pipelines beneath the golf course pipeline corridor to the Ellwood Onshore Facility (EOF) will be flushed, grouted, and abandoned in place. The project is located at the southern limit of the Sandpiper Golf Course in the City of Goleta on State tidelands and submerged lands as well as the upland access road and revetment below the coastal bluffs. Decommissioning activity is estimated to extend over approximately 6 months.

District staff reviewed the NOP of a Draft EIR and concurs that air quality impacts should be addressed in the EIR. The proposed project may include equipment and/or operations that may be subject to District permit requirements and prohibitory rules. Therefore, **the District may be a responsible agency under the California Environmental Quality Act (CEQA) and will rely on the EIR when evaluating any District permits for proposed equipment.** To avoid additional CEQA documentation related to District permit issuance, the EIR should include the air pollutant emissions for all proposed operations and equipment in the project's air quality impact analysis and include mitigation as appropriate to reduce the impacts. The District's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated June 2017), is available online at www.ourair.org/land-use. This document should be referenced for general guidance in assessing air quality impacts in the Draft EIR. Please contact the District for project-specific guidance as needed.

The EIR should evaluate the following potential impacts related to the PRC 421 Decommissioning Project:

Comment 3-1

1. **Construction Impacts.** The project will involve the use of heavy-duty construction equipment as well as truck trips for materials removal. The EIR should include a description and quantification of potential air quality and greenhouse gas impacts associated with construction activities for the proposed project. The District's recommended control measures for fugitive dust and equipment exhaust emissions associated with construction projects can be found as

Aeron Arlin Genet, Air Pollution Control Officer

attachments to this letter. However, project-specific measures should be developed that are pertinent to the specific project and that avoid, reduce, or mitigate impacts to the maximum extent feasible. Construction mitigation measures should be enforced as conditions of approval for the project. The EIR should include a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigation and establishes a mechanism for enforcement.

Comment 3-2

2. **Land Use Conflicts Related to Air Pollutant Emissions.** The EIR should examine whether any of the operations associated with the proposed project will result in air quality impacts to sensitive land uses such as residential, childcare facilities, schools, or senior living communities. Examples of this type of impact include odors, dust, or toxic air contaminants. Specifically, we note that pipeline flushing operations and exposed organic material (e.g. affixed marine vegetation or sea life) during pier removal could generate unpleasant odors. The applicant should have a process in place to prevent potential odors from causing a violation of District *Rule 303, Nuisance*.

In addition, District staff suggests adopting the following measures to minimize air quality impacts and ensure compliance with state and local air quality regulations:

Comment 3-3

1. **Contaminated Soils:** If contaminated soils are found at the project site, the District must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required. District permits are required for all soil vapor extraction activities. District permits are also required for the excavation ("dig-and-haul") of more than 1,000 cubic yards of contaminated soil. A written exemption from permit is required for the excavation of less than 1,000 cubic yards. See www.ourair.org/csc-projects for more information.

Comment 3-4

2. **Diesel Engines:** All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months.

Comment 3-5

3. **Asbestos:** The applicant is required to complete and submit an *Asbestos Demolition/Renovation Notification* or an *EXEMPTION from Notification for Renovation and Demolition* (District Form ENF-28 or District Form ENF-28e), which can be downloaded at www.ourair.org/compliance-forms for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification should be presented, mailed, or emailed to the District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant should visit www.ourair.org/asbestos to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.

Comment 3-6

4. **Onsite storage:** If there is any planned or potential storage of Reactive Organic Compound (ROC) containing liquids or solids (e.g. ROC-impacted soils), the applicant must obtain a District permit or written exemption from permit.

Comment 3-7

5. **Pipeline Purging:** There is the potential for odor generation during pipeline purging operations. The applicant should consider using a degassing unit to control odors. Some companies already have permits with the District for such equipment. The applicant could consider utilizing an

already permitted unit through a company, or could contact the District to obtain a permit or permit exemption for the use of a degassing unit.

Comment 3-8

6. **Fugitive Dust:** Construction/demolition activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see www.ourair.org/wp-content/uploads/rule345.pdf. Activities subject to Rule 345 are also subject to Rule 302 (*Visible Emissions*) and Rule 303 (*Nuisance*).

Comment 3-9

7. **Fugitive Dust:** To reduce the potential for violations of District Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*), Rule 302 (*Visible Emissions*), and Rule 303 (*Nuisance*), standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to start of construction.

Comment 3-10

8. **Equipment Exhaust:** The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.

Comment 3-11

9. **Idling:** At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
- Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
 - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
 - See www.arb.ca.gov/noidle for more information.

We hope you find our comments useful. We look forward to reviewing the Draft EIR. Please contact me at (805) 961-8890 or by e-mail at barhamc@sbcapcd.org if you have questions.

Sincerely,



Carly Barham
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: David Harris, Manager, District Engineering Division
Planning Chron File



ATTACHMENT A FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



NATIVE AMERICAN HERITAGE COMMISSION

June 9, 2021

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

Re: 2021060145, PRC 421 Decommissioning Project, Santa Barbara County

Dear Mr. Gillies:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

Comment 4-1 1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:

- a. If part or all of the APE has been previously surveyed for cultural resources.
- b. If any known cultural resources have already been recorded on or adjacent to the APE.
- c. If the probability is low, moderate, or high that cultural resources are located in the APE.
- d. If a survey is required to determine whether previously unrecorded cultural resources are present.

Comment 4-2 2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Comment 4-33. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

Comment 4-4 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

APPEARANCES

STAFF:

Joe Fabel, Senior Attorney

Eric Gillies, Environmental Program Manager

Katie Robinson-Filipp, Environmental Scientist

ALSO PRESENT:

Sean Anderson

Andrew Miller

Jacqueline Rosa

PROCEEDINGS

MR. ANDERSON: Hey, you guys. Can you hear me okay?

ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Hi, Sean. Yes, we can hear you. Thank you.

MR. ANDERSON: Yeah. So thanks so much. This look great. I guess my first comment would just be about timing. And I'm sure you guys have already thought about this, but with the six month duration, that raises some issues with shorebird migration and stuff of that nature.

And so, one, I guess I'm curious as to why the spring/summer as opposed to a fall/winter? I understand the logistics is probably easier, less winter storms and such, but there might be some ability to reduce the potential impact by shifting the time.

And then the other comment is I think -- I'm not entirely sure if this Draft EIR is the right venue, but as much as we can see if we could maximize the ability of this removal as a type of case study. So currently, manager treatise is obviously a hot topic in some communities.

Oftentimes we're sort of very pressed because of a crisis situation. This is less so of a crisis situation. We have a bit more of a sort of flexible time. So I'm just curious if we could give some thought to maybe

Comment 5-3

1 some ways to test some of the approaches to manager treat
2 into dealing with this process. And so maybe that's a
3 kind of thing where the construction is designed in phases
4 as opposed to like one six month. Maybe there's a way to
5 break it up into two- or three-month segments or something
6 of that nature and to use this as a test bed to evaluate
7 other approaches to manager treat for other areas that are
8 more controversial or problematic.

Comment 5-4

9 And then lastly, I just am curious as to what the
10 mitigation measures that you guys are thinking about? Are
11 you thinking about living shorelines, things of that
12 nature, dune type of approaches or rather just simply
13 returning sediment to the same elevation as if those
14 caissons weren't there.

15 So real quickly those are my suggestions or
16 comments and thank you for this presentation.

17 ENVIRONMENTAL PROGRAM MANAGER GILLIES: Thank
18 you, Sean.

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Do we
20 have any other members who would like to provide comment?
21 If so, please raise your hand.

22 And we do have one chat that was submitted, so I
23 will read this into the record. The chat is from
24 Jacqueline Rosa. And it says one of the potential impacts
25 mentioned were those to tribal cultural resources. How do

Comment 5-5

1 you plan to connect with local tribal nations to
2 communicate and mitigate potential impacts culturally
3 important to their communities?

4 And so again, if you would like to provide verbal
5 comment, you may do so by raising your hand with the raise
6 hand Zoom feature at the bottom of your screen.
7 Additionally, you can also press star nine if you are
8 calling in to raise your hand and we will call on you to
9 speak and then you may also submit your comments through
10 the chat function.

11 ENVIRONMENTAL PROGRAM MANAGER GILLIES: So we
12 don't have anymore speakers, Katie?

13 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yeah.
14 So at this time, we have no other hands raised an no other
15 chats in the chat box.

16 ENVIRONMENTAL PROGRAM MANAGER GILLIES: Okay.
17 All right. Well, we'll go ahead and proceed then, if
18 there's no more comments.

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Oh,
20 there was one chat submitted just now by Sean Anderson.
21 And he would like to identify himself as Sean Anderson
22 with ESRM Program of CSU Channel Islands.

23 ENVIRONMENTAL PROGRAM MANAGER GILLIES: Okay.
24 Thank you. Okay. Let's go a proceed with the next slide,
25 please.

(6:00 p.m.)

MR. MILLER: Good evening. My name is Andrew Miller and I'm speaking to you tonight on behalf of the Santa Barbara Chapter of the Surfrider Foundation. Surfrider appreciates the care the Commission has taking in the decommissioning of former oil and gas lease PRC 421 and we're excited to have this facility removed from the landscape and see the beach restored to its natural state.

However, Surfrider is concerned that, at least as proposed, the decommissioning project misses a unique opportunity to provide much needed public beach access to Haskell's Beach. We urge you to consider a project alternative that would repurpose the upland assets of PRC 421, including the existing access road for public beach access and parking.

As you may be aware, the City of Goleta presently has two established vertical access points that the public can use to enjoy the city's coastal resources. The first trail is located to the west of the project site of at Bacara Resort. While the Bacara trail provides much needed coastal access, the parking area is severely under capacity and fills up early on good beach days.

The second and only other location where visitors can park close to the beach is Goleta Beach Park, about

1 seven miles down the road to the east. There's a pressing
2 need in Goleta for additional safe convenient beach
3 access, so that the public can fully enjoy the coastal
4 resources that community has to offer.

5 And at least since 2006, the City has expressly
6 considered using the access road at PRC 421 for public
7 beach access. The land use element of the City's general
8 plan, policies LU 9.2 and LU 9.3 state that the Ellwood
9 oil facility and surrounding area quote shall be used for
10 coastal-dependent and coastal-related recreational uses
11 upon decommissioning. LU 9.3 further considers using the
12 access road, which it identifies as the SL 421 access road
13 as a connector to a bluff top trail to increase vertical
14 beach access.

15 The city has even gone as far as to identify the
16 terminus of the access road as a proposed beach access
17 point in general plan figure 3.1, the coastal access map.
18 And while the general plan discusses the decommissioning
19 and proper abandonment of PRC 421 facilities. It notably
20 does not indicate any desire to remove the access road.

21 There's a clear opportunity here to take as
22 derelict oil and gas infrastructure that has for decades
23 contributed, at least indirectly, to sea level rise and
24 climate change, and to convert it into something positive
25 for the benefit of the public. We believe that's too good

1 of an opportunity to pass by. And for that reason, we
2 urge the Commission to consider a project alternative that
3 repurposes the access road for vertical beach access an
4 additional bargain.

Comment 5-75 And one last point, to the extent the Commission
6 intends to abandon any pipelines or other infrastructure
7 in place, Surfrider would urge the Commission to carefully
8 consider how the impacts of climate change and sea level
9 rise might increase the risk of future environmental harm
10 from this legacy infrastructure.

11 Thank you.

12 ENVIRONMENTAL PROGRAM MANAGER GILLIES: Thank
13 you, Andrew.

14 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Thank
15 you, Andrew.

16 Do we have anyone else who would like to raise
17 their hand and provide comment?

18 And again, you may also submit comments in the
19 chat function.

20 ENVIRONMENTAL PROGRAM MANAGER GILLIES: Okay. It
21 doesn't look like we have any other raised hands and
22 nothing in the chat.

23 (Thereupon the California State Lands
24 Commission public scoping meeting adjourned.)
25

CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission public scoping meeting comments portion was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed to the best of my ability, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of July, 2021.



JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063



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July 9, 2021

Via Electronic Mail Only

Eric Gillies
Environmental Program Manager I
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
E: CEQA.comments@slc.ca.gov
P: (916) 574-1897

Re: PRC 421 Decommissioning Project NOP Comments

Dear Mr. Gillies and State Lands Commission Staff:

Shute, Mihaly & Weinberger submits this comment letter on behalf of the Santa Barbara Chapter of the Surfrider Foundation (“Surfrider”) regarding the State Lands Commission’s Notice of Preparation of an Environmental Impact Report for the PRC 421 Decommissioning Project (“Project”). Surfrider’s mission is the protection and enjoyment of ocean, waves, and beaches for all people through a powerful activist network. It has worked for decades to protect public resources in the City of Goleta (“City”), including access the sandy beach, Goleta Beach Park, and recreational amenities.

Surfrider appreciates the care that the Commission is taking in the decommissioning of former oil and gas lease PRC 421. We are excited to see this facility removed from the landscape and the beach restored to its natural state. However, Surfrider is concerned that, as proposed, the Project misses a unique opportunity to provide much-needed public access to Haskell’s Beach, including the shoreline which is a public trust resource. The Environmental Impact Report (“EIR”) should consider a Project alternative that would repurpose the upland assets of PRC 421—including the existing access road—for public beach access and parking.

I. There is an immediate need for safe and convenient public beach access in Goleta.

Comment 6-1

The City's General Plan identifies only two locations where the public can access the beach from a public roadway. General Plan at 3-9, OS 2.3.¹ "These include access to Haskell's Beach within the Bacara Resort property and access at the City-owned Santa Barbara Shores Park and Sperling Preserve properties." *Id.*; *see also* General Plan Fig. 3.1. While the Bacara trail provides much-needed coastal access, the parking area is severely under capacity and fills up early on good beach days. Likewise, there are only 45 parking spots at the Santa Barbara Shores Park, of which only three are reserved for handicapped parking. *See* Google Maps, accessed June 28, 2021.² The actual beach access is over three quarters of a mile from the parking lot. The next closest access with dedicated parking is at Goleta Beach Park, roughly seven miles to the east of the Project site.

In order that the public may fully enjoy the coastal resources that the City has to offer, the City desperately requires new vertical beach access with associated parking.³

II. The PRC 421 Access Road

Comment 6-2

As described in the Attachment to the NOP, PRC 421 includes an upland access road that runs approximately from the Ellwood Onshore Facility to and along the sandy beach. The road is located within easements over property owned by the Sandpiper Golf Course (NOP Attachment at 4, § 2.2), which the City has designated "Open Space / Active Recreation" (General Plan Fig. 2.2). The portion of the access road that provides vertical access from the bluffs to the beach is approximately 600 feet long. NOP Attachment at 4, § 2.2. The Commission has "maintained and enhanced" the access road since 2017, when the prior owner declared bankruptcy. *Id.*; *see also* NOP Attachment at 2, § 1.0.

¹ For convenience, the most relevant portions of the City's General Plan are attached hereto as Attachments A through D. The full General Plan is available at: <https://www.cityofgoleta.org/i-want-to/view/general-plan>.

² <https://www.google.com/maps/@34.4291005,-119.8969975,66m/data=!3m1!1e3!5m1!1e4>.

³ "'Vertical' accessways are defined as the right of public access and use of areas generally perpendicular to the beach and shoreline that provide access to beach and shoreline areas from public street rights-of-way or parking areas and that have been secured for public use by the granting and recordation of access easements or by offers to dedicate such access." General Plan Policy OS 2.1.

III. The City's General Plan expressly contemplates use of the access road for public beach access.

Comment 6-3

The Attachment to the NOP recognizes that certain Responsible Agencies, including the City, “will have discretionary authority over the Project as a whole as well as authority to undertake components of the Project that lay landward of the mean high tide line.” NOP Attachment at 3, § 1.0 [noting the Commission will undertake only that portion of the Project within its jurisdiction over tidelands and submerged lands]; *see also* NOP Attachment at 11, § 3.0 and Table 1. Where a city considers discretionary land use approvals, the State Planning and Zoning Law, Gov. Code § 65000 et seq., requires that those approvals be consistent with the city’s general plan. *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806; *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336. It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” *Napa Citizens for Honest Gov’t v. Napa County* (2001) 91 Cal.App.4th 342, 379. And, importantly, a project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determinative question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” *Napa Citizens*, 91 Cal.App.4th at 379.

Since at least 2006, the City’s General Plan has anticipated repurposing the Project site—including the access road—for public beach access. Open Space Element Policy OS 2 provides that “[v]ertical beach access ***shall be*** a permitted use in the Visitor-serving Commercial, Recreation, and Open-Space land use categories” (General Plan Policy OS 2.2, emphasis added) and establishes a mandate to “provide for ***expanded and enhanced public vertical access*** to Goleta’s shoreline by . . . ***establishing new vertical access*** opportunities at key locations” (General Plan Policy OS 2, emphasis added). To that end, General Plan Figure 3.1 identifies the terminus of the PRC 421 access road as a “planned vertical accessway[] to the beach and bluff-top.” General Plan Policy OS 2.2; General Plan Fig. 3.1; *see also* General Plan Fig. 2.2 (identifying the Sandpiper Golf Course for reference). That same figure identifies two proposed parking facilities and a proposed drop-off location within the vicinity of the access road. General Plan Fig. 3.1.

The Land Use Element likewise identifies the access road—which it refers to as the “SL 421 access road” (*see* General Plan Policy LU 9.3(e))—as a critical tool to increase public recreational opportunities. General Plan Policy LU 9 identifies “Key Pacific Shoreline Sites” to support “uses that are dependent upon coastal locations,” including beach recreation. Two locations near the Project site—the Ellwood Onshore Facility and the Sandpiper Golf Course—are identified as Key Pacific Shoreline Sites.

With respect to the Ellwood Onshore Facility, the General Plan states the City’s “intent . . . that the long-term use of the property for oil and gas processing shall be terminated.” General Plan Policy LU 9.2(b). “Upon termination of the oil and gas processing use, the priority use for the site shall be coastal-dependent and coastal-related recreational uses.” General Plan Policy LU 9.2(d).

Likewise, the Sandpiper site is to be used for golf course and other “outdoor recreation purposes.” General Plan Policy LU 9.3(a). “Any new development or alteration of the existing facilities shall be required to maintain or *expand the extent* of existing coastal access facilities, *including parking and vertical access to the beach.*” General Plan Policy LU 9.3(e) (emphasis added). Additionally, the City has expressed an intent to consider lateral bluff-top access that “connect[s] with the bluff-top trail on Santa Barbara Shores Park, with a transition down the bluff *to the SL 421 access road.*” *Id.* (emphasis added); *accord* General Plan Policy OS 1.7 (“Some segments of the trail, such as part of the alignment on the Sandpiper Golf Course property, may be located below the bluff but above the beach on an access road to State Lease 421.”).

Finally, while the General Plan outlines the City’s goals for the “[d]ecommissioning and proper abandonment of S.L. 421 facilities, including the piers and riprap seawall,” the City has not expressed any desire to remove or abandon the access road. *See generally* General Plan Policy LU 10.4 (identifying the wells, piers, and seawall for removal, but not discussing the access road).

Taken together, these policies make clear the City’s intent to use the PRC 421 access road for public beach access—not to destroy it. Removing the access road would frustrate the City’s long-documented plan to open public vertical access at the Project site and would impede the City’s land use planning efforts. To ensure the City has the opportunity use all resources presently available to it, the EIR should include a project alternative that repurposes the access road for public beach access consistent with the City’s General Plan.

IV. The Coastal Act requires the State to maximize public access to coastal resources.

In addition to the City’s General Plan, the Coastal Act also supports a public access alternative. State law closely guards the public’s right of access to coastal resources, mandating that “[p]ublic access from the nearest public roadway to the shoreline and along the coast *shall be provided* in new development projects,” except in limited circumstances not relevant here. Pub. Resources Code § 30212(a). “Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be

distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.” Pub. Resources Code § 30212.5. And, critically, “[u]pland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.” Pub. Resources Code § 30223.

As discussed above, the City suffers from a dearth of public beach access. The few access points that do exist are overburdened and inadequate to meet the needs of the City’s residents and visitors. Repurposing the PRC 421 infrastructure for new public coastal access would serve an identified need and most fully satisfy the requirements of the Coastal Act.

V. The EIR should carefully consider how climate change and sea-level rise might increase the risk of future environmental harm from any assets that are abandoned in place.

Comment 6-5

To the extent the Commission intends to abandon in place any infrastructure related to PRC 421, the EIR must carefully consider how sea level rise could increase the risk of future environmental harm or contamination from that infrastructure. In its 2015 coastal hazards vulnerability assessment (“Draft Report”), the City identifies PRC 421 as an “existing” vulnerability in light of coastal erosion and sea level rise. Draft Report at ES-4.⁴ PRC 421 and related facilities contributed to at least two oil spills in 1969 and 2015 that “coated City beaches in oil.” Draft Report at Appendix A, Part D. That vulnerability will only increase with time, as sea level rise hastens coastal erosion and threatens to expose or subsume buried infrastructure. The Commission has an obligation to analyze impacts to biological, cultural, and other resources in light of this foreseeable risk.

VI. Conclusion

Comment 6-6

The Project presents a valuable opportunity to take derelict oil and gas infrastructure—infrastructure that has for decades contributed at least indirectly to sea level rise and climate change—and to convert it into something positive for the benefit of the public. The Commission cannot let this opportunity pass by. For that reason and for those set forth above, we urge the Commission to consider a project alternative that repurposes the PRC 421 access road for vertical beach access and additional parking.

⁴ A copy of the Draft Report is attached hereto as Attachment E.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk



Andrew Miller

Attachments: A: City of Goleta General Plan Land Use Element
B: City of Goleta General Plan Fig. 2.2
C: City of Goleta General Plan Open Space Element
D: City of Goleta General Plan Fig. 3.1
E: City Council Resolution No. 15-55, approving the City of Goleta
Coastal Hazards Vulnerability and Fiscal Impact Draft Report

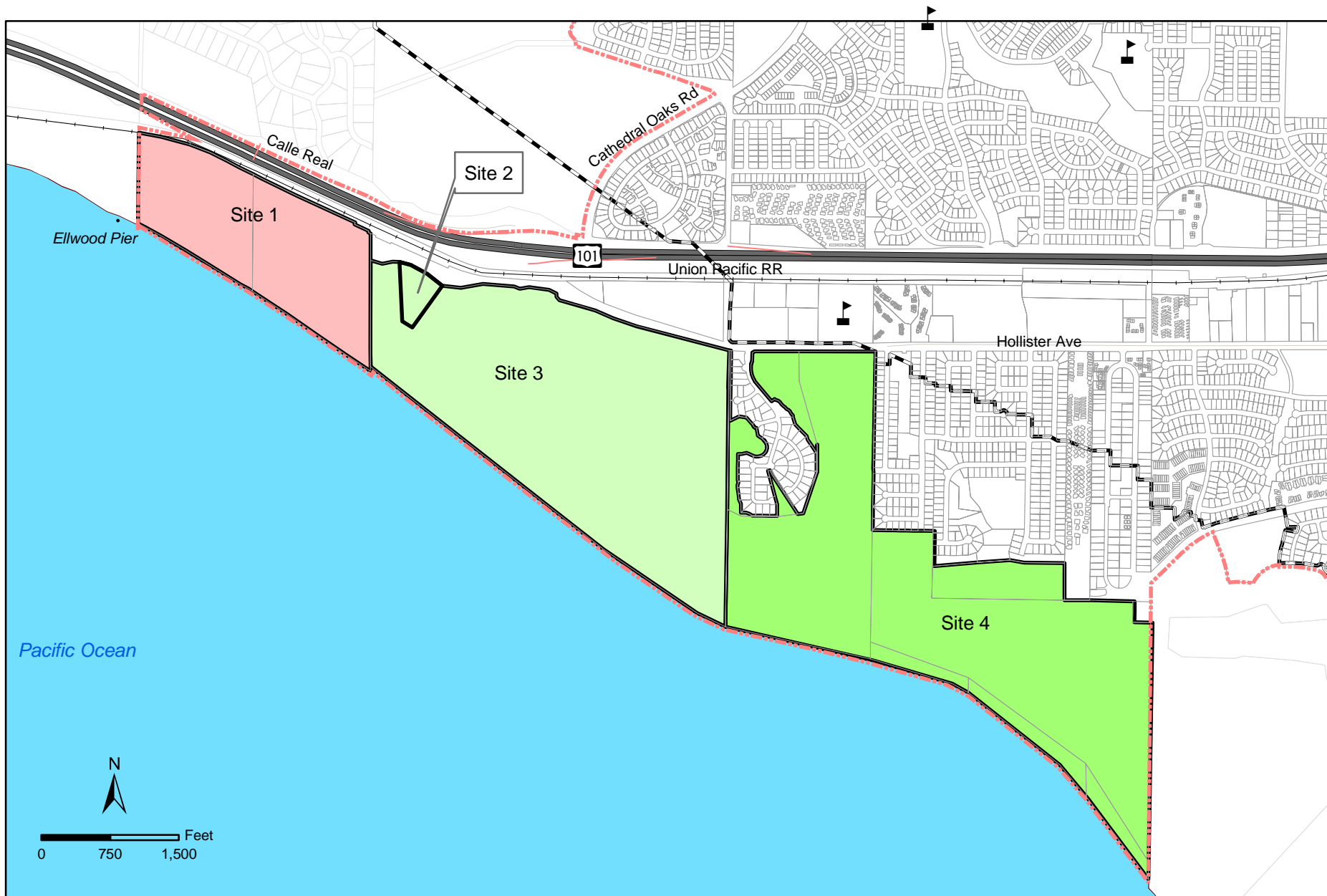
cc: **Via E-Mail**
Bob Keats, Surfrider Foundation
Mark Morey, Surfrider Foundation
Mandy Sackett, Surfrider Foundation
Jennifer Savage, Surfrider Foundation
Angela Howe, Surfrider Foundation
Anne Wells, Planning Manager, Advance Planning Division, City of Goleta
Steve Hudson, California Coastal Commission
California Coastal Commission South Central Coast District

1388381.3

ATTACHMENT A - City of Goleta General Plan/Coastal Land Use Plan: Chapter 2, Land Use Element

A copy of this document can be reviewed online at
www.cityofgoleta.org/city-hall/planning-and-environmental-review/general-plan

ATTACHMENT B: City of Goleta General Plan Figure 2.2



Legend

Pacific Shoreline Sites

- Site 1 Bacara
- Site 2 Venoco
- Site 3 Sandpiper Golf Course
- Site 4 Santa Barbara Shores Park - Sperling Preserve

Land Use Categories

- Commercial Visitor-Serving
- Open Space / Active Recreation
- Open Space / Passive Recreation

Other Features

- Goleta City Boundary
- Coastal Zone
- Schools

Figure 2-2

PACIFIC SHORELINE SITES

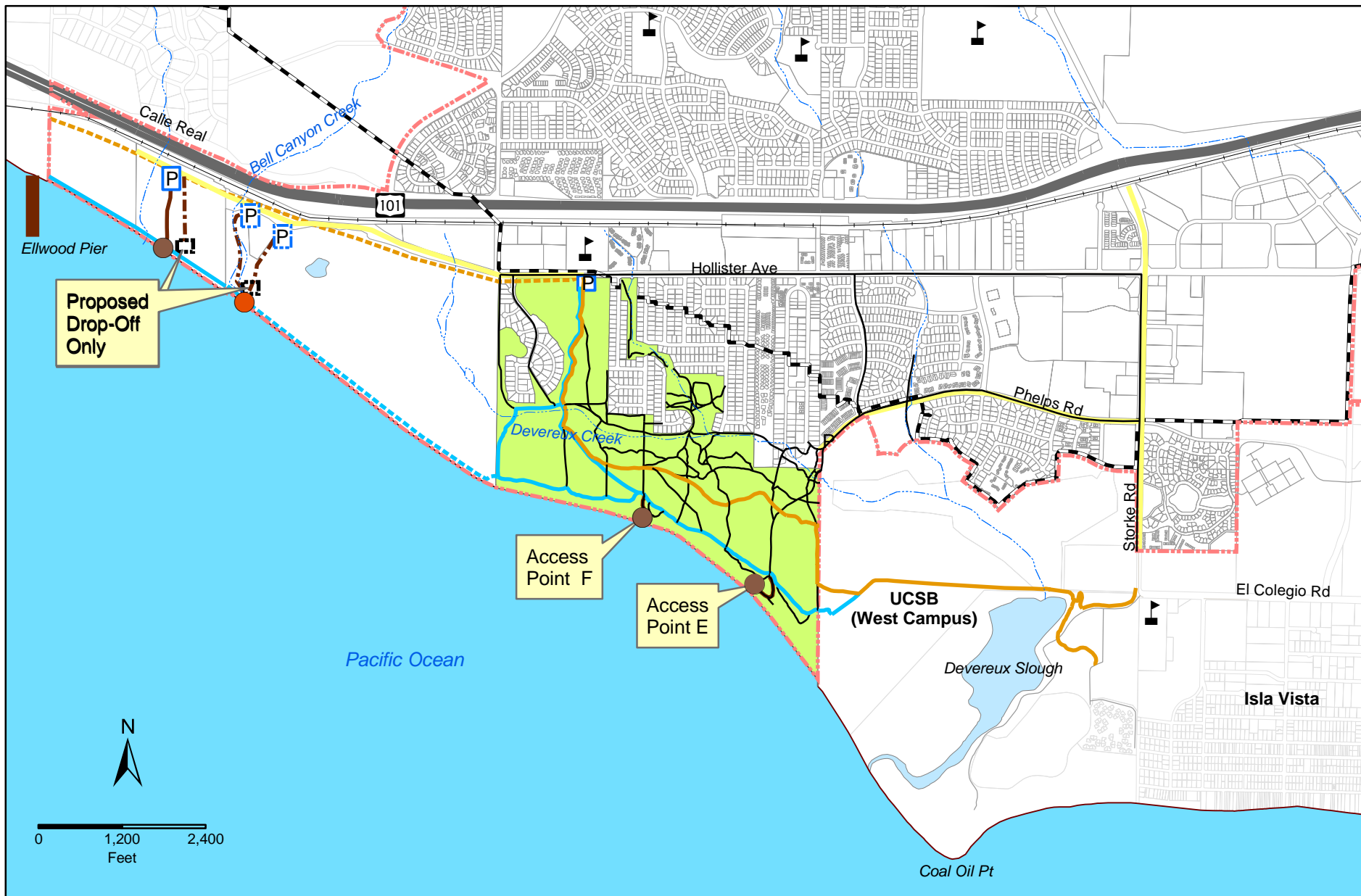
GENERAL PLAN/COASTAL LAND USE PLAN
September 2006



ATTACHMENT C - City of Goleta General Plan/Coastal Land Use Plan: Chapter 3.0, Open Space, Recreation, and Coastal Access (OS)

A copy of this document can be reviewed online at
www.cityofgoleta.org/city-hall/planning-and-environmental-review/general-plan

ATTACHMENT D: City of Goleta General Plan Figure 3.1



Legend

Coastal Access Features

Coastal Access Public Parking Lots
Coastal Access Routes
California Coastal Trail
Juan Bautista de Anza Trail
Other Trails
Vertical Accessways
Beach Access Points
Beach Overlook

Existing



Proposed



Other Features

Open Space Land/Existing Preserves and Reserves
Goleta City Boundary
Coastal Zone
Creeks
Schools

Notes:

- 1) Lateral beach access is required along the entire shoreline.
- 2) Proposed coastal access features are conceptually shown and are not precise locations.
- 3) Site numbers correspond to Table 3-1, which provides data for each site.
- 4) Anza and Coastal Trails reflect the approximate locations per the Draft Ellwood-Devereux Open Space and Habitat Management Plan (URS 2004).

**Figure 3-1
COASTAL ACCESS MAP**

GENERAL PLAN/COASTAL LAND USE PLAN
September 2006



**ATTACHMENT E: City Council
Resolution No. 15-55, Approving the
City of Goleta Coastal Hazards
Vulnerability and Fiscal Draft Report**

RESOLUTION NO. 15-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, APPROVING THE CITY OF GOLETA
COASTAL HAZARDS VULNERABILITY AND FISCAL IMPACT
DRAFT REPORT**

WHEREAS, the risk of coastal hazards is significant for people living on the south coast of the Santa Barbara County, including the City of Goleta, due to the potential loss of life, property damage, and potential loss of natural and cultural resources; and

WHEREAS, in consideration of coastal hazards risks, the City of Goleta retained consultant Revell Coastal, LLC to assist with the development of the Coastal Hazards Vulnerability and Fiscal Impact Draft Report; and

WHEREAS, public outreach was coordinated via one public workshop on August 12, 2015, for the purpose of providing the public with information, receiving input on the development of the Coastal Hazards Vulnerability and Fiscal Impact Draft Report, and establishing climate adaptation strategies and Local Coastal Program recommendations; and

WHEREAS, future implementation of the Coastal Hazards Vulnerability and Fiscal Impact Draft Report will protect life and safety, enhance community values, and sustain natural, cultural, visual, and recreational resources; and

WHEREAS, on December 1, 2015, the City Council considered the Coastal Hazards Vulnerability and Fiscal Impact Draft Report and oral and written testimony from interested persons.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GOLETA AS FOLLOWS:**

SECTION 1. Recitals

The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION 2. Approving of Coastal Hazards Vulnerability and
Fiscal Impact Draft Report**

The City Council has reviewed the Coastal Hazards Vulnerability and Fiscal Impact Draft Report, attached as Exhibit 1, and hereby finds that the Coastal Hazards Vulnerability and Fiscal Impact Draft Report adequately addresses the risk of coastal hazards and is consistent with the City's General Plan / Coastal Land Use Plan. The City Council hereby

approves the Coastal Hazards Vulnerability and Fiscal Impact Draft Report.

SECTION 3. **Documents**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 4. **California Environmental Quality Act**

Approving of the informational Coastal Hazards Vulnerability and Fiscal Impact Draft Report is not a project subject to CEQA.

SECTION 5. **Certification**

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.


PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK



TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing City Council Resolution No. 15-55 was
duly adopted by the City Council of the City of Goleta at a regular meeting held
on the 1st day of December, 2015, by the following vote of the Council:

AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE FARR,
 COUNCILMEMBERS ACEVES, BENNETT AND VALLEJO.

NOES: NONE

ABSENT: NONE

(SEAL)

DEBORAH LOPEZ
CITY CLERK

EXHIBIT 1

Coastal Hazards Vulnerability and Fiscal Impact Draft Report

A copy of this report can be viewed online at: www.healtheocean.org/slrcity-of-goleta-coastal-hazards-vulnerability-assessment-and-fiscal-impact-report-2015

July 9, 2021

Beth A. Collins
Attorney at Law
805.452.6283 tel
bcollins@bhfs.com

VIA ELECTRONIC MAIL

Eric Gillies
Environmental Program Manager I
California State Lands Commission
Email: CEQA.comments@slc.ca.gov

RE: PRC 421 Decommissioning Project NOP Comments

Dear Mr. Gillies,

We represent Sandpiper-Golf Trust, LLC, a Delaware limited liability company ("Sandpiper"), owner of that certain property located at 7925 Hollister Avenue, Goleta, California ("Sandpiper Golf Course"). We submit the following comment on the Notice of Preparation ("NOP") for the California State Lands Commission ("CSLC") PRC 421 Decommissioning Project ("Project").

This letter comments on two key points. Given that the Project involves facilities primarily located on the Sandpiper Golf Course, we ask that (1) CSLC's EIR analyze the potential environmental impacts of abandoning the pipelines on the Sandpiper Golf Course and consider an alternative under which all pipelines and other oil and gas related infrastructure are removed, and (2) CSLC's EIR analyze the potential environmental impacts, especially to any abandoned pipelines and adjacent wetlands, of removing the access road and rock revetment.

I. CSLC's EIR Must Analyze the Impacts of Abandoning Pipelines

Comment 7-1 The project description describes two existing pipelines, one 6-inch-diameter and one 2-inch-diameter, that are located on the Sandpiper Golf Course within easements granted to Venoco by Sandpiper. (NOP p. 6) Given the age of the pipelines and infrastructure however, it is likely that other pipelines and infrastructure exist in the easement area. To adequately analyze potential environmental impacts, all buried metallic features located in the pipeline corridor (pipelines, debris, etc.) should be located by a geophysical survey including ground penetrating radar and magnetometer. As the NOP rightly points out, "[i]t is currently unknown if there are any contaminated sediments along the pipeline routes within the access road and would need to be investigated." (NOP p. 7.) We agree. Given the age of the pipelines and infrastructure, CSLC should evaluate the Property location for subsurface contamination by analysis of soil and groundwater samples collected from soil borings and test pits.

According to the NOP Project Description, the 6-inch and 2-inch Pipelines would be flushed, grouted, and abandoned in place. The potential environmental impacts caused by the flushing, grouting, and abandoning of the Pipelines must be analyzed in the EIR. Furthermore, since it is reasonably foreseeable that other infrastructure exists in the pipeline corridor, the EIR should analyze any potential impacts of any flushing, grouting, and abandoning of that infrastructure.

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Santa Barbara, CA 93101
main 805.963.7000

CEQA requires that both on and off-site as well as direct and indirect impacts be analyzed. (See Pub. Res. Code § 21100(b)(1); 14 Cal. Code Regs. § 15126.2(a); see also CEQA Guidelines Appendix G, Evaluation of Environmental Impacts, ¶ 2.) It is reasonably foreseeable that the process of decommissioning and abandoning the Pipelines will have direct and indirect environmental impacts. For instance, as the NOP points out, “the 6-inch former production pipeline may contain residual crude oil.” (NOP p. 6) As such, any impacts of removing this oil and disposing of it should be identified and analyzed in the EIR. Additionally, as discussed further below, the EIR should analyze the potential impacts from sea level rise and coastal erosion damaging any abandoned pipelines or other facilities.

Comment 7-2 We also urge the CSLC to consider an alternative in which any pipelines and other facilities in the easement area are removed from the Sandpiper Golf Course property. “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives for the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (CEQA Guideline § 15126.6; Public Res. Code §§ 21002.1, 21100(b)(4).) In light of the inevitable erosion and wave action that will occur in the area, especially with sea level rise and climate change, the removal of these vestigial facilities is a reasonable alternative – a more protective alternative – to abandoning them in place and would likely avoid the environmental impacts caused by future damage to those pipelines and facilities. In addition to removal of these structures and debris, they should also be evaluated for the presence of hazardous materials including polychlorinated biphenyls (PCBs), metals, polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene, xylene, asbestos, and other VOCs and oil-related byproducts.

II. CSLC’s EIR Must Analyze the Impacts of Removing the Access Road and Rock Revetment

Comment 7-3 Pursuant to the NOP Project Description, the Project would also include the removal of the access road and supporting rock revetment. (NOP p. 3) The access road being removed is a dirt and gravel road originating near the Ellwood Offshore Facility that provides vehicle access to the two shoreline piers at PRC 421 (the “Access Road”). (NOP p. 4) The Access Road is located entirely on the Sandpiper Golf Course. (NOP p. 4) Additionally, the segment of the Access Road along the base of the bluff is protected by a rock revetment. (NOP p. 4) Directly landward of and adjacent to the Access Road is an existing wetlands.

The removal of the Access Road and supporting rock revetment will inevitably increase erosion in the area, especially in light of sea level rise and climate change. This will inevitably result in reduced bluff stability on the Sandpiper Golf Course. Additionally, because the Project currently anticipates abandoning the pipelines and associated facilities in the easement in place, the coastal erosion increased by the removal of the rock revetment could damage any pipelines and facilities which are not removed and result in additional environmental harm. Finally, given the nearby proximity of the wetlands, the Project’s removal of the Access Road and revetment may result in impacts to this environmentally sensitive habitat. The EIR must consider those potential impacts and describe feasible mitigation measures to reduce the impacts. (14 Cal. Code Regs. § 15126.4(a)(1)(“An EIR shall describe feasible measures which could minimize significant adverse impacts.”)

Comment 7-4 Any direct and indirect impacts to the Sandpiper Golf Course property and any neighboring property, including the public beach, caused by the removal of the Access Road and rock revetment should be addressed and analyzed in the EIR. Furthermore, to the extent that any of these impacts rise to a level of significance, the EIR should address and analyze the feasible mitigation measures.

For the foregoing reasons, we respectfully request that CSLC address the concerns of Sandpiper by adequately analyzing the environmental impacts caused by abandoning the infrastructure in the easement area and removing the Access Roads and rock revetment, evaluating an alternative project under which

Eric Gillies
July 9, 2021
Page 3

the pipelines and other facilities in the easement area are removed, and providing further analysis of any necessary mitigation measures.

Thank you for considering the above comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Collins", with a long horizontal flourish extending to the right.

Beth A. Collins