Meeting Date: 04/26/22
Work Order Number: W30159-4
Staff: E. Gillies; J. Fabel; P. Regan

Staff Report 59

APPLICANT:

California State Lands Commission

PROPOSED ACTION:

Consider certification of a Final Environmental Impact Report, State Clearinghouse No. 2021060145; adoption of a Mitigation Monitoring Program and Statement of Findings; and authorization to proceed with Component 1 of the PRC 421 Decommissioning Project

AREA, LAND TYPE, AND LOCATION:

Sovereign tidelands underlying pier and caisson structures associated with former State Oil and Gas Lease PRC 421; roadway and protective structures landward of the mean high-tide line on Haskell's Beach, Goleta, Santa Barbara County.

BACKGROUND:

In April 2017, Venoco LLC, the lessee of State oil and gas leases off Goleta, quitclaimed its offshore leases to the Commission, declared Bankruptcy, and began the process of liquidating. As a result, Venoco's oil and gas infrastructure located both onshore and offshore was deserted by the operator, all of which required the Commission to exercise the State's police powers to staff and maintain the facilities to ensure public health and safety. The bankruptcy and liquidation of Venoco, LLC has created challenges for public agencies and private landowners seeking to protect against the potential harms posed by a failure to staff the facilities and maintain the aging infrastructure.

Former Lease No. PRC 421, quitclaimed by Venoco, includes two existing piers that are the last remaining production structures associated with the prolific development of the Ellwood Oil Field along the Northern Santa Barbara Channel Coast from the late 1920s to 1990s. The Ellwood Oil Field was discovered by Barnsdall Oil Company in 1928, is approximately 4 miles long and 0.5 mile wide, and trends east-west along the shoreline just south of the Sandpiper Golf Course. The

immediate vicinity supported numerous onshore and offshore wells along with substantial supporting infrastructure.

By the 1970s, all but two wells in the field were plugged and abandoned. The two that remained were Well 421-2, a producer, and Well 421-1, a former producer that stopped production in 1972 and was converted in 1973 to an injection well for produced water. By the end of 1993, Well 421-2 became the only producing well in the Ellwood Oil Field. In May 1994, production from Well 421-2 was suspended following a leak in the 6-inch-diameter pipeline, subsequently repaired, that transported the produced oil from the pier to a junction box outside of the Ellwood Onshore Facility and then on to the Ellwood Marine Terminal (collectively called the Ellwood Facilities). Well 421-2 was never returned to active oil production. In 1997, the owner, Mobil Exploration and Producing, Inc. (now ExxonMobil), sold the Ellwood facilities within the lease area, the nearby Ellwood Marine Terminal, and the offshore oil production facility Platform Holly to Venoco. The Commission consented to the assignment of Lease No. PRC 421 to Venoco in July 1997. (Item No. 76, July 11, 1997).

In April 2014, the Commission certified an Environmental Impact Report (EIR) to authorize the Venoco PRC 421 Recommissioning Project to return PRC 421 to oil production from the existing Well 421-2 and process the crude oil emulsion at the EOF. The EIR was revised and certified in December 2014 (Item 72, December 17, 2014); however, the project was never implemented. In May 2015, Venoco lost the ability to ship oil to market following the rupture of the Plains All American Pipeline, Line 901, near Refugio State Beach, resulting in Venoco's April 2017 bankruptcy and quitclaim. After April 2017, the Commission entered onto the EOF to preserve health and safety and began preparing to decommission remnant structures on State sovereign lands. In 2019, the two wells, 421-1 and 421-2, were successfully plugged to the surface under the direction and supervision of the Commission in compliance with regulatory specifications. ExxonMobil, the former operator, agreed to perform the work of plugging the two wells and the decommissioning and removal of the pier and caisson structures and those facilities that exist waterward of the mean high tide line (MHTL), in other words, those facilities located within the former lease PRC 421 boundaries and within the Commission's statutory jurisdiction (421 Agreement). Because decommissioning is a "project" as defined by the California Environmental Quality Act (CEQA), the Commission prepared an EIR (see discussion below).

PROJECT DESCRIPTION:

The Project analyzed in the EIR consists of two components:

Component 1 (Carried out by the Commission) – Caisson and Pier Removal (421-1 and 421-2); removal of soil and fill inside both caissons down to the existing bedrock, including all interior debris (buried timber, steel, and concrete support structures); cutting and removal of well casings down to existing bedrock elevation and installation of a final welded well cap; removal of both caissons' external sheet pile and concrete walls including concrete footings; full removal of both pier structures and supports to the bedrock interface; flushing and isolating the 2-inch-diameter and 6-inch-diameter pipelines from the 421-1 pier back through the golf course pipeline corridor to the EOF.

Component 2 (to be carried out by the upland authority with jurisdiction) – Access Roadway, Production Pipelines, Pier Abutments, Rock Revetment and Wooden Seawall Removal; excavation and removal of the 2-inch-diameter and 6-inch-diameter pipelines from the 421-1 pier location west to the 12th tee location at the golf course; complete removal of both pier abutment structures; removal of rock revetment from the beach (between the 12th tee and 421-2 pier area); removal of wooden seawall and its structural components (from the 421-2 pier area and extending approximately 75 feet to the southeast); removal of any unrecorded historical debris; removal of any petroleum hydrocarbon-containing soil identified within access roadway; sloping and restoration of access roadway area (1,600 feet) to a natural grade; final site restoration.

Component 1 would extend over approximately 143 working days over the course of approximately 5 months. Component 2 would extend over approximately 63 working days over the course of approximately 3 months.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216 and 6301, 6804, 6804.1, 6829.4; California Code of Regulations, title 2, sections 2124 and 2902.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Staff prepared an EIR for the proposed Project in compliance with CEQA and the State CEQA Guidelines (Pub. Resources Code, § 21000 et seq. and Cal. Code of Regs., tit. 14, § 15000 et seq., respectively). The EIR examines the potentially significant impacts of the proposed Project.

On January 21, 2022, staff filed a Notice of Availability with the State Clearinghouse (No. 2021060145) and circulated a Draft EIR for a public review period of at least 45

days, from January 21, 2022, through March 7, 2022. During the Draft EIR public review period staff received comments on the proposed Project from governmental agencies, organizations/groups, and individuals.

During public meetings held virtually via Zoom, one individual speaker submitted oral comments. Staff received six written comment letters. Part II of the Final EIR provides responses to all comments received on the Draft EIR. The Final EIR was released and made available on March 30, 2022 (see http://www.slc.ca.gov/Info/CEQA/)

Summary of Environmental Impacts:

As analyzed in the EIR, the proposed Project would generate potentially significant environmental impacts associated with the following issue areas:

- Aesthetics
- Biological Resources
- Cultural Resources
- Cultural Resources – Tribal
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Recreation
- Transportation and Traffic

With the implementation of mitigation measures specified in the Final EIR, all of the impacts would be reduced to *Less than Significant*. The Project does include beneficial impacts to Aesthetics, Hydrology and Water Quality, and Recreation. The Mitigation Monitoring Program, attached to this report as Exhibit A, has mitigations specific for Component 1. The Commission will work with a proponent to enforcement Mitigation Measures for Component 2 or delegate those mitigations to a responsible agency consistent with the CEQA Guidelines.

CONSTRAINTS THAT LIMIT THE COMMISSION'S AUTHORIZATION TO COMPONENT 1:
Staff recommends certification of the EIR, which analyzes both Components 1 and 2 of the Project. However, jurisdictional, contractual, and funding constraints limit the Commission to only undertaking, as proponent, Component 1 of the Project. The two piers and caissons associated with the decommissioning work of Component 1 reside, generally, waterward of the MHTL, were built within the authorizations of Lease No. PRC 421 and are situated on State sovereign land. The roadway and pipelines that are part of Component 2, along with all other downstream infrastructure owned by Venoco, reside on privately owned uplands whose occupation was possible due to the consent of, or permit by, other landowners and local municipal agencies.

The Commission, as an agency of the State, is limited to act within the bounds granted by the Legislature. As an agent-land manager for the State, the Commission's relevant terrestrial jurisdiction in the Project area is over "all ungranted tidelands and submerged lands owned by the State." (Cal. Pub. Resources Code § 6301). The Commission lacks independent authority to decommission upland infrastructure on private property outside of its narrow ability to condemn lands for purposes outside the scope of the Project. Although the Commission has utilized the access road and operated the EOF since 2017, the occupation has been pursuant to State police powers to prevent public harm from Hydrogen Sulfide Gas from Platform Holly and monitor the condition of the piers targeted by Component 1 (Item 76, June, 29, 2017). The Commission's need to operate any onshore facilities extinguishes with the plug and abandonment of the platform wells and the completion of Component 1.

Secondly, ExxonMobil committed to undertake Component 1 based on contractual terms in the 1997 lease assignment from ExxonMobil to Venoco. The Commission consented to the assignment on the condition that ExxonMobil remain liable for PRC 421 lease obligations, including removal of the infrastructure within the bounds of the lease area. Because the Commission holds no regulatory authority to order a responsible party to decommission facilities outside the lease area, the scope of ExxonMobil's obligation to the Commission is to the lands formerly under lease, which contain the work under Component 1, but not Component 2.

Finally, funding constraints also limit the Commission to undertaking Component 1 of the Project. Since 2017, the Legislature has appropriated funding for the Commission to operate and maintain facilities needed to plug and abandon the 30 Platform Holly wells and the 2 PRC 421 wells. No funding has been appropriated to decommission or remove any upland infrastructure. Component 1 will be undertaken by ExxonMobil, at its expense. Staff is working with the City of Goleta and stakeholders to identify grant funding sources for Component 2 and staff continues to facilitate approaches for a proponent to fulfill Component 2.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The overall Project is consistent with the Public Trust Doctrine and in the State's best interests because it decommissions and removes the last vestiges of pier-based oil production in the Santa Barbara Channel and will create beneficial impacts by removing beach obstructions and eliminating potential long-term risk from a release of hydrocarbon contaminated soil. Component 1 will remove two derelict piers which have existed at this location for nearly 100 years. Removal of the piers and caissons would make about 0.4 acre of beach area newly available for public

access and recreational use, a beneficial impact. In addition, removal of the piers will eliminate the potential risk of release of the hydrocarbon contaminated fill within the piers in the event the containment walls eventually deteriorate and give way. Component 2, as analyzed in the EIR, will remove the existing access roadway and buried oil pipelines from privately held uplands, which will eliminate or reduce the chance for deposition of coastal hazards onto State sovereign lands due to erosion of those structures from wave action and sea level rise (SLR).

Neither Components 1 nor 2 are anticipated to have significant environmental impacts with implementation of mitigation measures. Environmental effects from operations are limited term, tied to the duration of the decommissioning work, and while some restrictions on recreational use may occur while heavy equipment is in operation, the Project will result additional open beach area for public access and recreational use and enjoyment.

As discussed above, the Commission only has jurisdiction and authority over the infrastructure residing on State sovereign lands and within the bounds of former lease PRC 421 (e.g., Component 1). Commission staff continue to work with agency partners and stakeholders to identify an appropriate proponent and to obtain funding for Component 2; however, authorizing and undertaking Component 1 in the absence of a Component 2 resolution remains in the State's best interest. The EIR analyzes, as an alternative, Component 1 as the entire "Project" including potential impacts by leaving the roadway, buried (flushed) pipelines, and pier abutments, in place. The EIR analyzed impacts for Components 1 and 2 individually and in aggregate and identified no significant environmental Impacts under the Component 1 only approach. However, by analyzing the whole of the Project, a future proponent can rely on the analysis in the EIR to carry out Component 2.

Authorizing Component 1 is also in the State's best interest because of the Commission's vital interest in enforcing lease provisions, including the obligation of former operators to decommission lease infrastructure. Pursuant to agreement, ExxonMobil, the former lessee for Lease No. PRC 421, is undertaking Component 1 at its expense and as a condition of its 1997 assignment to Venoco. Holding operators to their commitments is essential to avoiding private abandonment liabilities being passed to the public. To the extent that potentially responsible parties have not yet been identified to remove Component 2 infrastructure, a cooperative party, in ExxonMobil, is ready and prepared to undertake Component 1. It is in the State's best interests to facilitate the implementation of Component 1.

CLIMATE CHANGE:

The EIR provides an extensive climate change and SLR analysis (Section 8.1) and a coastal impact analysis conducted by the consulting firm, NV5, Inc. (see Appendix I

of the EIR). The analysis found that with the removal of the caissons, piers, access roadway, and revetment, the Project area would be returned to natural conditions; nevertheless, the current erosion rates of the high grounds and coastal bluffs is expected to continue for the foreseeable future. The resulting bluff retreat rate and extent of erosion depends on the soil erodibility and intensity of future storms. In addition, future SLR would result in greater wave energy reaching higher on the shoreline and the face of bluffs with a longer duration of wave action. Although there would be no remaining structures present following the removal of the Project components, anticipated SLR will accelerate future shoreline and bluff retreat, both at the Project site and to nearby coastal lands. This erosion would contribute to the long-term replenishment of the beach as part of the natural shoreline processes.

TRIBAL COORDINATION AND CONSULTATION:

Staff contacted the Native American Heritage Commission (NAHC), which maintains two databases to assist specialists in identifying cultural resources of concern to California, the Native Americans Sacred Lands File and Native American Contacts. A request was sent to the NAHC for a sacred lands file search of the Project area and a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to the Project area.

On September 23, 2019, the NAHC provided a letter and a list of nine tribal contacts from the following six tribes:

- Barbareño/Ventureño Band of Mission Indians
- Coastal Band of the Chumash Nation
- San Luis Obispo County Chumash Council
- Northern Chumash Tribal Council
- Chumash Council of Bakersfield
- Santa Ynez Band of Chumash Indians

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

On July 7, 2021, staff provided CEQA notice of the Project to all tribes on the NAHC list. On August 20, 2021, staff received a request for consultation on the Project from the Santa Ynez Band of Chumash Indians. Staff provided the Cultural Resources and Tribal Cultural Resources sections of the EIR and the archeological report (Appendix H of the EIR) to the Santa Ynez Band of Chumash Indians representatives to obtain any input from the Tribe. Staff also met with the representatives on

October 15, 2021, to provide a Project overview and go over the mitigation measures and answer any questions on the Project or analysis in the EIR. Based on the consultation, the representatives agreed that a monitor will be on-site during ground disturbing activities, as required under mitigation measure (MM) CUL-1/TCR-1, and requested that site CA-SBA-71 be protected from looting or inadvertent damage via avoidance fencing or flagging (MM CUL-5/TCR-5). In addition, the representatives requested that the Commission acknowledge Chumash cultural use in the four Marine Protected Areas (MPAs) offshore the Project area, the significance of the marine environment between the Northern Channel Islands and the shore as a Traditional Cultural Landscape, and the cultural sensitivity of Goleta Slough. The representatives requested the Commission ensure Project-related activities do not restrict Chumash use of the MPAs or further degrade the Goleta Slough village site.

ENVIRONMENTAL JUSTICE:

According to California Office of Environmental Health Hazard Assessment (OEHHA 2021) California Communities Environmental Health Screening Tool (CalEnviroScreen 4.0) data (accessed August 2021), the Project site is located within an area of low existing environmental burden, scoring between 10 to 20 percent (pollution burden percentile of 18 percent). This means that 80 to 90 percent of all census tracts in California have greater population vulnerability or environmental burdens (Figure 8-4). The exposures indicated at the Project site primarily include air quality hazards, with diesel particulate matter scoring highest, which is attributed to the Project site's proximity to the U.S. 101 transportation corridor, as traffic exposure was noted as the second highest concern.

The Project purpose is to remove deteriorating structures that 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. The removal of these structures would be a significant public benefit, would allow full use of the beach coastline by the public, and would eliminate an existing threat to public safety and the environment. No significant impacts to environmental justice communities would result.

CONCLUSION:

For all the reasons above, staff believes certification of the EIR and approval of Component 1 of the Project will enhance Public Trust resources and needs at this location; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with the "Meeting Evolving Public Trust Needs," "Leading Climate Activism," "Prioritizing Social, Economic, and Environmental Justice," "Partnering with Sovereign Tribal Governments and Communities," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), Staff has prepared an Environmental Impact Report (EIR) identified as CSLC EIR No. 807, State Clearinghouse No. 2021060145. Such EIR was prepared and circulated for public review pursuant to the provisions of CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit A.

   Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091) are contained in the attached Exhibit B.

3. The Project involves lands identified as possessing significant environmental values within Commission's Significant Lands Inventory, pursuant to Public Resources Code section 6370 et seq. The Project site is in the Significant Lands Inventory as parcel number 42-062-100 (Gaviota State Park to Coal Oil Point). The subject lands are classified as use category Class B, which authorizes limited use. Environmental values identified for these lands are mostly biological, including endangered species habitat and marine wildlife support, but also geological and recreational values. Based on staff's review of the Significant Lands Inventory and the CEQA analysis provided in this EIR, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification. As provided in the Aesthetics and Recreation sections of the EIR, with the removal of the piers and caissons there would be a beneficial impact to recreational values by improving the visual quality and character of the beach and increasing the beach area.

APPROVAL(S) OBTAINED:

U.S. Army Corps of Engineers

APPROVAL(S) REQUIRED:

California Coastal Commission

Central Coast Regional Water Quality Control Board
Santa Barbara County Air Pollution Control District

EXHIBITS:

A. Mitigation Monitoring Program
B. Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the EIR, CSLC EIR No. 807, State Clearinghouse No. 2021060145, was prepared for this project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response thereto, and that the EIR reflects the Commission's independent judgment and analysis.

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

Adopt the Findings, made in conformance with California Code of Regulations, title 14, section 15091, as contained in the attached Exhibit B.

Determine that the project, as approved, will not have a significant effect on the environment.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed certification of the EIR and approval of Component 1 of the Project is consistent with the Public Trust needs and values at this location; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

Authorize the Executive Officer or her designee to take all actions necessary to undertake and implement Component 1 of the PRC 421 Decommissioning Project.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
PRC 421 DECOMMISSIONING PROJECT
(State Clearinghouse No2021060145)

As the lead agency under the California Environmental Quality Act (CEQA), the California State Lands Commission (CSLC) is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures (MMs). The CSLC will also ensure the implementation of the adopted MMs defined in this Environmental Impact Report (EIR). This lead agency responsibility originates in Public Resources Code section 21081.6, subdivision (a) (Findings), and the State Guidelines for Implementing CEQA sections 15091, subdivision (d) (Findings), and 15097 (Mitigation Monitoring or Reporting).

1.1 MONITORING AUTHORITY

The purpose of a Mitigation Monitoring Program (MMP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. A MMP can be a working guide to facilitate the implementation of the MMs and associated monitoring, compliance and reporting activities. The CSLC staff may delegate duties and responsibilities for monitoring to environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as affected jurisdictions and cities. The number of construction monitors assigned to the Project will depend on the number of concurrent construction activities and their locations. CSLC staff will ensure that appropriate agency reviews and approvals are obtained, that each person delegated any duties or responsibilities is qualified to monitor compliance, and that it is aware of and has approved any deviation from the MMP.

1.2 ENFORCEMENT RESPONSIBILITY

The CSLC, as lead agency, is responsible for enforcing the procedures adopted for monitoring through the environmental monitor. Any assigned environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to the CSLC staff or its designee.

1.3 MITIGATION COMPLIANCE RESPONSIBILITY

The CSLC is responsible for successfully implementing all the MMs in the MMP and shall ensure that these requirements are met by all construction contractors and field personnel. Standards for successful mitigation also are implicit in many MMs that include such requirements as obtaining permits or avoiding a specific impact entirely. Other MMs include detailed success criteria. Additional mitigation success thresholds

may be established by applicable agencies with jurisdiction through the permit process and through the review and approval of specific plans for the implementation of MMs.

1.4 MONITORING PROCEDURES

CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions (i.e., city of Goleta or California Coastal Commission). The CSLC or its designee shall ensure that qualified environmental monitors are assigned to the Project.

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

- Confirming that CSLC has obtained all applicable agency reviews and approvals
- Coordinating with CSLC to integrate the mitigation monitoring procedures during Project implementation
- Confirming that the MMP is followed

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

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. To facilitate successful implementation, relevant mitigation procedures shall be written into contracts between CSLC, ExxonMobil, and the demolition contractors.

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

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

1.5 MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table (Table 7-1) for each environmental discipline that requires MMs. Impacts that do not require mitigation are not included (see Executive Summary for summary description of all Project impacts). Each table lists the following information, by column:

- Potential Impact
- Mitigation Measure (full text of the measure)
- Location (where impact occurs and where MM should be applied)
- Monitoring/Reporting Action (action to be taken by monitor or lead agency)
- Timing (before, during, or after construction, during operation, etc.)
- Responsible Party (entity responsible to ensure MM compliance)
- Effectiveness Criteria (how the agency can know if the measure is effective)

The following provides MMs that apply to the two Project components.

Component 1	**Component 2**
MM AES-1a. Overnight Storage of Equipment	MM AES-1a. Overnight Storage of Equipment
MM AES-1b. Material Removal at Construction Completion	MM AES-1b. Material Removal at Construction Completion
MM AES-1c. Minimize Night Lighting	MM AQ-1a. Fugitive Dust Control Measures
MM AQ-1a. Fugitive Dust Control Measures	MM AQ-1b. Equipment Exhaust Emissions Reduction Measures
MM AQ-1b. Equipment Exhaust Emissions Reduction Measures	MM BIO-3a. Avoidance of Estuarine Waters/Tidewater Goby Relocation
MM BIO-1. Avoidance of Active Cliff Swallow Nests	MM BIO-3b. CRLF Fencing at the EOF
MM BIO-2. Transitional Bat Habitat	MM BIO-3c. Environmental Awareness Training
MM BIO-3a. Avoidance of Estuarine Waters/Tidewater Goby Relocation	MM BIO-3d. Biological Pre-activity Surveys and Monitoring
MM BIO-3b. CRLF Fencing at the EOF	MM BIO-3e. Delineation of Work Limits
MM BIO-3c. Environmental Awareness Training	MM BIO-4. Grunion Spawning Avoidance

Component 1

MM BIO-3d. Biological Pre-activity Surveys and Monitoring

MM BIO-3e. Delineation of Work Limits

MM BIO-4. Grunion Spawning Avoidance

MM BIO-6b. Southern Foredunes Avoidance

MM CUL-2/TCR-2. Cultural Resources Sensitivity Training

MM CUL-3/TCR-3. Discovery of Previously Unknown Cultural or Tribal Resources

MM CUL-4/TCR-4. Unanticipated Discovery of Human Remains

MM CUL-5/TCR-5. Cultural Resources Protective Fencing (CA-SBA-71)

MM HAZ-1a. Remedial Action Plan Implementation

MM HAZ-1b. Hydrocarbon Contaminated Soil Notification(s) and BMPs

MM HAZ-1c. Oil Spill Contingency Plan Implementation

MM HAZ-2. Hazardous Materials Management and Contingency Plan

MM HWQ-1. Storm Water Pollution Prevention Plan

MM REC-1. Maximize Beach Access

MM T-1. Truck Entrance Signage

Component 2

MM BIO-5a. Coastal Wetlands Mitigation

MM BIO-5b. Retain Coastal Wetlands Adjacent to Pier 421-2

MM BIO-6a. Coastal Bluff Scrub Replacement

MM BIO-6b. Southern Foredunes Avoidance

MM CUL-1/TCR-1. Cultural Resources Monitoring

MM CUL-2/TCR-2. Cultural Resources Sensitivity Training

MM CUL-3/TCR-3. Discovery of Previously Unknown Cultural or Tribal Resources

MM CUL-4/TCR-4. Unanticipated Discovery of Human Remains

MM CUL-5/TCR-5. Cultural Resources Protective Fencing (CA-SBA-71)

MM HAZ-1b. Hydrocarbon Contaminated Soil Notification(s) and BMPs

MM HAZ-1c. Oil Spill Contingency Plan Implementation

MM HWQ-1. Storm Water Pollution Prevention Plan

MM REC-1. Maximize Beach Access

MM T-1. Truck Entrance Signage

Table 7-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Aesthetics					
Short term effects on public views from decommissioning activities (Component 1)	**MM AES-1a. Overnight Storage of Equipment**. Equipment utilized shall be returned to the staging areas at the end of each workday, both for public safety and aesthetic considerations	Observe equipment returned to laydown areas	Obstructed views minimized	CSLC, contractors	Following completion of each workday
	MM AES-1b. Material Removal at Construction Completion. All materials, equipment, and debris shall be removed from the site upon completion of each Project component	Observe all materials and equipment removed from Project work areas	Project areas restored	CSLC, contractors	Following completion Project Component 1
	MM AES-1c. Minimize Night Lighting. When required, lighting shall use the minimum number of fixtures and intensity needed for decommissioning activities. Fixtures shall be focused on work areas and fully shielded to minimize visibility from public viewing areas, wildlife habitats, migration routes, and other sensitive receptors	Observe nighttime lighting for compliance	Lighting and glare minimized	CSLC, contractors	During any nighttime work

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Short term effects on public views from decommissioning activities (Component 2)	**Implement MM AES-1a: Overnight Storage of Equipment** (see above) **Implement MM AES-1b: Material Removal at Construction Completion** (see above) **Implement MM BIO-5a: Coastal Wetlands Mitigation** (see below) **Implement MM BIO-5b: Retain Coastal Wetlands Adjacent to Pier 421-2** (see below)				
Cumulative aesthetic impacts to public views	**Implement MM AES-1a: Overnight Storage of Equipment** (see above) **Implement MM AES-1b: Material Removal at Construction Completion** (see above) **Implement MM AES-1c: Minimize Night Lighting** (see above)				
Air Quality					
Decommissioning-related air pollutant emissions (Component 1)	**MM AQ-1a. Fugitive Dust Control Measures.** The contractors used to conduct decommissioning activities shall implement the following measures when applicable and feasible. • Water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is	Documentation in compliance monitoring sheets	Reduction in fugitive dust	CSLC, contractors	Throughout Component 1 decommissioning activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. • Minimize amount of disturbed area and reduce on-site vehicle speeds to 15 miles per hour or less. • If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days 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. • Gravel pads shall be installed at all access points				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	to prevent tracking of mud onto public roads. • After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. • The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, 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 Santa				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Barbara County Air Pollution Control District (SBCAPCD) prior to Project initiation.				
	MM AQ-1b. Equipment Exhaust Emissions Reduction Measures. The contractors used to conduct decommissioning activities shall implement the following measures when applicable and feasible. • All portable diesel-powered construction equipment shall be registered with the State's portable equipment registration program OR shall obtain a SBCAPCD permit. • Mobile construction equipment shall comply with the State Regulation for In-Use Off-Road Diesel Vehicles (Cal. Code of Regs., tit. 13, § 2449) to reduce NOx, diesel particulate matter, and other criteria pollutant emissions.	Documentation in compliance monitoring sheets	Reduction in emissions	CSLC, contractors	Throughout decommissioning activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• On-road vehicles shall comply with the State Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Cal. Code of Regs., tit. 13, § 2025), to reduce diesel particulate matter, NOx and other criteria pollutants. • Off-road and on-road diesel vehicles shall comply with California Code of Regulations, title 13, sections 2449(d)(3) and 2485, limiting engine idling time. • Diesel equipment meeting the California Air Resources Board (CARB) Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• 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. • Equipment/vehicles using alternative fuels, such as compressed natural gas, liquefied natural gas, 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.				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• 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.				
Decommissioning-related air pollutant emissions (Component 2)	**Implement MM AQ-1a: Fugitive Dust Control Measures** (see above) **Implement MM AQ-1b: Equipment Exhaust Emissions Reduction Measures** (see above)				
Cumulative air quality impacts (Components 1 and 2)	**Implement MM AQ-1a: Fugitive Dust Control Measures** (see above) **Implement MM AQ-1b: Equipment Exhaust Emissions Reduction Measures** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Biological Resources					
Disturbance to nesting birds	**MM BIO-1: Avoidance of Active Cliff Swallow Nests**. A cliff swallow protection plan shall be developed prior to Project implementation. The plan shall specify how protection of the species will be implemented, including methods, timing, and monitoring requirements. Requirements shall include, but not be limited to: • Inactive cliff swallow nests shall be removed during the non-breeding season (August 16th through February 14th) prior to the initiation of pier and caisson removal. • Bird exclusion netting shall be installed on the underside of Pier 421-1 to prevent nesting prior to the initiation of pier and caisson removal. The netting shall remain in place, maintained, and not	Adherence to cliff swallow protection plan, including field monitoring requirements	Avoidance of impacts to cliff swallows	CSLC, contractors	During Component 1 Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	removed more than 24 hours before the initiation of removal of Pier 421-1**.**				
Disturbance to bats using the 421-2 caisson structure	**MM BIO-2: Transitional Bat Habitat.** A bat preclusion plan shall be prepared and implemented prior to and during the 421-2 caisson demolition activities. The plan shall include confirmation surveys of either seasonal or ongoing bat use of the structure and recommendations regarding the timing for installation of preclusion netting at the caisson roost.	Adherence to bat preclusion plan	Avoidance of impacts to bats	CSLC, contractors	Prior to and during 421-2 caisson demolition
Temporary effects of potential hydrocarbon discharge	**Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see below)				
Disturbance of terrestrial and aquatic special-status wildlife species	**MM BIO-3a: Avoidance of Estuarine Waters/Tidewater Goby Relocation**. Use of the alternative beach access route shall be scheduled during periods when the estuary mouth is closed (not outflowing to the Pacific Ocean). If this is not feasible, fish netting (0.25	Biological monitoring during required crossings	Avoidance of impacts to tidewater goby in Bell Canyon Creek	CSLC, contractors	During all Project activities

Potential Impact					
	inch mesh size) shall be installed across the estuary mouth immediately upstream of the beach access route to isolate the estuary from the beach. A qualified biologist approved by the USFWS to handle tidewater goby shall use seines and dip nets to capture and relocate tidewater gobies from the beach area to upstream of the fish nets. Fish nets shall be removed by the biologist within 24 hours following termination of use of the alternative beach access route				
	MM BIO-3b: CRLF Fencing at the EOF. CRLF exclusion fencing (48 inch Ertec e-Fence, or equivalent) shall be installed along the entire western boundary of the EOF, adjacent to the margin of the riparian vegetation prior to use of the proposed staging area at this location. The bottom of the exclusion fencing shall be secured to the ground by trenching or other means to prevent CRLF from	Documentation and monitoring of fence installation	Avoidance of impacts to CRLF	CSLC, contractors	Prior to and throughout all Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	crawling under the fence. The CRLF exclusion fencing shall remain in place and maintained during all Project-related use of the EOF staging area.				
	MM BIO-3c Environmental Awareness Training. A CSLC-approved biological monitor(s) shall conduct environmental awareness training for all Project personnel to familiarize workers with surrounding common and special-status species and their habitats, applicable regulatory requirements, and measures that must be implemented to avoid or minimize potential impacts to biological resources.	Documentation of Environmental Awareness Training Sign-In Sheet	Training of Project crews	CSLC, contractors	Prior to each Project Component
	MM BIO-3d: Biological Pre-activity Surveys and Monitoring. A CSLC-approved biological monitor shall survey the work areas and access routes for sensitive species or other wildlife that may be present no more than 24 hours prior to the commencement of	Pre-activity survey report(s) Daily Monitoring reports	Avoidance of impacts to special status species during decommissioning activities	CSLC, contractors	Prior to each Project Component

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Project activities. In addition, the biological monitor shall provide daily biological clearance prior to the start of work and shall always be on-site during Project operations. If at any time during the Project any wildlife species are observed within the Project area, work around the animal's immediate area shall be stopped until the animal leaves on its own volition or work shall be redirected to an area within the Project site that would not impact these species. Work shall resume once the animal is clear of the work area. In the unlikely event special-status species are injured or killed by Project-related activities, the biological monitor shall stop work and notify CSLC and consult with the appropriate agencies to resolve the impact prior to re-starting work in the area.				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	MM BIO-3e: Delineation of Work Limits. Prior to the start of the Project, the Project work areas and access routes shall be clearly flagged to ensure heavy equipment and vehicles stay within the permitted disturbance areas and avoid native vegetation along the access route. Designated equipment staging and fueling areas shall also be delineated at this time.	Photo-documentation within Compliance sheets	Avoidance of areas outside of the designated Project worksite(s)	CSLC, contractors	Prior to each Project Component
Disturbance of marine special-status species	**MM BIO-4: Grunion Spawning Avoidance**. A grunion protection plan shall be developed prior to Project implementation. The plan shall specify how protection of the species will be implemented, including methods, timing, and monitoring requirements. Requirements shall include, but not be limited to: • Project activities that involve equipment activity on the beach shall be scheduled to avoid grunion spawning	Compliance monitoring report and photo-documentation	Avoidance of impacts to grunion spawning area(s)		Prior to Project implementation and during all Project activities within Grunion spawning periods

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	season (March through August) if possible, given other scheduling constraints (winter storm waves, etc.). • If avoiding spawning season is not feasible, a qualified biologist shall conduct an initial presence/absence survey during grunion runs (open and closed season runs) as predicted by the CDFW to document that grunion have not used the site. • If the initial presence/absence survey determines that grunion are spawning at the Project site; a focused survey shall be conducted immediately following the spawning event. During the focused survey, trenching shall be conducted at 3 to 6 foot spacing to determine if grunion spawning was				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	successful and eggs were deposited within the intertidal work area. The trenches shall be excavated approximately 10 inches wide and 3 to 6 inches deep. The trenches shall be located perpendicular to the high-water mark and extend from the highest high tide mark to approximate mean low water. Excavations shall continue until grunion eggs are found or until all trenches are sampled. If grunion eggs are found during focused surveys at the Project site, intertidal work activities in that location shall cease for 10 days to allow for hatching of the eggs during the next high-tide cycle. • Subsequent presence/absence monitoring shall continue during the next spawning period to determine if				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	grunion continue to spawn at the Project site.				
Loss of coastal wetlands (Component 2)	**MM BIO-5a: Coastal Wetlands Mitigation.** A coastal wetlands mitigation plan shall be developed prior to Project implementation. The Plan shall specify how mitigation will be implemented, including site location description, wetland creation or enhancement methods, plant palette, propagule sources, irrigation methods (if needed), maintenance activities, success criteria and monitoring requirements. Requirements shall include but not be limited to: • Coastal wetlands removed from the access roadway as part of Component 2 shall be replaced at a minimum 3:1 ratio (at least 0.32 acre) through a combination of wetland replacement and off-site wetlands creation or enhancement.	Coastal bluff scrub replacement plan documentation and monitoring	Replacement of coastal bluff scrub habitat	CSLC, contractors	Prior to Project implementation and following completion of Component 2

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Coastal wetlands replacement shall be included in the coastal bluff scrub replanting area (see **MM BIO-6a**) within the abandoned access roadway and the remaining wetlands creation/enhancement needed to meet the 3:1 ratio shall be conducted off-site.				
	MM BIO-5b: Retain Coastal Wetlands Adjacent to Pier 421-2. A coastal wetlands retention plan shall be developed prior to Project implementation. The Plan shall specify how this measure will be implemented, including materials, methods and integration into the overall decommissioning schedule. The rock and road base fill material comprising the access roadway north of Pier 421-2 shall be left in place or other suitable material placed as needed to maintain the impoundment of golf course	Coastal wetlands retention plan documentation and monitoring	Retention of wetlands	CSLC, contractors	Prior to and during implementation of Component 2

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	irrigation run-off which supports the existing wetlands at this location.				
Loss of terrestrial ESHA/sensitive natural communities	**MM BIO-6a: Coastal Bluff Scrub Replacement.** A coastal bluff scrub replacement plan shall be developed prior to Project implementation. The Plan shall specify how replacement will be implemented, including soil augmentation, planting site preparation, planting methods, plant palette, propagule sources, irrigation methods (if needed), maintenance activities, success criteria and monitoring requirements**.** Coastal bluff scrub removed along the seaward margin of the access roadway shall be replaced at a minimum 2:1 ratio (at least 0.6 acre) through soil augmentation and replanting the remaining surface of the abandoned access roadway with quail bush, coastal golden-bush and other native species characteristic of the bluffs.	Coastal Bluff Scrub Replacement Plan	Success criteria monitoring from Coastal Bluff Scrub Replacement Plan	CSLC, contractors	Prior to and during implementation of Component 2

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	MM BIO-6b: Southern Foredunes Avoidance. A CSLC-approved biological monitor shall be present when heavy equipment or vehicles transit the alternative beach access route and communicate with equipment/vehicle operators to ensure southern foredunes are avoided.	Daily Compliance documentation	Avoidance of southern foredune habitat areas	CSLC, contractors	Throughout Project activities (as utilized)
Cumulative impacts to biological resources (Components 1 and 2)	**Implement MM BIO-1**: **Avoidance of Active Cliff Swallow Nests** (see above) **Implement MM BIO-2: Transitional Bat Habitat** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see below) **Implement MM BIO-3a**: **Avoidance of Estuarine Waters/Tidewater Goby Relocation** (see above) **Implement MM BIO-3b**: **CRLF Fencing at the EOF** (see above) **Implement MM BIO-3c**: **Environmental Awareness Training** (see above) **Implement MM BIO-3d**: **Biological Pre-activity Surveys and Monitoring** (see above) **Implement MM BIO-3e**: **Delineation of Work Limits** (see above) **Implement MM BIO-4**: **Grunion Spawning Avoidance** (see above) **Implement MM BIO-5a**: **Coastal Wetlands Mitigation** (see above) **Implement MM BIO-5b**: **Retain Coastal Wetlands Adjacent to Pier 421-2** (see above) **Implement MM BIO-6a**: **Coastal Bluff Scrub Replacement** (see above) **Implement MM BIO-6b**: **Southern Foredunes Avoidance** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Cultural Resources/Tribal Cultural Resources					
Potential impacts to previously undiscovered Cultural or Tribal Cultural resources (Component 2)	**MM CUL-1/TCR-1: Cultural Resources Monitoring.** A Cultural Resources Monitoring Plan (Plan) shall be prepared prior to Component 2 ground disturbing activities. The Plan shall include, but not be limited to, the following measures: • CSLC shall retain a qualified archaeologist and a representative of a California Native American tribe that is culturally affiliated to the Project site to monitor all ground disturbing activities during Component 2. • CSLC shall provide a minimum 5-day notice to the archaeologist and tribal monitor prior to all activities requiring monitoring. • CSLC shall provide the archaeologist and tribal	Cultural Resources Monitoring Plan	Avoidance of disturbance of any found cultural resources	CSLC, contractors	Prior to and throughout Component 2 Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	monitor safe and reasonable access to the Project site. • The Plan shall include guidance on identification of potential cultural resources that may be encountered.				
Potential impacts to Cultural resources (Specifically CA-SBA-71)	**MM CUL-2/TCR-2: Cultural Resources Sensitivity Training**. Prior to Project implementation, a pre-construction cultural resources sensitivity training shall be given by a qualified archaeologist and Native American representative. The purpose of the training will be to educate onsite construction personnel as to the sensitivity of archaeological resources in the area, and specifically avoidance of CA-SBA-71 when utilizing the Bacara Resort fire road access area. The training will also cover the requirements of the Plan identified in **MM CUL-1/TCR-1**, including the possibility of exposing cultural resources, guidance on	Documentation of training	Avoidance of cultural resources	CSLC, contractors	Prior to Project implementation

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	recognizing such resources, and direction on procedures if a find is encountered. CSLC and the Project contractor will instruct all Project personnel that touching, collecting, or removing cultural materials from the property is strictly prohibited. Evidence of compliance with this MM shall be documented within pre-Project compliance documentation materials prior to Project implementation.				
	MM CUL-3/TCR-3: Discovery of Previously Unknown Cultural or Tribal Resources. In the event that potential cultural or tribal cultural resources are uncovered during Project implementation, all earth-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until the approved archaeologist and tribal monitor have evaluated the nature and significance of the discovery. In the event that a potentially significant cultural or tribal cultural	Documentation of Notifications and Treatment Plan (if applicable)	Minimization of impact to discovered resources	CSLC, contractors	Throughout Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	resource is discovered, the Applicant, CSLC and any local, state, or federal agency with approval or permitting authority over the Project that has requested/required notification shall be notified within 48 hours. The location of any such finds must be kept confidential and measures shall be taken to secure the area from site disturbance and potential vandalism. Impacts to previously unknown significant cultural or tribal cultural resources shall be avoided through preservation in place if feasible. Damaging effects to tribal cultural resources shall be avoided or minimized following the measures identified in Public Resources Code section 21084.3, subdivision (b), if feasible, unless other measures are mutually agreed to by the lead archaeologist and culturally affiliated tribal monitor that would be as or more effective. A treatment plan, if needed to address a find, shall be developed				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	by the archaeologist and, for tribal cultural resources, the culturally-affiliated tribal monitor, and submitted to the appropriate tribal representatives and CSLC staff for review, input, and concurrence prior to implementation of the plan. Protection in place of tribal cultural resources shall be prioritized, if feasible; if the archaeologist or tribe determines that damaging effects on the cultural or tribal cultural resource can be avoided in place, then work in the area may resume provided the area of the find is clearly marked for no disturbance. If avoidance in place of tribal cultural resources is infeasible, the treatment plan shall include measures that place priority on Tribal self-determination over collection and curation, including the option to repatriate (rebury) materials nearby at a location of their choosing, and to transfer possession/ownership to the culturally-affiliated Tribe.				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Title to all archaeological sites, historic or cultural resources, and tribal cultural resources on or in the tide and submerged lands of California is vested in the State and under CSLC jurisdiction. The final disposition of archaeological, historical, and tribal cultural resources recovered on State lands under CSLC jurisdiction must be approved by the CSLC				
	MM CUL-4/TCR-4: Unanticipated Discovery of Human Remains. If human remains are encountered, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery, and both an archaeologist and CSLC staff must be contacted within 24 hours. The archaeologist shall consult with the County Coroner. If human remains are of Native American origin, the County	Documentation of Notifications	Minimization of impacts to human remains	CSLC, contractors	Throughout Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Coroner shall notify the Native American Heritage Commission within 24 hours of this determination, and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented				
Potential for unauthorized collection of artifacts (Components 1 and 2)	**Implement MM CUL-2/TCR-2: Cultural Resources Sensitivity Training** (see above)				
	MM CUL-5/TCR-5: Cultural Resources Protective Fencing (CA-SBA-71). Prior to Project implementation, protective fencing or flagging clearly marking the area surrounding CA-SBA-71 for avoidance shall be installed; this fencing or flagging shall be maintained for the duration of the use of the Bacara Resort fire road	Documentation of Fencing or flagging installation and avoidance of area	Minimization of impact CA-SBA-71	CSLC, contractors	Throughout Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	access area, and no personnel, equipment, refuse, or other materials shall be allowed into the avoidance area at any time.				
Cumulative impacts to cultural resources/ Tribal cultural resources (Components 1 and 2)	**Implement MM CUL-1/TCR-1: Cultural Resources Monitoring** (see above) **Implement MM CUL-2/TCR-2: Cultural Resources Sensitivity Training** (see above) **Implement MM CUL-3/TCR-3: Discovery of Previously Unknown Cultural or Tribal Resources** (see above) **Implement MM CUL-4/TCR-4: Unanticipated Discovery of Human Remains** (see above) **Implement MM CUL-5/TCR-5: Cultural Resources Protective Fencing** (see above)				
Hazards and Hazardous Materials					
Exposure of public or environment to hazardous materials (Component 1)	**MM HAZ-1a: Remedial Action Plan Implementation.** The Remedial Action Plan submitted to the Santa Barbara County Public Health Department, Environmental Health Services Division shall be implemented during Component 1 Project decommissioning activities. The RAP will also be shared with California Department of Fish and	Remedial Action Plan Approval	Minimization of hazardous materials exposure	CSLC, contractors	Prior to and throughout Component 1 Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Wildlife Office of Spill Prevention and Response (OSPR), RWQCB, and city of Goleta (as applicable) for review and approval prior to the initiation of construction activities. Final approval of the plan shall be under the purview of OSPR, RWQCB, and Santa Barbara County Public Health Department. Upon approval, all contaminated materials shall be removed and disposed of in accordance with procedures described in the RAP. All soil sampling results shall be provided to the Santa Barbara County Public Health Department and city of Goleta immediately upon receiving results.				
	MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs. Prior to Project activities related to removal of contaminated soil**,** the Air Pollution Control District must be notified as an Air Pollution Control District Permit will be required. In addition,	Notification to APCD	Minimization of Air Quality Impacts	CSLC, contractors	During all Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	the following measures shall be implemented: • Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal • Contaminated soil shall be covered with at least 6 inches of packed uncontaminated soil or another TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate • Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted • The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	total emissions exceed the Air Pollution Control District's construction phase thresholds • During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance • Clean soil must be segregated from contaminated soil				
	MM HAZ-1c: Oil Spill Contingency Plan Implementation. The EOF Facility's existing Oil Spill Contingency Plan (OSCP) and Addendum shall be implemented during all Project activities in the event of a release of oil or contaminants. The OSCP delineates prevention measures including daily inspection of equipment, refueling at designated stations, and secondary equipment containment for equipment to prevent spills. Additionally, the	Copy of OSCP	Spill avoidance and response (if required)	CSLC, contractors	During all Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	onshore work sites shall maintain onsite response equipment to clean up minor spills. In the event of a major spill (greater than five barrels) the OSCP requires utilization of an independent oil spill response contractor (i.e. Marine Spill Response Corporation) to provide secondary cleanup.				
	Implement MM HWQ-1: Storm Water Pollution Prevention Plan (see below)				
Use and transport of hazardous materials during decommissioning activities (Component 1)	**MM HAZ-2 Hazardous Materials Management and Contingency Plan**. A Hazardous Materials Management and Contingency Plan shall be developed and implemented. Measures shall include, but not be limited to, identification of appropriate fueling and maintenance areas for equipment, daily equipment inspection schedule, and reference to the facilities existing spill response plan, and spill response supplies to be maintained onsite.	Copy of Hazardous Materials Management and Contingency Plan. Compliance documentation during construction	Avoidance of hazardous materials exposure to the environment	CSLC, contractors	During all Project activities
Exposure of the public or	**Implement MM HAZ-1a: Remedial Action Plan Implementation** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
environment to hazardous materials (Component 2)	**Implement MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see above) **Implement MM HWQ-1: Storm Water Pollution Prevention Plan** (see below)				
Use of hazardous materials during decommissioning activities (Component 2)	**Implement MM HAZ-2: Hazardous Materials Management and Contingency Plan** (see above)				
Potential cumulative hazardous materials impacts	**Implement MM HAZ-1a: Remedial Action Plan Implementation** (see above) **Implement MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see above) **Implement MM HWQ-1: Storm Water Pollution Prevention Plan** (see below) **Implement MM HAZ-2: Hazardous Materials Management and Contingency Plan** (see above)				
Hydrology and Water Quality					
Potential water quality impacts during implementation of decommissioning Project (Component 1)	**Implement MM HAZ-1a: Remedial Action Plan Implementation** (see above) **Implement MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see above) **Implement MM HAZ-2: Hazardous Materials Management and Contingency Plan** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Construction-related erosion and sedimentation impacts to marine and onshore water quality (Component 1)	**MM HWQ-1. Storm Water Pollution Prevention Plan.** CSLC shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), including: • All fueling and maintenance of vehicles and heavy equipment will occur in designated areas at least 50 feet from waterways. Designated areas will include spill containment devices (e.g., drain pans) and absorbent materials to clean up spills • Vehicles and equipment will be maintained properly to prevent leakage of hydrocarbons and other fluids • Any accidental spill of hydrocarbons or other fluids that may occur at the work site will be cleaned immediately. Spill containment devices and	Contractor submittal of the SWPPP to CSLC, observation reports	Minimize erosion, siltation, and turbidity	CSLC, contractors	During all Project activities

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	absorbent materials will be maintained on the work site for this purpose. The Governor's Office of Emergency Services will be notified immediately in the event of a reportable quantity accidental spill to ensure proper notification, clean up, and disposal of waste • Waste and debris generated during construction will be stored in designated waste collection areas and containers away from drainage features, and will be disposed of regularly • Storm water pollution prevention best management practices will be used around the construction area perimeters during construction and around any construction operations that could				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	potentially degrade water quality • Erosion and sedimentation best management practices (e.g., silt fences straw wattles, mulching, and hydroseeding) will be installed properly and maintained regularly. Other best management practices will be installed as necessary and as required by Project permits • Runoff will be conveyed to prevent erosion from slopes and channels and directed to engineered drainage facilities • Disturbed slopes will be re-vegetated with appropriate native vegetation				
Potential water quality impacts during implementation of decommissioning	**Implement MM HAZ-1a: Remedial Action Plan Implementation** (see above) **Implement MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see above) **Implement MM HAZ-2: Hazardous Materials Management and Contingency Plan** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Project (Component 2)					
Construction-related erosion and sedimentation impacts to marine and onshore water quality (Component 2)	**Implement MM HWQ-1: Storm Water Pollution Prevention Plan** (see above)				
Potential for cumulative water quality impacts (Components 1 and 2)	**Implement MM HWQ-1: Storm Water Pollution Prevention Plan** (see above)				
Land Use					
Temporary conflicts with state and local policies	**Implement MM AES-1a. Overnight Storage of Equipment** (see above) **Implement MM AES-1b. Material Removal at Construction Completion** (see above) **Implement MM AES-1c. Minimize Night Lighting** (see above) **Implement MM AQ-1a: Fugitive Dust Control Measures** (see above) **Implement MM AQ-1b: Equipment Exhaust Emissions Reduction Measures** (see above) **Implement MM BIO-1: Avoidance of Active Cliff Swallow Nests** (see above) **Implement MM BIO-2: Transitional Bat Habitat** (see above) **Implement MM BIO-3a: Avoidance of Estuarine Waters/Tidewater Goby Relocation** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Implement MM BIO-3b: CRLF Fencing at the EOF (see above) **Implement MM BIO-3c: Environmental Awareness Training** (see above) **Implement MM BIO-3d: Biological Pre-activity Surveys** (see above) **Implement MM BIO-3e: Delineation of Work Limits** (see above) **Implement MM BIO-4: Grunion Spawning Avoidance** (see above) **Implement MM BIO-5a: Coastal Wetlands Mitigation** (see above) **Implement MM BIO-5b: Retain Coastal Wetlands Adjacent to Pier 421-2** (see above) **Implement MM BIO-6a: Coastal Bluff Scrub Replacement** (see above) **Implement MM BIO-6b: Southern Foredunes Avoidance** (see above) **Implement MM HAZ-1a: Remedial Action Plan Implementation** (see above) **Implement MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs** (see above) **Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation** (see above) **Implement MM HWQ-1: Storm Water Pollution Prevention Plan** (see above) **Implement MM REC-1: Maximize Beach Access** (see below)				
Recreation					
Temporary loss of recreational access during decommissioning activities (Component 1)	**Implement MM AES-1a: Overnight Storage of Equipment** (see above)				
	MM REC-1: Maximize Beach Access. Pier and caisson work	Compliance documentation	Beach access maintained	CSLC, contractors	Throughout Component 1

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	areas shall be made passable by the public walking along the beach by removing debris to staging/storage areas off the beach and backfilling or placing steel plates over any open excavations at the end of each workday. If these measures are not feasible during periods of high tides or storm conditions, signage and temporary fencing shall be provided to notify the public that passage is not allowed and that alternative beach access locations can be found nearby.				decommissioning activities
Temporary loss of recreational access during decommissioning activities (Component 2)	**Implement MM AES-1a: Overnight Storage of Equipment** (see above)				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Transportation and Traffic					
Component 1 Traffic Safety	**MM T-1. Truck Entrance Signage.** Easily visible signage shall be posted on Hollister Avenue at least 1,000 feet east and west of the EOF driveway to alert motorists of a truck entrance. This signage shall also be required at the Bacara Resort fire road entrance if this secondary access route is used by heavy-duty trucks.	Documentation of appropriate signage	Avoidance of traffic impacts	CSLC, contractors	Prior to Component 1 Project implementation
Component 2 Traffic Safety	**Implement MM T-1. Truck Entrance Signage** (see above)				
Contribution to Cumulative Transportation/ Traffic impacts (Components 1 and 2)	**Implement MM T-1. Truck Entrance Signage** (see above)				

EXHIBIT B – PRC 421 DECOMMISSIONING PROJECT
CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a lead agency under the California Environmental Quality Act (CEQA), makes these Findings to comply with CEQA as part of its discretionary approval to authorize implementation of the PRC 421 Decommissioning Project (Project). The Commission is making these Findings pursuant to Public Resources Code section 21081 and the State CEQA Guidelines[1] (Cal. Code Regs., tit. 14, § 15091, subd. (a)), which states in part:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding.*

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The Commission is the lead agency under CEQA for the Project because the Commission has the principal responsibility for taking action on the Project by undertaking a component of the Project. The Commission analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2021060145).[2]

The Project involves removal of the two piers and caissons (421-1 and 421-2) and other infrastructure from PRC 421; including two pipelines within the access road to the golf course, the access road, and supporting rock revetment and wooden seawall.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento,

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[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

[2] The Final EIR was published in March 2022 and is available on the Commission website at: www.slc.ca.gov (under the “Information” tab and “CEQA Updates” link).

CA 95825. The custodian for the administrative record is the California State Lands Commission, Division of Environmental Planning and Management.

3.0 FINDINGS

Findings are required by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant environmental impacts. (Pub. Resources Code, § 21081; State CEQA Guidelines, § 15091.) These Findings, as a result, are intended to comply with the above-described mandate that for each significant effect identified in the EIR, the Commission adopt one or more of the following, as appropriate.

(1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

These Findings are also intended to comply with the requirement that each finding by the Commission be supported by substantial evidence in the administrative record of proceedings, as well as accompanied by a brief explanation of the rationale for each finding. (State CEQA Guidelines, § 15091, subds. (a), (b).) To that end, these Findings provide the written, specific reasons supporting the Commission's decision under CEQA to approve the Project.

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

All environmental impacts of the Project identified in the EIR are listed below; the significance of each impact is classified as follows.

Definition	Findings Required
Significant and Unavoidable (SU). Significant adverse impact that remains significant after mitigation	Yes
Less than Significant with Mitigation (LTSM). Significant adverse impact that can be eliminated or reduced below an issue's significance criteria	Yes

Definition	Findings Required
Less than Significant (LTS). Adverse impact that does not meet or exceed the identified significance criteria	No
No Impact (NI)	No

A. SUMMARY OF FINDINGS

Based on public scoping, the proposed Project will have No Impact on the following environmental issue areas:

- Agricultural and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Wildfire

The EIR subsequently identified the following impacts as Less Than Significant:

- Air Quality
- Geology, Soils, and Paleontological Resources
- Greenhouse Gas Emissions
- Noise
- Public Services
- Utilities and Service Systems

For the remaining potentially significant effects, the Findings set forth below are:

- Organized by significant impacts within the following EIR issue areas (see Table 1 below).
- Numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program (MMP) in the EIR (see Section 7.0 of the EIR) (Findings may not be numbered sequentially, since Findings are not required when impacts are Less than Significant or there is No Impact); and
- Followed by an explanation of the rationale for each Finding.

B. POTENTIALLY SIGNIFICANT IMPACTS

In certifying the EIR and approving the Project, the Commission imposed various mitigation measures (MMs) for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures. Impacts determined to be Less Than Significant with Mitigation are shown in Table 1.

However, even with the integration of all feasible mitigation, the CSLC concluded in the EIR that the other identified potentially significant impacts will remain significant. Table 1 identifies those impacts that the Commission determined would be, after mitigation, Significant and Unavoidable.

Table 1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos. (LTSM)	Impact Nos. (SU)
Aesthetics	AES-1, AES-3, AES-4	- -
Biological Resources	BIO-1, BIO-2, BIO-3, BIO-5, BIO-7, BIO-8, BIO-9, BIO-11	- -
Cultural Resources/Tribal Cultural Resources	CR-2/TCR-2, CR-3/TCR-3, CR-4/TCR-4	- -
Hazards and Hazardous Materials	HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5	- -
Hydrology and Water Quality	HWQ-1, HWQ-2, HWQ-3, HWQ-4, HWQ-5	- -
Land Use	LU-1, LU-2,	- -
Recreation	REC-1, REC-3	- -
Transportation and Traffic	T-2, T-4, T-5	- -

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION (LTSM)

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant.

1. AESTHETICS

CEQA FINDING NO. AES-1

Impact: **Impact AES-1. Effects on Public Views from Decommissioning Activities (Component 1)**

Decommissioning associated with Component 1 would have temporary impacts to public views for approximately 5 months.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project that have the potential to result in temporary effects to public views from Haskell's Beach and adjacent bluff areas during Component 1 decommissioning activities, and may necessitate work activities during evening/nighttime hours to accommodate tidal cycles.

Implementation of **MM AES-1a**, **MM AES-1b**, and **MM AES-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

MM AES-1a: Overnight Storage of Equipment

MM AES-1b: Material Removal at Construction Completion

MM AES-1c: Minimize Night Lighting

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AES-3

Impact: **Impact AES-3. Effects on Public Views from Decommissioning Activities (Component 2)**

Decommissioning associated with Component 2 would have temporary impacts to the public views for approximately 3 months.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project that have the potential to result in temporary effects to public views from Haskell's Beach and adjacent bluff areas during Component

2 decommissioning activities, however during daylight hours only.

Implementation of **MM AES-1a** and **MM AES-1b** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AES-4

Impact: **Impact AES-4. Potential for Cumulative Aesthetic Impacts to Public Views**

Decommissioning activities would contribute to cumulative impacts if adjacent projects were conducted at the same time.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project may incrementally contribute to cumulative aesthetics impacts associated with other projects that affect public views of and from Haskell's Beach.

Implementation of **MM AES-1a**, **MM AES-1b**, and **MM AES-1c** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **BIO-1. Disturbance of Nesting Birds**

Proposed removal of Pier 421-1 would result in the loss of cliff swallow nests.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cliff swallow nests under Pier 421-1 and proposed pier removal during the breeding season would result in take of these migratory birds protected under the Federal Migratory Bird Act and Section 3513 of the California Fish and Game Code.

Implementation of **MM BIO-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1: Avoidance of Active Cliff Swallow Nests

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

Impact: **BIO-2. Loss of a Bat Roost**

Proposed removal of the 421-2 caisson would result in the loss of a daytime bat roost.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Crevices on the 421-2 caisson formed by sheet pile over concrete, support a daytime bat roost. Removal of the caissons would result in the loss of this bat roost.

Implementation of **MM BIO-2** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-2: Transitional Bat Habitat

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-3

Impact: **BIO-3. Temporary Effects of Potential Hydrocarbon Discharge**

Potential for Project-related discharge of hydrocarbons from contaminated soil or structures into marine waters may adversely affect marine organisms.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Caisson fill material contains concentrations of total petroleum hydrocarbons from below detection up to 69,120 mg/kg. During decommissioning of the caissons, inadvertent spillage of contaminated fill material would have to potential to affect the marine environment (and associated organisms).

Implementation of **MM HAZ-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-1c: Oil Spill Contingency Plan Implementation

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

Impact: **BIO-5. Disturbance of Terrestrial and Aquatic Special-Status Wildlife Species**

Project-related activities would result in conflicts with special-status wildlife species.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Special-status wildlife species, including the Globose dune beetle, tidewater goby, California red-legged frog (CRLF), and snowy plover may occur in proximity to the proposed decommissioning areas and would have the potential to be impacted by the Project.

Implementation of **MM BIO-3a**, **MM BIO-3b**, **MM BIO-3c**, **MM BIO-3d**, and **MM BIO-3e** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-3a: Avoidance of Estuarine Waters/Tidewater Goby Relocation

MM BIO-3b: CRLF Fencing at the EOF

MM BIO-3c: Environmental Awareness Training

MM BIO-3d: Biological Pre-activity Surveys and Monitoring

MM BIO-3e: Delineation of Work Limits

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-7

Impact: **BIO-7. Disturbance of Marine Special-Status Species**

Proposed decommissioning activities in intertidal areas may adversely affect grunion and marine mammals.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The California grunion may spawn on the beach in the vicinity of the caissons and other proposed work areas. If work activities were to occur from March through August (California grunion spawning period), Project-related equipment activity on the beach may adversely affect grunion spawning and spawning.

Implementation of **MM BIO-4** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-4: Grunion Spawning Avoidance

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-8

Impact: **BIO-8. Loss of Coastal Wetlands (Component 2)**

Removal of the rock revetment and wooden seawall and abandonment of the access roadway would result in the loss of coastal wetlands.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The coastal wetland delineation conducted for the Project identified 0.105 acre of coastal wetlands within or adjacent to the access roadway or rock revetment. In addition, 0.117 acre of coastal wetlands (Wetland W-2, see Figure 4.3-5) occur within an erosional feature located immediately north of Pier 421-2. Component 2 (proposed removal of the two pipelines) would result in the disturbance and temporary loss of coastal wetlands within or adjacent to the access roadway (Wetlands W-4 through W-17). In addition, removal of the rock revetment protecting the access roadway and subsequent modification of the bank (shoreline) and removal of road base would result in the permanent loss of these wetlands along the access roadway.

Implementation of **MM BIO-5a** and **MM BIO-5b** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-5a: Coastal Wetlands Mitigation

MM BIO-5b: Retain Coastal Wetlands Adjacent to Pier 421-2

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-9

Impact: **BIO-9. Loss of Terrestrial ESHA/Sensitive Natural Communities**

Decommissioning activities would result in the loss of coastal bluff scrub and may result in trampling of southern foredunes considered ESHA by the City and CCC.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Removal of the rock revetment, wooden seawall, and sloping the seaward face of the access roadway (Component 2) would result in the loss of approximately 0.3 acres of coastal bluff scrub from the access roadway seaward margin.

Implementation of **MM BIO-6a** and **MM BIO-6b** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-6a: Coastal Bluff Scrub Replacement

MM BIO-6b: Southern Foredunes Avoidance

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-11

Impact: **BIO-11. Cumulative Impacts to Biological Resources**

Project-related disturbance and habitat loss would incrementally contribute to cumulative impacts to biological resources.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cumulative projects would result in habitat removal and short-term habitat disturbance potentially affecting the same wildlife as the proposed Project.

Implementation of **MM BIO-1**, **MM BIO-2**, **MM HAZ-1c**, **MM BIO-3a**, **MM BIO-3b**, **MM BIO-3c**, **MM BIO-3d**, **MM BIO-3e**, **MM BIO-4**, **MM BIO-5a**, **MM BIO-5b**, **MM BIO-6a**, and **MM BIO-6b** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. CULTURAL RESOURCES/TRIBAL CULTURAL RESOURCES

CEQA FINDING NO. CR-2/TCR-2

Impact: **CR-2/TCR-2. Potential Impacts/Substantial Adverse Change to Previously Undiscovered Cultural Resources/Tribal Cultural Resources During Project Implementation (Component 2)**

Although no cultural resources/tribal cultural resources are known to be present within the Project site and Project activities would generally occur in previously disturbed areas, excavations could exceed previous depths and disturb previously undiscovered cultural resources/tribal cultural resources in some areas.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

There is a potential that Project-related ground disturbance would exceed previous depths during Component 2 and affect heretofore undiscovered cultural resources/tribal cultural resources, such as along the access roadway or within the pier abutment areas.

Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, and **MM CUL-4/TCR-4** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1/TCR-1: Cultural Resources Monitoring

MM CUL-2/TCR-2: Cultural Resources Sensitivity Training

MM CUL-3/TCR-3: Discovery of Previously Unknown Cultural or Tribal Resources

MM CUL-4/TCR-4: Unanticipated Discovery of Human Remains

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-3/TCR-3

Impact: **CR-3/TCR-3. Potential for Damage to or Unauthorized Collection of CA-SBA-71 During Implementation of Decommissioning Components 1 and 2**

Use of the Bacara Resort Alternative Staging Area/Access Point, which is adjacent to CA-SBA-71, would result in short-term increase in access to

archaeological artifacts associated with CA-SBA-71 and the potential for unauthorized collection.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

One previously recorded cultural resource, CA-SBA-71, is adjacent to the Alternative Staging Area/Access Point that is located entirely within the Bacara Resort fire road access. Although the Alternative Staging Area/Access Point is paved and contains no exposed ground surface, Project personnel could encroach into the site boundaries or inadvertently damage the site. Such damage or unauthorized collection of artifacts would contribute to the destruction of site integrity.

Implementation of **MM CUL-2/TCR-2** described above and **MM CUL-5/TCR-5** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-5/TCR-5: Cultural Resources Protective Fencing (CA-SBA-71)

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-4/TCR-4

Impact: **CR-4/TCR-4. Cumulative Impacts to Cultural Resources/Tribal Cultural Resources**

Project-related ground disturbance may incrementally contribute to cumulative impacts to cultural resources.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cumulative projects would involve ground disturbances that would potentially impact cultural resources in other archaeologically sensitive areas. Increased human activity in the vicinity of cultural resources would lead to greater exposure, potential for unauthorized artifact collection and inadvertent disturbance during construction. Therefore, cumulative impacts to archaeological resources caused by past, present, and future probable projects in the undeveloped coastal areas in the vicinity of the EOF and the decommissioned PRC 421 facilities are considered significant.

Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, **MM CUL-4/TCR-4**, and **MM CUL-5/TCR-5** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. HAZARDS AND HAZARDOUS MATERIALS

CEQA FINDING NO. HAZ-1

Impact: **HAZ-1. Exposure of the Public or Environment to Hazardous Materials (Component 1)**

The Project could create a potential hazard to the public or the environment through the demolition, transport, or disposal of hazardous materials encountered during decommissioning activities.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Both caissons are known to contain petroleum-contaminated soil. The caisson walls and any interior structure members may also contain hazardous materials, and removal of these structures could result in exposure of this material to the marine environment.

Implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, and **MM HWQ-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-1a: Remedial Action Plan Implementation

MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs

MM HAZ-1c: Oil Spill Contingency Plan Implementation

MM HWQ-1: Storm Water Pollution Prevention Plan

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-2

Impact: **HAZ-2. Use of Hazardous Materials During Decommissioning Activities (Component 1)**

The Project would require the use of heavy equipment and machinery, including hydrocarbon fuels and lubricants, that would have the potential to spill into the environment.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Coponent 1 decommissioning activities include the use of vehicles and equipment that may result in the accidental release of hazardous materials, and subsequent environmental and human exposure, due to accidental spills of hydrocarbons (including diesel fuel).

Implementation of **MM HAZ-2** has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-2: Hazardous Materials Management and Contingency Plan

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-3

Impact: **HAZ-3. Exposure of the Public or Environment to Hazardous Materials (Component 2)**

The Project could create a potential hazard to the public or the environment through the demolition, transport, or disposal of hazardous materials encountered during decommissioning activities.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Based on sampling results, petroleum hydrocarbon contaminated soil would be encountered during access roadway removal and may also be present behind the rock revetment and wooden seawall based on these results (Component 2).

Implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, and **MM HWQ-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-4

Impact: **HAZ-4. Use of Hazardous Materials During Decommissioning Activities (Component 2)**

The Project would require the use of heavy equipment and machinery, including hydrocarbon fuels and lubricants that would have the potential to spill into the environment.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Component 2 decommissioning activities include the use of vehicles and equipment that may result in the accidental release of hazardous materials, and subsequent environmental and human exposure, due to accidental spills of hydrocarbons (including diesel fuel).

Implementation of **MM HAZ-2** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-5

Impact: **HAZ-5. Potential Cumulative Hazardous Materials Impacts**

Temporary decommissioning-related hazardous materials impacts would incrementally contribute to cumulative impacts if other projects were conducted at the same time in this location.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project may contribute to cumulative hazardous materials impacts affecting human and environmental receptors. Other projects that may take place at the same time as the Project may also include activities on the beach in proximity to the proposed Project and would also require the short-term use of construction equipment (and the potential for hazardous materials discharges) to remove existing oil and gas facility remnants.

Implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, **MM HWQ-1**, and **MM HAZ-2** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

5. HYDROLOGY AND WATER QUALITY

CEQA FINDING NO. HWQ-1

Impact: **HWQ-1. Potential Water Quality Impacts During Implementation of Decommissioning Project (Component 1)**

Decommissioning activities may adversely affect marine water quality as a result of incidental release of contaminated materials to the marine environment.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Component 1 activities involve decommissioning of former oil and gas facilities that contain residual hydrocarbons and structures that may contain other hazardous materials. Additionally, large equipment operating on the beach would contain hazardous materials such as fuel, lubricant, and oils. During decommissioning, accidental hazardous materials discharge to the beach during construction could temporarily adversely affect ocean water quality or result in a violation of water quality standards

Implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, and **MM HAZ-2** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HWQ-2

Impact: **HWQ-2. Construction-related Erosion and Sedimentation Impacts to Marine and Onshore Water Quality (Component 1)**

Project-related construction could cause erosion or siltation resulting in substantial degradation of surface water quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Demolition activities on the beach and within the surf zone would include the use of excavation equipment and concrete cutting/breaking tools to remove the existing caissons and structures. These activities would result in soil disturbance, which may result in an increase in the amount of sediments discharged to the ocean during storm events and an associated increase in turbidity.

Implementation of **MM HWQ-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HWQ-3

Impact: **HWQ-3. Potential Water Quality Impacts During Implementation of Decommissioning Project (Component 2)**

Decommissioning activities may adversely affect marine water quality as a result of incidental release of contaminated materials to the marine environment.

Finding(s):
(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Component 2 activities involve decommissioning of PRC 421 facilities (including the access roadway fill material and wooden seawall) that contain residual hydrocarbons and wood preservatives. Additionally, large equipment operating on the beach would contain hazardous materials such as fuel, lubricant, and oils. During decommissioning, accidental hazardous materials discharge to the beach during construction could temporarily adversely affect ocean water quality or result in a violation of water quality standards.

Implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, and **MM HAZ-2** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HWQ-4

Impact: **HWQ-4. Construction-related Erosion and Sedimentation Impacts to Marine and Onshore Water Quality (Component 2)**

Project-related construction could cause erosion or siltation resulting in substantial degradation of surface water quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Re-grading the slope to remove the existing access roadway and removal of the existing pier abutments, rock revetments, and wooden seawall (Component 2) would de-stabilize the toe of the adjacent bluffs. These activities would result in soil disturbance, which may result in an increase in the amount of sediments discharged to the ocean during storm events and an associated short-term increase in turbidity.

Implementation of **MM HWQ-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HWQ-5

Impact: **HWQ-5. Potential for Cumulative Water Quality Impacts**

Temporary Project-related water quality impacts would incrementally contribute to cumulative impacts if other projects were conducted at the same time in this location.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project may contribute to cumulative water quality impacts associated with use of heavy equipment on or near the beach, which may result in inadvertent hydrocarbon spills and sediment-laden stormwater discharges to adjacent marine waters. Other projects that may take place at the same time in proximity to the proposed Project and would also require the short-term use of construction equipment for demolition and construction activities that would have the potential for hydrocarbon and sediment discharges.

Implementation of **MM HWQ-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. LAND USE

CEQA FINDING NO. LU-1

Impact: **LU-1. Temporary Conflicts with State and Local Policies**

Project decommissioning activities would have the potential to result in temporary conflicts with State and local policies.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project objective includes decommissioning of the piers, caissons, and remaining portions of the wells (the riser pipe from the top of the cement plug and wellheads) and other infrastructure, including the pipelines within the access roadway and golf course back to the tie-in points just outside of the EOF at the 12th tee, and the access roadway and supporting rock revetment. The removal of these structures would be a significant public benefit, would allow full use of the beach coastline by the public, and would eliminate an existing threat to public safety and the environment. However, implementation of the proposed Project would also include elements that are potentially inconsistent with some Sections of the California Coastal Act and the city of Goleta General Plan policies contained within the Land Use and Conservation Elements.

During decommissioning, construction equipment would be present for approximately 143 days during Component 1 and 63 days during Component 2. Each component would have the potential to result in short-term construction disturbances such as noise, lighting, air quality impacts, potential disturbance to biological resources, and potential impacts resulting from water quality sedimentation, pollution, or runoff. Specifically, during decommissioning activities, residual soil within the 421-1 and 421-2 caissons and access roadway may include contamination that would have the potential to come into contact with the marine environment. Additionally, there are several ESHAs in the Project vicinity, including Bell Canyon Creek located adjacent to the western boundary of the EOF and Project access/staging areas, a wetland located adjacent to the access roadway north of PRC 421-2, and rocky intertidal areas offshore. During construction, temporary impacts to ESHAs may occur due to indirect construction disturbances such as noise and lighting. Additionally, Component 2 would require removal of the access roadway that would result in potential impacts to the existing wetland area.

During construction, Project design and mitigation measures would reduce the potential for these impacts as further described in Sections 4.1, Aesthetics; 4.2, Air Quality; 4.3, Biological Resources; 4.8, Hazards and Hazardous Materials; 4.9, Hydrology and Water Quality; and 4.13, Recreation. Implementation of **MM AES-1a**, **MM AES-1b**, **MM AES-1c**, **MM BIO-1**, **MM BIO-2**, **MM BIO-3a**, **MM BIO-3b**, **MM BIO-3c**, **MM BIO-3d**, **MM BIO-3e**, **MM BIO-4**, **MM BIO-5a**, **MM BIO-5b**, **MM BIO-6a**, **MM BIO-6b**, **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, **MM HWQ-1** described above and **MM REC-1** described below has been incorporated into the Project to reduce this impact to a less than significant level. Additionally, **MM AQ-1a** and **MM AQ-1b** would be incorporated to

reduce this impact to a less than significant level.

MM AQ-1a: Fugitive Dust Control Measures.

MM AQ-1b: Equipment Exhaust Emissions Reduction Measures

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-2

Impact: **LU-2. Cumulative Impacts of Project Implementation**

Impacts to ESHAs and other sensitive biological resources during implementation would result in a potentially significant impact. When the cumulative environment is considered, the short-term contribution from the Project could be significant.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cumulative impacts associated with the Project include the potential to create temporary or permanent land use impacts or policy inconsistencies to similar resources. Other projects anticipated to occur within the region would require the introduction of short-term construction equipment for demolition and construction activities. Use of construction equipment in this area would have similar short-term impacts as the Project and could contribute to cumulative impacts to air quality, sensitive biological resources, ESHAs, or localized water quality.

Implementation of **MM AES-1a**, **MM AES-1b**, **MM AES-1c**, **MM AQ-1**, **MM AQ-2**, **MM BIO-1**, **MM BIO-2**, **MM BIO-3a**, **MM BIO-3b**, **MM BIO-3c**, **MM BIO-3d**, **MM BIO-3e**, **MM BIO-4**, **MM BIO-5a**, **MM BIO-5b**, **MM BIO-6a**, **MM BIO-6b**, **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, **MM HWQ-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

7. RECREATION

CEQA FINDING NO. REC-1

Impact: **REC-1. Temporary Loss of Recreational Access During Decommissioning Activities (Component 1)**

The Project would temporarily reduce recreational beach access.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project would temporarily affect recreational use of the Haskell's Beach area for about 5 months during demolition of Component 1. Specifically, as the piers and caissons extend from the bluff to the intertidal area, beach users coming from the west (Bacara Resort beach access) would be precluded from passing by the work area to access the beach area to the east during periods of high tides. During times when decommissioning work was not ongoing there may be potentially hazardous debris present such that the public may be precluded from passing through/by the work area for extended periods.

Implementation of **MM AES-1a** described above and **MM REC-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM REC-1: Maximize Beach Access

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. REC-3

Impact: **REC-3. Temporary Loss of Recreational Access During Decommissioning Activities (Component 2)**

The Project would temporarily reduce recreational beach access.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Heavy equipment would be used to remove the rock revetment, access roadway, and wooden seawall, which would preclude public use of the upper beach for about 3 months during Component 2.

Implementation of **MM AES-1a** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

8. TRANSPORTATION AND TRAFFIC

CEQA FINDING NO. T-2

Impact: **T-2. Traffic Safety Associated with Heavy-duty Truck Operations (Component 1)**

Heavy-duty trucks would turn off and onto Hollister Avenue in an area with poor sight distance.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The driveway serving the EOF (primary access route) at Hollister Avenue (posted speed limit of 25 miles per hour) is located in an area with poor sight distance, about 700 feet to the east and 300 feet to the west. During Component 1, heavy-duty trucks pulling out of the EOF onto Hollister Avenue or slowing down to turn into the EOF from Hollister Avenue may cause a traffic hazard as motorists would have only a few seconds to react to avoid a collision. The driveway off Hollister Avenue for the secondary access route (Bacara Resort fire road) also has poor sight distance (300 feet to the east, 200 feet to the west) and would have similar traffic safety issues.

Implementation of **MM T-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM T-1. Truck Entrance Signage

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. T-4

Impact: **T-4. Traffic Safety Associated with Heavy-duty Truck Operations (Component 2)**

Heavy-duty trucks would turn off and onto Hollister Avenue in an area with poor sight distance.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The driveway serving the EOF (primary access route) at Hollister Avenue (posted speed limit of 25 miles per hour) is located in an area with poor sight distance, about 700 feet

to the east and 300 feet to the west. During Component 2, heavy-duty trucks pulling out of the EOF onto Hollister Avenue or slowing down to turn into the EOF from Hollister Avenue may cause a traffic hazard as motorists would have only a few seconds to react to avoid a collision. The driveway off Hollister Avenue for the secondary access route (Bacara Resort fire road) also has poor sight distance (300 feet to the east, 200 feet to the west) and would have similar traffic safety issues.

Implementation of **MM T-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. T-5

Impact: **T-5. Contribution to Cumulative Transportation/Traffic impacts**

Project-related vehicle trips would incrementally contribute to cumulative transportation/traffic impacts.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cumulative projects could occur at the same time and affect the same roadways as the Proposed Project. This project would generate short-term construction-related traffic on Hollister Avenue near the EOF. The proposed Project would incrementally contribute to transportation/traffic impacts associated with this project.

Implementation of **MM T-1** described above has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

D. FINDINGS ON ALTERNATIVES

As explained in *California Native Plant Society* v. *City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1000:

> *When it comes time to decide on project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible…. At this final stage of project approval, the agency considers whether '[s]pecific economic, legal, social, technological, or other considerations… make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].*

The two alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project.

These alternatives include:

1) No Project Alternative; and
2) Single Component Abandonment Alternative

As presented in the EIR, the alternatives were described and compared with each other and with the proposed Project.

Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. However, Because the No Project Alternative is not considered the environmentally superior alternative, the State CEQA Guidelines do not require identification of an environmentally superior alternative among the remaining alternatives.

Additionally, three other CEQA alternatives proposed and evaluated in the EIR were rejected for the following reasons:

1) Steel Sheet Pile Cofferdam Alternative

The steel sheet pile cofferdam Alternative was eliminated from further analysis for the following primary reasons. This Alternative would require driving steel beams into the underlying bedrock. Underlying bedrock is known to contain the presence of oil and gas seeps. This activity could disturb preexisting fractures that have been sealed or create new pathways for hydrocarbons to escape to the surface. Additionally, cofferdam installation would completely block public access through the work corridor. Pile driving would create additional noise, potentially impacting nearshore marine mammals, and would extend the project duration by approximately 4 to 6 weeks.

2) Portable Cofferdam Alternative

Temporary cofferdams utilizing inflatable bladders or impermeable membranes were evaluated for their effectiveness in consideration of wave action and tidal fluctuations present at the PRC 421 caissons. Available portable cofferdam Alternatives could only safely accommodate water holding heights of up to 10 feet or less. Winter high tides at the PRC 421 Project site easily reach these heights, while winter storms would produce additional height and dynamics. While these products work well in static water conditions, neither have been used in dynamic ocean surf conditions. For these reasons, the Portable Cofferdam Alternative was not considered feasible and was eliminated from further consideration.

3) Alternative Beach Access Ramp

An alternative beach access ramp located between the piers was initially considered because it would allow heavy equipment to use the existing access roadway to reach the pier/caisson locations instead of traversing the beach. Construction of such a beach access ramp would involve building a ramp out of riprap and additional material, or alternatively adding a steel ramp structure to the PRC 421-1 pier. However, a riprap ramp at this location would require double the material compared to that of the proposed location and time to construct and

deconstruct a structure at that location. Since the Alternative Beach Access Ramp alternative would not reduce impacts overall and would be challenging to construct, this alternative was not considered further.

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the CSLC has determined that the Project should be approved, subject to such mitigation measures (Exhibit A, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations.