

EXECUTIVE OFFICER'S REPORT

December 5, 2023



The Commission's 85th Anniversary

The Commission, one of the oldest natural resources entities in state government, marked its 85th anniversary this year. The Commission was created in 1938 by the State Lands Act. One of the things that is noteworthy about the Commission, ~~in addition to its being the oldest natural resources entity in state government,~~ is that its composition is the same as when it was created 85 years ago. And with three members, it is one of the smallest, if not the smallest, natural resource entity in state government. Eighty-five years is a long stretch of time. This anniversary is an opportunity to reflect on how much has changed over the last 85 years, on our duty over and impact on California's magnificent public lands that span the fifth largest economy in the world, and on our goals and priorities for the coming years. We look forward to incorporating what we have learned and want to accomplish in our next strategic plan, ongoing work, and our continued service to the people of California.

West Coast Ocean Alliance Summit

Staff participated in the West Coast Ocean Alliance Annual Summit in October 2023 to discuss ocean planning priorities. The Commission and the Ocean Protection Council represent California on the [West Coast Ocean Alliance](#), a regional ocean partnership between federal, state, and tribal government representatives of California, Oregon, and Washington. The Alliance focuses on understanding compatible and sustainable ocean uses, supporting effective and transparent decision-making, promoting comprehensive ocean and coastal data, and improving recognition of tribal rights and trust responsibilities. Staff presented emerging priorities for ocean use planning and spoke about offshore wind energy development, oil and gas decommissioning, marine invasive species management, and marine resource protection. Currently, the Alliance is working to develop a five-year strategic plan that will reflect west coast regional priorities.

Brazil and Mexico Biofouling Training: Marine Invasive Species Program

Staff went to Brazil and Mexico to deliver training to the Brazilian and Mexican shipping industries as part of the [International Maritime Organization's GloFouling Partnerships Program](#). The training focused on revised International

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Maritime Organization biofouling management guidelines and how to develop and evaluate the effectiveness of biofouling management plans and record books. Staff used modules and manuals developed by the GloFouling Partnerships Project, mixing lecture-style presentations with leading questions and planned activities to increase participation and engagement throughout the training. Staff weaved in the Commission's experience to augment the material with personal examples. Participants included ship owners, operators, and crews, ship agents, oil production companies, the Brazilian Navy, local and state regulators, professors, biologists and oceanographers from regional universities, and private labs and researchers. Staff had the opportunity to build collaborations with Mexican and Brazilian Navy researchers on California, Brazilian, and Mexican research and policies on ballast water and biofouling management to prevent invasive species introductions.

Staff is leading biofouling training throughout South America and in the coming months will deliver the same training in Peru and Ecuador. These types of opportunities to share our expertise are a testament to our team's excellent work and the collaborations we have built.



Figure 1. Photo courtesy of Marinha do Brazil

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Marine Invasive Species Prevention: Proposed Federal Regulations

The U.S. EPA issued a supplemental notice to their 2020 proposed rule to set discharge standards for large vessels operating in U.S. waters. Staff, together with partners in West Coast and Great Lakes states, provided input in 2020 to highlight concerns and to improve the original proposal. The supplemental notice was issued in October to share new data and analyses and to request comments on regulatory options the U.S. EPA is considering. Staff is reviewing the supplemental notice and is in discussion with partners in other states to provide meaningful comments to the U.S. EPA to ensure that the final rule will reduce the spread of invasive species and better protect aquatic ecosystems in California and throughout the nation.

Environmental Justice and Equity

It's been five years since the Commission adopted a new Environmental Justice Policy and implementation framework. Through this Policy and its 12 goals, the Commission committed to promoting equity and advancing environmental justice through inclusive decision-making that considers the disproportionate burdens on disadvantaged communities and Native Nations. The Commission also committed to applying the Policy to all its operations, programs, and policies. A key accountability metric in the implementation framework is to provide updates to inform the Commission of steps taken to implement the Policy.

Effective outreach and public engagement are the backbone of our Policy. This year, staff conducted environmental justice outreach on 13 lease applications and other projects, sending over 100 letters. Key outreach projects involve a vehicle triage center in the City and County of San Francisco, the Long Beach Unit Annual Plan, and California's offshore wind energy strategic plan. Interagency collaboration was another focus area. Staff are part of a multi-agency coalition that meets regularly to share progress, challenges, and ideas. This group, spearheaded by the California Natural Resources Agency, collaborates to advance environmental justice and equity in the natural resources realm. As part of this, staff participates in a language access working group that developed recommendations included in the Secretary's Operationalizing Equity through Short-term Actions Memorandum.

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Staff helped launch the [Coastal Justice Lab](#), a joint program led by Azul, a Latinx-led and -serving environmental justice organization focused on coastal and marine conservation, the Center for Land, Environment, and Natural Resources at UCI Law and UCI Newkirk Center for Science and Society. The Coastal Justice Lab will advance environmental justice in coastal regions. Staff also hosted an intern, through the CSU COAST program, who created a GIS StoryMap exploring the link between flooded hazardous facilities and the health of adjacent disadvantaged communities within the Commission's jurisdiction.

As we look toward the coming year and reflect on the last five years, the Japanese phrase *kaizen* inspires us, which is the philosophy that we are always improving, and everyone is actively involved in implementing our Environmental Justice Policy in meaningful ways that result in tangible benefits to underserved communities.

Bolsa Chica Ecological Reserve

The Commission and the California Department of Fish and Wildlife took a significant step forward in addressing sea level rise at the Bolsa Chica Ecological Reserve. On October 26, the Southern California Wetlands Recovery Project Directors Group approved a joint application from the Commission and the California Department of Fish and Wildlife to include a feasibility study of sea level rise adaptations at the Bolsa Chica Ecological Reserve in its Work Plan. This was followed by a staff-hosted tour of the Bolsa Chica Ecological Reserve with the Directors Group, the Wetland Managers Group, local NGOs, and the public to see firsthand what the Commission and our partners are doing to manage and preserve these essential wetlands and demonstrate the need for long-term sea level rise adaptive planning to protect and enhance these valuable resources into the future. The tour was also an opportunity for the NGOs to provide information on the educational and community engagement opportunities at the wetlands.

The Bolsa Chica Ecological Reserve is particularly vulnerable to early sea level rise effects compared to other coastal wetlands due to ground level subsidence from historical oil extraction. The need for early sea level rise adaptive measures was first highlighted in a 2021 Bolsa Chica Sustainable Alternatives Study commissioned by the Bolsa Chica Land Trust.

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Last June, the Commission and the California Department of Fish and Wildlife jointly presented to the Managers Group on the need for sea level rise adaptations at Bolsa Chica and submitted a joint application for a feasibility study. The Wetlands Recovery Project Managers Group is a partnership of 18 state and federal agencies that work together to solicit and review wetland restoration projects for recommendation for approval to the Work Plan. Each year, the Directors Group, the executive staff of these agencies, meets to vote on whether to approve projects to the Work Plan. The Work Plan is a list of high priority preservation, acquisition, restoration, and enhancement projects for wetlands and streams in the coastal watersheds of Southern California.



Figure 2. Photo courtesy of California Department of Fish and Wildlife

Fifth Climate Change Assessment Report/Climate Leadership Coordination

On November 14, the federal government released the [Fifth National Climate Assessment](#), providing an overview of the impact on the nation as climate change worsens and emphasizing that current efforts and investments are insufficient. The climate assessment is the federal government's preeminent report on climate change impacts, risks, and responses. It is a congressionally mandated interagency effort that provides the scientific foundation to support informed decision-making across the county. "Anyone who willfully denies the impact of climate change is condemning the American people to a very dangerous future," President Biden said in remarks about the assessment. "The

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impacts we're seeing are only going to get worse, more frequent, more ferocious, and more costly."

Staff is reviewing the new climate assessment in the context of updating our internal climate change adaptation work and in the context of the work staff does in partnership with our natural resource agencies. Staff participate in the California Natural Resources Agency's Climate Leadership Coordination working group and recently provided updates for the state Adaptation Strategy and contributed targets for the state's nature-based strategy climate targets.

Abandoned Commercial Vessel Removal

The Commission and its contractors have embarked on a commercial abandoned vessel removal pilot survey in the Delta that will inform a more comprehensive survey and vessel removal next year. The pilot survey will determine how many waterways can be covered in a discrete period of time—3 to 5 days—and how best to present data. The survey will likely focus on the San Joaquin River downstream from Stockton, where many commercial abandoned vessels are known to exist. Staff anticipates having sufficient information by June 2024 to allow the Commission and its marine services contractors to remove and dispose of abandoned vessels through the summer/fall season in 2024.

Eckley Pier Removal Project in the Carquinez Strait

In mid-November, staff completed the Eckley Pier Removal Project in the Carquinez Strait near the town of Crockett, removing a 270-foot-long rotted structure in the water. We removed 443 timber creosote piles and deck debris. The rotted pilings, the remains of an old Southern Pacific Ferry Terminal, jutted out from the water. Visitors enjoy the surrounding shoreline park area for its fishing at Eckley Pier, hiking on the Bull Valley Trail, and vistas of the northern Bay Area. Cleaning up the waterway and removing the creosote-treated timber piles and deck debris improves the environment and the health and safety of the Crockett community and visitors. The open, unobstructed waterway that resulted from our clean-up work is spectacular.

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Figure 3. Before photo of Eckley Pier taken July 20, 2023. Photo courtesy of CA State Lands Commission GIS Team



Figure 4. After photo of Eckley Pier taken November 21, 2023. Photo courtesy of CA State Lands Commission GIS Team

Offshore Wind Energy

Staff continues to participate in offshore wind planning in federal waters as a member of the Bureau of Ocean Energy Management Intergovernmental Task Force for offshore wind, and as a state agency named in AB 525, Chapter 231, Statutes of 2021. The Commission, the California Energy Commission, and other agency staff have continued work on California's Strategic Plan for offshore

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wind energy development. Staff effort has most heavily focused on chapters relating to seaport readiness, permitting, and workforce development. The California Energy Commission is expected to release the draft Strategic Plan for public comment this month.

The five leases for the Humboldt and Morro Bay Wind Energy Areas, the first wind energy leases offshore California, became effective on June 1. Staff has engaged with developers in a variety of settings to discuss issues such as agency jurisdiction, effective ways to communicate, site surveys, and the siting of electrical transmission cables. The next significant step is for the developers to conduct site surveys; these surveys could begin as early as spring 2024.

Along with other state agencies and tribal representatives, staff has been participating in bi-weekly meetings of a Tribal Working Group led by the California Energy Commission to discuss issues related to offshore wind policy in California. Staff also attended an intergovernmental meeting on November 9 to discuss offshore wind energy projects with California Native American tribes. Staff presented the Commission's role related to offshore wind at several public meetings, including participation in a November 3 public hearing on a new California Energy Commission funding program related to port infrastructure. Staff also participated in a panel discussion at a November 1 event in San Luis Obispo hosted by Congressman Carbajal, Senator Laird, and Assemblymember Addis, and in the Reuter's Floating Wind USA 2023 conference held on November 29-30 in San Diego.

Marine Protected Areas

Staff recently participated in the Marine Protected Areas (MPA) statewide leadership meeting. The leadership team meets quarterly to review progress on its work plan, discuss timely updates from each agency responsible for managing aspects of the MPAs, and share deep dives into special topics of concern to MPA management. October's meeting devoted time to the Tijuana River transboundary pollution crisis and its impacts on local MPAs in the area, as well as a robust discussion of the plans underway to update and build new infrastructure in Mexico and California to address the pollution and improve the environmental quality of the region.

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Oil Seep Working Group

Staff participated in a quarterly seep working group meeting convened by the California Department of Fish and Wildlife and UC Davis. The working group shared information about the oil seep research work they have been doing, including preparing an oil seep map and oil fingerprinting to determine a source when a sheen is reported. This work dovetails with the Commission's Coastal Hazards and Legacy Oil and Gas Well Removal and Remediation Program.

Offshore Oil and Gas Decommissioning Projects

Platform Holly

The well monitoring period on Platform Holly has been completed. In late September, we reactivated the drilling rig to perform additional well abandonment work. Planning and permitting for that work is underway and we anticipate it will be complete in the first quarter of 2024. Once complete, the rig will move onto cutting and removing the well conductor pipes that link the platform's wellheads to the seabed. Staff anticipates issuing a Notice of Preparation for an Environmental Impact Report for the Platform Holly Decommissioning Project next spring and releasing a Draft Environmental Impact Report for public review in 2025. Pursuant to the Phase 2 agreement executed in October of this year, ExxonMobil will undertake decommissioning the platform, at its expense, after the Commission certifies the Environmental Impact Report.

Rincon Island

Staff anticipates releasing the Draft Environmental Impact Report for the Rincon Decommissioning project for public review in the first quarter of 2024. Staff will convene public meetings during the public review period to summarize the main components and receive public comments. Staff will continue its consultation with Tribal Governments and continue its coordination with other government agencies, including the California Coastal Commission, State Coastal Conservancy, California Department of Fish and Wildlife, National Marine Fisheries Service, and Ventura County, as well as with affiliated Tribes. Staff will also keep the Legislature apprised.

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Rincon Island Legislative Site Visit

Staff hosted Senator Limón and her team at Rincon Island and updated them on this oil and gas decommissioning project. Senator Limón represents this area and has been heavily involved in oil and gas decommissioning issues for many years. The site visit was an opportunity for the Senator and her team to see the Island after the plug and abandonment work, ask questions, and learn what's to come as we move into the final phase of this project, which is to release a draft EIR for the decommissioning of Rincon Island and subsequently execute a decommissioning plan for the Island, the onshore facility, and the causeway.



Figure 5. Photo courtesy of Christina Montoya with Senator Limón's office.

Tijuana River Transboundary Pollution Crisis

Earlier this year, the U.S. EPA and U.S. International Boundary and Water Commission issued a Record of Decision for the proposed United States-Mexico-Canada Agreement Mitigation of Contaminated Transboundary Flows Project. The Record of Decision outlined a plan to expand the South Bay International Wastewater Treatment Plant up to 50 gallons per day. In 2021, Congress approved \$300 million towards the expansion of the South Bay Treatment Plant. However, after reassessing the funds needed to fully plan, design, and implement the expansion of the South Bay International Wastewater Treatment Plant, including accounting for inflation, the U.S. EPA and International Boundary

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and Water Commission determined additional funds were necessary. In response, Governor Gavin Newsom, Lieutenant Governor and State Lands Commission Chair Eleni Kounalakis, and other federal, state, and local political leaders in California called on the Biden administration and Congress to support additional funding. In October 2023, the Biden administration requested that \$310 million in emergency funding to support the ongoing design and construction at the South Bay International Wastewater Treatment Plant be included in a supplemental funding request. The \$310 million would supplement the \$300 million that Congress approved in 2021 to cover the expansion of the South Bay treatment plant.

Last month, the Commission voted to approve and sign a letter to Congress supporting both the request for \$310 million in emergency funding and its expeditious approval. The funding is urgently needed to address the transboundary pollution from Mexico into Southern California—a severe crisis that is an environmental justice issue, negatively impacting public health due to reduced air and water quality, damaging critical coastal and estuarine habitat, affecting border security and military personnel, and hurting local businesses and tourism. The Commission and its staff remain engaged in efforts to address the transboundary pollution crisis and will continue to work with local, state, federal, and community partners to help advance a comprehensive solution.

Nuclear Power Plant Operations and Decommissioning

San Onofre Nuclear Power Plant (SONGS)

In November, staff received the latest monitoring report on the onshore SONGS construction activities from Aspen Environmental Group. Major onshore activities will continue, including the establishment of equipment and material staging yards; the reconfiguration and/or reinforcement of site access roads and entrances; installation, modifications, or upgrades to rail infrastructure; construction of temporary containment enclosures to perform decontamination and dismantlement tasks; completion of radiological remediation; the segmentation and packaging of reactor vessel internals for shipment and disposal; the removal and disposal of large components (e.g., reactor vessels, steam generators, pressurizers, turbine generators); the dismantlement of

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container buildings; the removal of all remaining aboveground structures; and the partial removal of subsurface structures, systems, and components.

Offshore construction activities are anticipated to start in 2025, though, the schedule is under review to determine if activities will be moved to a later time. Southern California Edison anticipates continuing to discharge through the Unit 2 conduit into the ocean through 2024 as part of the operation and maintenance of the sewage treatment plant and the sumps. That is in addition to draining the spent fuel pools.

Diablo Canyon Nuclear Power Plant

In early November, PG&E filed a license renewal application with the Nuclear Regulatory Commission. The application review period is a multi-year process involving public engagement. If the Nuclear Regulatory Commission finds that the application is sufficient, PG&E can continue operating past their operating licenses while their application remains under review.

San Luis Obispo County anticipates releasing a Final Environmental Impact Report for the Diablo Canyon Power Plant Decommissioning Project in early 2024. This follows a Draft Environmental Impact Report that the County issued last July. The County and its consultant, Aspen Environmental Group, are in the process of responding to the comments received during the public review period.

Unrelated to the Environmental Impact Report, dredging is required to remove built up sand in front of the cooling water intake structure. Increased sediment can damage the intake system and that could endanger the cooling system. Maintenance dredging of the intake cove is under review and anticipated to take place in early 2024. The dredging will require a lease amendment from the Commission, which will be considered by the Commission at a properly noticed, public meeting.

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