

APPENDIX A

Comments on Notice of Preparation (NOP)
and Index to Location Where Each
Individual NOP Comment Is Addressed in EIR
(Updated: March 2024)

INDEX TO NOTICE OF PREPARATION (NOP) COMMENTS

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

Table A-1
NOP Commenters and Comment Set Numbers

Agency/Affiliation	Name of Commenter	Date of Comment	NOP Comment Set
Native American Heritage Commission (NAHC)	Cody Campagne, Cultural Resources Analyst	October 6, 2022	1
U.S. Army Corps of Engineers	Theresa Stevens, Senior Project Manager	October 6, 2022	2
Individual	Dan Reddick (Oral Comment)	October 20, 2022	3
Individual	Robert Brunner (Oral Comment)	October 20, 2022	4
Ventura County Commercial Fisherman's Association	Jeff Maassen	October 20, 2022	5
Individual	Pam Worden	October 20, 2022	6
Individual	Marjorie Badger	October 20, 2022	7
Ventura County Commercial Fisherman's Association	Dave Colker	October 20, 2022	8

Agency/Affiliation	Name of Commenter	Date of Comment	NOP Comment Set
Caltrans	Miya Edmonson, LDR/CEQA Branch Chief	October 27, 2022	9
Coast Ranch Family, LLC	William W. Carter, Attorney, Musick, Peeler & Garrett LLP	November 1, 2022	10
California Department of Fish and Wildlife – South Coast Region	Erinn Wilson-Olgin, Regional Manager	November 2, 2022	11
Ventura County Air Pollution Control District	Nicole Collazo, Air Quality Specialist	November 2, 2022	12
Individual	Daniel Reddick	November 3, 2022	13
California Coastal Commission	Wesley Horn, Environmental Scientist	November 4, 2022	14
Heal the Ocean	Hillary Hauser, Executive Director	November 4, 2022	15
Ventura County Resources Management Agency – Cultural Heritage Board (CHB)	Dillan Murray, Assistant Planner	October 13, 2022	16
Individual	Robert Brunner	Not included	17

Table A-2
Responses to the NOP Comments

Comment Number	Responses
Native American Heritage Commission (NAHC)	
1-1	The California State Lands Commission (CSLC or Commission) has been coordinating with tribes in accordance with AB 52 throughout the preparation of the Project Feasibility Study and Draft EIR. Please see Section 4.5.1.1, Tribal Coordination, of the EIR for information regarding Project consultation in accordance with AB 52.
1-2	The additional requirements added to the California Environmental Quality Act (CEQA) by AB 52, identified as numbers 1 through 11 in the NAHC letter, were adhered to in the current CEQA Project review. See Sections 4.4, Cultural and Historic Resources, and 4.5, Cultural Resources – Tribal, for additional detail.
1-3	The SB 18 provisions, identified as numbers 1 through 4 within the NAHC letter, were adhered to in the current CEQA Project review. See Sections 4.4, Cultural and Historic Resources, and 4.5, Cultural Resources – Tribal, for additional detail.
1-4	Recommended actions 1 through 4 pertaining to the Cultural Resources Assessment have been adhered to in the current CEQA Project review. See Sections 4.4, Cultural and Historic Resources, and 4.5, Cultural Resources – Tribal, as well as Appendix F (Phase 1 Archeological Report) for further detail.
U.S. Army Corps of Engineers (USACE)	
2-1	<p>As indicated within Section 4.6, Geology and Coastal Processes, the proposed Project would result in short-term impacts related to surface erosion during decommissioning and soil remediation activities. However, MM GEO-1 (Grading and Erosion Control Plan), MM AQ-1 (Standard Ventura County Air Pollution Control District Construction Emissions Reduction Measures [Fugitive Dust Control]), and MM HWQ-1 (Storm Water Pollution Prevention Plan) would be incorporated to reduce potential impacts.</p> <p>Additionally, the State Coastal Conservancy (SCC) Parcel Project Options 1 through 3 include various approaches to address</p>

Comment Number	Responses
	<p>erosion protection and stabilization onsite. Option 1 includes revegetation with native plants, Option 2 includes placement of a cobble back berm, and Option 3 includes placement of riprap along the gap in the shoreline. However, as detailed in Appendix G2 (Griggs, 2022) based on a review of historical aerials, placement of armaments in this area has occurred periodically over the years (with documentation of riprap onsite prior to 1971). The resulting changes have not contributed to a significant difference in the volume of sand available for littoral transport to beaches downcoast, as the long-term average annual littoral drift of sand along the Rincon coast has remained consistent at approximately 300,000 yds³ per year. Therefore, Options 1 through 3 are anticipated to create a less than significant impact to littoral transport. Once a Project has been selected by CSLC, appropriate permits through USACE will be applied for (and reviewed/approved) before initiation of work.</p>
	Transcript from NOP Public Scoping Meeting on June 24, 2021
	Mr. Reddick
3-1	<p>Please see Section 5.0 for the Alternatives Analysis conducted for the Project. The Alternatives included in the EIR include: the No Project Alternative, Reefing Alternative, Abutment and Revetment Retention Alternative, Partial Causeway Removal Alternative, and Offshore Disposal Alternative.</p> <p>The Rincon Phase 2 Decommissioning Feasibility Study (https://slc.ca.gov/oil-and-gas/rincon-phase-2-decommissioning-feasibility-study/), completed in July 2022 (Study), evaluated three Project scenarios (referred to in the Study as “Reefing,” “Reuse,” and “Removal” Alternatives) that included a number of Project components. As summarized in the Study findings, it was concluded that the Feasibility Study Reuse Alternative required the least number of tasks and would result in fewer temporary impacts associated with construction activities as compared to the other Alternatives. Based on this analysis, the Commission chose the Feasibility Study Reuse Alternative to be further refined into the proposed Project being evaluated in this EIR (Item 47, August 23, 2022). Because the Project was selected as a result of</p>

Comment Number	Responses
	<p>the Study findings, which already included an alternatives analysis and ruled out certain alternatives (such as full removal of Rincon Island) as infeasible, there are no further alternatives available to consider in the EIR that would avoid or substantially lessen any significant effects.</p> <p>However, several different alternatives have nonetheless been included in the Alternatives analysis in the EIR in order to present a full range of scenarios based on public and agency input received throughout the Study and EIR scoping process. In some cases, these alternatives are included despite the potential for increased environmental impacts in order to provide the Commission, other responsible agencies, and the public with a thorough understanding of the tradeoffs of other alternatives that could be considered. For example, alternatives to the final disposition of the causeway would generally meet the Project objectives, but would have the potential to increase environmental impacts due to an increase in construction, and would significantly limit potential reuse options on Rincon Island. However, they would also return all or a portion of the causeway route to a natural state.</p> <p>The ongoing cost of causeway maintenance, as presented in the proposed Project, would be paid for by an appropriation from the State General Fund, unless and until a lessee is approved to take over management of the causeway.</p>
3-2	The benefits of retaining the causeway are discussed within Section 4.3, Biological Resources, of the EIR. Based on Feasibility Study results, the proposed Project does not include removal of the causeway. Please refer to the response to Comment 3-1, above.
3-3	Comment Noted. Please see Section 4.6, Geology and Coastal Processes, and Appendices G1 and H for a discussion regarding potential effects of causeway removal on the shoreline.
3-4	Comment Noted.
	Mr. Brunner

Comment Number	Responses
4-1	Comment Noted. Please see Section 4.6, Geology and Coastal Processes, and Appendices G1 and H for a discussion regarding potential effects of causeway removal on the shoreline.
4-2	See comment and response 2-1, above. The USACE has reviewed the preliminary Project information. Once a Project has been approved by the Commission, staff will coordinate with the USACE for appropriate permits (as applicable).
4-3	Please see Appendix G2 (Griggs, 2022) for a discussion regarding potential effects on the shoreline from proposed improvements to the SCC parcel located adjacent to the Mussel Shoals community.
4-4	Comment Noted.
4-5	Comment Noted.
4-6	Comment Noted.
4-7	As previously discussed, the oil wells referenced are not part of the proposed Project activities, but are under CSLC jurisdiction and will be addressed through separate, unrelated, future CSLC activities. Please see https://www.slc.ca.gov/oil-gas/ for the current status of other oil and gas projects in the County under CSLC jurisdiction.
4-8	As previously discussed, no future use of the Project sites is being considered at this time. When a future use is proposed, that use will undergo separate environmental review and the public will be provided with additional opportunities to comment.
4-9	Comment Noted.
	Mr. Maassen
5-1	Comment Noted.
5-2	Rincon Island will remain in place. No future use of the Project sites is being considered at this time; however, your suggestion regarding kelp restoration as a preferred future project has been noted.
5-3	The existing ecological benefits of the causeway and adjacent rocky outcrops are noted within Section 4.3, Biological Resources, and Appendix D2, Rincon Island Causeway Marine Biological Survey Report (Padre, 2022). It is understood that the causeway provides additional habitat in the offshore Project area.

Comment Number	Responses
	Ms. Worden
6-1	Comment Noted. Please see Section 4.6, Geology and Coastal Processes, and Appendices G1 and H for a discussion regarding potential effects of causeway removal on the shoreline.
6-2	Please see the Project Description as well as Section 4.13, Transportation and Traffic, for a discussion of planned staging and parking associated with each Project site.
6-3	Comment Noted.
	Ms. Badger
7-1	Please see Section 5.4.3, Partial Causeway Removal Alternative, for a visual representation of the partial causeway removal alternative.
	Mr. Colker
8-1	No future use of the Project sites is being considered at this time; however, your suggestion regarding kelp restoration as a preferred future project has been noted.
8-2	Please see Section 4.3.1.3, Biological Resources – Site Specific Setting, for a discussion of existing Marine Protected Areas in relation to the proposed Project, as well as Section 8.2, Commercial Fishing, for a discussion of commercial fishing. The offshore Project sites are held by CSLC in trust for the people of California, and these lands may only be used for purposes consistent with the Public Trust Doctrine, including but not limited to fishing. CSLC is not planning to propose closure of the area to commercial fishing.
	Caltrans
9-1	The suggested methodology of using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts in accordance with SB 743 (2013) has been adhered to and utilized in the Transportation analysis in Section 4.13. Accordingly, the proposed Project's decommissioning impacts on transportation, including a summary of anticipated commuter traffic trips in relation to the VMT threshold of 110 passenger trips per day, has been included in the discussion for Impact T-1: Decommissioning Vehicle Trip Generation and VMT. Please see Section 4.13, Transportation and Traffic, for additional details.

Comment Number	Responses
9-2	Comment Noted. Once a Project has been approved by the Commission, appropriate permits through Caltrans will be applied for (and reviewed/approved) before initiation of work related to the Onshore Pipeline Connections (OPC) decommissioning underneath or adjacent to U.S. Highway 101.
	Coast Ranch Family, LLC – William W. Carter, Attorney, Musick, Peeler & Garrett LLP
10-1	The Coast Ranch Family, LLC statements regarding preferred remediation levels and their relation to anticipated future use have been noted.
10-2	As requested, various remediation options have been considered with respect to the Onshore Facility. Please see Section 2.3.4, Onshore Facility Remediation Options, for detail.
10-3	Please see Section 4.10, Land Use and Planning, for a discussion regarding Land Use policy applicability; and Section 4.12, Recreation, for potential impacts to recreational resources.
10-4	Comment Noted.
10-5	See response to Comment 4-2 above. The soil and groundwater remediation activities at the Onshore Facility would be completed in accordance with a Remedial Action Plan (RAP) approved by the Los Angeles Regional Water Quality Control Board (LARWQCB) and Ventura County Environmental Health Division (VCEHD). LARWQCB and VCEHD will need to approve the remediation method and cleanup levels (objectives) prior to Project implementation. See Section 2.3.4, Onshore Facility Remediation, for further discussion.
10-6	Comment Noted. See response to Comment 10-5 above.
10-7	Comment Noted. See response to Comment 10-5 above.
10-8	Comment Noted.
	California Department of Fish and Wildlife – South Coast Region
11-1	Please see Section 4.3.1, Biological Resources – Environmental Setting, for a discussion of shorebirds in relation to the coastal Project sites. Section 4.3.1.4 and Appendix D4 provide a summary of special status species. A biological survey of the Project sites by a qualified biologist was conducted most recently in August 2023. Potential impacts related to habitat, noise, light, and human

Comment Number	Responses
	activity have been discussed in the EIR analysis. Additionally, Appendix D3 provides information related to use of the causeway and Rincon Island by shorebirds.
11-2	See Section 4.3, Biological Resources, for a discussion of nesting birds, including a determination of suitable habitat present at the Project sites and proposed mitigation measures MM BIO-1a (Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys) MM BIO-1b (Environmental Awareness Training), and MM BIO-4 (Pre-Activity Western Snowy Plover Survey) including pre-Project surveys or avoidance of avian breeding season during implementation of Project activities (as applicable).
11-3	See Appendix D5 for a listing of plants anticipated to occur at the Project sites. A biological survey of the Project sites by a qualified biologist was conducted most recently in August 2023. As noted within Section 4.3, Biological Resources, based on literature review and a biological survey, there are no special status plant species that are known to occur or have the potential to occur within the onshore Phase 2 decommissioning sites, including the SCC Parcel, OPC, and Onshore Facility.
11-4	Comment Noted. As noted in Appendix D4, there is a low probability of occurrence with respect to Crotch's Bumblebee since suitable habitat in the onshore study area is highly disturbed and food plants are not present. Additionally, there is no vegetation removal or ground disturbance proposed at the OPC Project site. Therefore, potential impacts to Crotch's Bumblebee would not result.
11-5	Comment Noted. As noted in Appendix D4, there is a low probability of occurrence with respect to San Diego Desert Woodrat since suitable habitat within the onshore Project area is highly disturbed. Additionally, there is no vegetation removal or ground disturbance proposed at the OPC Project site. Therefore, no potential impacts to San Diego Desert Woodrat would result.
11-6	A biological survey of the Project sites was conducted most recently in August 2023. No presence of bats or roosts was noted in proximity to the Project sites during various field surveys conducted from 2020 through 2023. Additionally, the Project does

Comment Number	Responses
	not include vegetation removal other than the existing non-native ground cover located along the back shoreline of the SCC Parcel, which is not adequate habitat to support bats.
11-7	No Project activities will occur in or in direct proximity to Los Sauces Creek; therefore, a Lake and Streambed Alteration Agreement would not be required, and no mitigation has been proposed.
11-8	See Section 4.3.2.2, Coastal Wetlands, for a discussion of wetlands in proximity to the proposed Project sites.
11-9	A discussion of Project consistency with the Ventura County Local Coastal Program policies is included throughout the document, and particularly in Section 4.3, Biological Resources, as well as Section 4.10, Land Use and Planning.
11-10	The proposed Project methodologies were selected to minimize potential ground disturbance and potential impacts to biological resources to the extent feasible. The OPC are located within a vault with appropriate space necessary to remove the pipelines without requiring ground disturbance. No remediation is required at the SCC Parcel. Alternative remediation methodologies were considered for the Onshore Facility as outlined in Section 2.3.4.2 and discussed throughout the EIR.
11-11	As described in Section 2.2.3, State Coastal Conservancy (SCC) Parcel, restoration activities performed at the SCC Parcel will include planting of native species.
11-12	See response to Comment 11-11 above, and Section 2.2.3 for Project methodology specifying that native plants be utilized in restoration activities.
11-13	See Section 5.0 for the Project Alternatives Analysis including specified detail, as appropriate, and impact analysis, including to marine habitat and species.
11-14	See Section 4.3.1, Biological Resources – Environmental Setting, and Appendix D2 for a discussion of marine resources in proximity to the offshore Project site. Removal of the Island is not proposed under any Project Alternative. Potential impacts of partial or complete causeway removal are included in Sections 5.4.2 through 5.4.4 of the Alternatives analysis.

Comment Number	Responses
11-15	A dive survey was conducted in Fall 2022 to document marine resources offshore (Appendix D2). No abalone species were observed during the Project surveys conducted by the University of California, Santa Barbara in 2021 or Padre in 2022.
11-16	See Section 8.2 for a discussion of commercial fishing and Section 4.12, Recreation, for a discussion of recreational fisheries.
11-17	See Section 4.3, Biological Resources, for setting and impact analysis related to marine mammals and sea turtles.
11-18	The proposed Project does not include removal of Rincon Island or the causeway. Potential impacts related to Project Alternatives including causeway removal are included in Section 5.0, Project Alternatives Analysis.
11-19	Removal of Rincon Island is not included in the proposed Project or any Project Alternative. Potential impacts to water quality resulting from Project activities are included in Section 4.8, Hazards and Hazardous Materials, and Section 4.9, Hydrology and Water Quality. Potential impacts to water quality from Project Alternatives are discussed in Section 5.0, Project Alternatives Analysis.
11-20	Work activities are not proposed during nighttime hours; therefore, artificial lighting will not be required. However, in the event that lighting is required, MM AES-1c (Minimize Night Lighting) has been proposed to minimize the number of fixtures and intensity needed for decommissioning activities. No changes to the existing baseline lighting scheme are proposed at Rincon Island. Any future proposed use at the Island will be evaluated for potential impacts in a subsequent environmental analysis.
11-21	No relocation of marine species is required or proposed as part of the Project.
11-22	As the future use of Rincon Island is unknown, CSLC is unable to provide requested detail regarding future uses or access. However, as previously noted, when a future use is proposed, the use will be evaluated in a subsequent environmental analysis and a detailed description will be provided at that time.
11-23	Comment Noted.

Comment Number	Responses
11-24	See Section 4.3 for a discussion of biological resources, including recent surveys and relevant mitigation measures proposed.
11-25	Special status species included on the USFWS and NMFS species lists or with California Native Diversity Database (CNDDDB) occurrences within 5 miles of the onshore and offshore Project sites are evaluated for potential occurrence in Appendix D4. This table also includes rationale for why certain species were excluded from further analysis in the EIR.
11-26	See proposed mitigation measures provided in the Project's Mitigation Monitoring Program (MMP), Appendix K.
11-27	Comment Noted. The listed topics have been included in the EIR impact analysis.
11-28	No potential impacts to special status species without appropriate mitigation measures have been determined. An Incidental Take Permit (ITP) will not be required for the Project or Alternatives.
11-29	A mitigation measure requiring a qualified biological monitor to perform a pre-Project survey is included as MM BIO-1a (Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys). Additionally, MM BIO-4 requires a pre-activity survey for western snowy plover.
11-30	Comment Noted. No translocation is proposed as part of the Project.
11-31	Please see Alternatives Analysis in Section 5.0.
	Ventura County Air Pollution Control District
12-1	See Section 4.2, Air Quality – Setting, Regulatory Setting, for reference to and analysis in accordance with the 2016 Air Quality Management Plan.
12-2	Sections 4.2, Air Quality, and 4.7, Greenhouse Gas Emissions, have been prepared in accordance with the Ventura County Air Quality Assessment Guidelines.
12-3	Section 4.2, Air Quality, includes an assessment of construction emissions (see Table 4.2-2a and 4.2-2b for a summary). Appendix I provides the air quality calculation spreadsheets.
12-4	See MM HAZ-1d (Hazardous Materials Management and Contingency Plan) specifying covered truckloads for hauling activities.

Comment Number	Responses
12-5	Comment Noted. As specified in Sections 4.2, Air Quality, and 4.8, Hazardous Materials, demolition activities at Rincon Island will be conducted in accordance with Air Pollution Control District (APCD) Rule 62.7.
	Daniel Reddick
13-1	Please see Section 5.0 for the Alternatives Analysis conducted for this EIR. The benefits of retaining the causeway are discussed within Section 4.3, Biological Resources, of the EIR. Please refer to the response to Comment 3-1, above.
13-2	Comment Noted. The California Coastal Commission (CCC) is responsible for issuing permits related to Project activities in the Coastal Zone. See responses to CCC comments in Section 14 below. Under CEQA, CSLC is required to evaluate Project Alternatives as part of the environmental analysis.
13-3	Comment Noted.
	California Coastal Commission
14-1	Comment Noted. CSLC will consult with the County of Ventura to determine if they would like to consolidate issuance of a CDP for the selected Project activities.
14-2	The CCC's comments received during development of the Feasibility Study and as part of the Joint Review Panel for the EIR, have been considered within the EIR analysis.
14-3	It is noted that CCC would like consideration of reuse alternatives that preserve, enhance, and maximize coastal access and recreational opportunities. However, as noted in response to the Feasibility Study comments, reuse proposals have not been received at this time and will be considered in subsequent environmental analysis. A Project option has been included in the EIR (described in Section 2.3.1.1 – Public Facilities Retention Option) that would retain the existing septic system on Rincon Island to potentially support future coastal access and recreation opportunities.
14-4	See response to Comment 14-3 above.
14-5	Based on comments received during the Feasibility Study phase of the Project development, the proposed Project was chosen to minimize potential impacts. The Alternatives provided in Section

Comment Number	Responses
	5.0 are intended to consider a full range of alternatives to the Project for comparison purposes.
	Heal the Ocean
15-1	Comment Noted.
15-2	Comment Noted.
15-3	The proposed Project does not include removal of the causeway; however, causeway removal is included in the Alternatives Analysis to provide a full range of scenarios with regard to the final disposition of the causeway. CSLC recognizes Heal the Ocean's preference for the proposed Project as opposed to an Alternative that includes removal of any portion of the causeway so that the causeway remains to facilitate future use of the Island.
	Ventura County Resources Management Agency – Cultural Heritage Board (CHB)
16-1	Comment Noted. See Section 4.4, Cultural and Historic Resources, for a discussion regarding the remaining buildings proposed for removal on Rincon Island. Since removal of these buildings would not result in a change to the current shape or design of Rincon Island, the Island would retain the integrity of feeling and association because the engineering design remains very recognizable. No significant impact would result.
	Robert Brunner
17-1	See response to USACE Comment 2-1 above. Once a Project has been approved by the Commission, the Project will be submitted to the responsible jurisdictions, including the USACE, for review and approval prior to implementation.
17-2	Comment Noted. See Appendix K, Mitigation Monitoring Program, for a summary of mitigation measures proposed to protect the marine environment during the proposed Project activities.
17-3	CSLC is aware of the oil wells referenced and will address their plugging and abandonment as part of a separate project.
17-4	As previously noted in response to Feasibility Study comments, future reuse of Rincon Island is not being addressed at this time. Once a future use of the Island is proposed by an applicant, it will be subject to subsequent environmental review, and the public

Comment Number	Responses
	will have opportunities to provide comment on the proposed use at that time.



NATIVE AMERICAN HERITAGE COMMISSION

October 6, 2022

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Re: 2022100043, Rincon Phase 2 Decommissioning Project, Ventura County

Dear Ms. Herzog:

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

Comment**1-1**

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

Comment**1-2**

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

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

AB 52

Comment 1-2 Cont.

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

Comment 1-2 Cont.

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

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

Comment 1-3

SB 18

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

Some of SB 18's provisions include:

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

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

Comment 1-4

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Comment 1-4 Cont.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Herzog, Cynthia@SLC

From: Stevens, Theresa CIV USARMY CESPL (USA) <Theresa.Stevens@usace.army.mil>
Sent: Thursday, October 6, 2022 1:20 PM
To: Comments, CEQA@SLC
Cc: Stevens, Theresa CIV USARMY CESPL (USA)
Subject: Rincon Phase 2 Decommissioning Project NOP Comments

Attention: This email originated from outside of SLC and should be treated with extra caution.

Comment 2-1

To Whom it May Concern:

The US Army Corps of Engineers Los Angeles District Regulatory Division has reviewed the NOP and submit the following comments. The scope of potential erosion reduction measures is unclear. In the event there would be a discharge of dredged or fill material in navigable waters of the U.S. to complete erosion repairs, the Regulatory Division North Coast Branch Ventura Field Office should be contacted to determine if a Section 404 (Clean Water Act) and/or Section 10 (Rivers and Harbors Act) permit is required.

Thank you-

During the Coronavirus Health Emergency, please do not mail printed documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:
https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory_SPN.pdf?ver=2020-03-19-134532-833

Theresa Stevens, Ph.D.

U.S. Army Corps of Engineers
Los Angeles District
Regulatory Division
60 South California Street, Suite 201
Ventura, CA 93001-2598

PHONE: 805-585-2146

<http://www.spl.usace.army.mil/Missions/Regulatory/>

Assist us in better serving you!

You are invited to complete our customer survey, located at the following link:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

PUBLIC HEARING
STATE OF CALIFORNIA
LANDS COMMISSION

In the Matter of:)
)
Public Scoping Meeting for)
for Rincon Phase 2)
Decommissioning Project)
-----)

CARPINTERIA CITY HALL
5775 CARPINTERIA AVENUE
CARPINTERIA, CALIFORNIA

THURSDAY, OCTOBER 20, 2022
2:00 P.M. AND 6:00 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

APPEARANCES

STAFF:

Cynthia Herzog, Senior Environmental Scientist

Katie Robinson-Filipp, Environmental Scientist

ALSO PRESENT:

Marjorie Badger

Robert Brunner

Dave Colker, Ventura County Commercial Fishermen's
Association

Jennifer Leighton, Padre Associates

Jeff Maassen

Simon Poulter, Padre Associates

Dan Reddick

Pam Worden

<u>INDEX</u>	<u>PAGE</u>
2:00 p.m. Hearing(In-Person)	
Opening remarks by Senior Environmental Scientist Herzog	1
Presentation by Mr. Poulter	6
Mr. Reddick	13
Mr. Brunner	16
Mr. Maassen	18
Ms. Worden	20
Ms. Badger	23
Closing Remarks by Senior Environmental Scientist Herzog	26
Recess	
6:00 p.m. Hearing (In-Person and Zoom)	
Opening Remarks by Senior Environmental Scientist Herzog	27
Presentation by Mr. Poulter	33
Mr. Colker	39
Closing Remarks by Senior Environmental Scientist Herzog	40
Adjournment	41
Reporter's Certificate	42

PROCEEDINGS

1
2 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: At this
3 time, we're going to start the public scoping meeting for
4 the Rincon Phase 2 Decommissioning Environmental Impact
5 Report. It's October 20th, 2022 at 2 p.m.

6 Welcome and thank you all for coming. We
7 appreciate your interest in this environmental review of
8 the project. Before I begin, I'd like to acknowledge that
9 the project areas are located on the traditional territory
10 and homelands of the Chumash people. Since time
11 immemorial, the Chumash have lived on this coast and
12 fished these waters in a relationship of balance and
13 sustainability. Through informed intentional action, we
14 demonstrate our respect for our ongoing trust relationship
15 with the Chumash who are essential stewardship partners of
16 the State lands and resources.

17 (Thereupon a slide presentation.)

18 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: My name
19 is Cynthia Herzog. I'm a Senior Environmental Scientist
20 with the California State Lands Commission, Division of
21 Environmental Planning and Management, and will be
22 overseeing the preparation of the Environmental Impact
23 Report in compliance with the California Quality Act --
24 Environmental Quality Act, or CEQA.

25 With me today is Simon Poulter and Jennifer

1 Leighton with Padre Associates, the consultants retained
2 for this project. First, I'd like to go over a few
3 details. As you might have seen when you came in, there
4 are sign-in sheets available in the back lobby, so we can
5 have a complete record of the meeting and so you can be
6 added to our mailing list to receive notices regarding the
7 EIR.

8 We also have speaker slips in the back table for
9 those who would like to speak on the scope and content of
10 the proposed document. The slips can also be used to
11 provide brief written comments on the back of the form.
12 You can also email or mail your comments to the address in
13 the Notice of Preparation. Additional copies of that
14 notice are also available in the back. The 30-day comment
15 period will end on November 4th, 2022.

16 Next slide, please.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: And let's
19 go one more.

20 --o0o--

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: There we
22 go. The meeting agenda today will consist of an
23 introduction and meeting purpose, background and proposed
24 project description, the CEQA process, public comments,
25 followed by the close of the meeting.

1 We are having a second session at 6 p.m. tonight.
2 You don't need to sign up and speak at both sessions to
3 have your comments noted.

4 Next slide.

5 --o0o--

6 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
7 purpose of this meeting is to obtain agency, tribal and
8 public input and comment on the scope of the issues and
9 analysis that the State Lands Commission should consider
10 in the project Environmental Impact Report, or EIR. All
11 oral comments presented today will be record in a
12 transcript and joined with written comments to inform the
13 Commission's analysis of the project.

14 Next slide, please.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Rincon
17 Island is located 3,000 feet offshore of Punta Gorda in
18 Ventura County, approximately seven miles northwest of the
19 City of Ventura and is approximately 55 feet of water. A
20 causeway connects the island to the coast. On the
21 landward end, the causeway is connected to an abutment
22 that is surrounded by protective rock revetment. The
23 onshore facility consists of a six-acre -- Excuse me,
24 six-acre parcel owned by the State located 1.3 miles to
25 the east of Rincon Island off of the Pacific Coast

1 Highway.

2 A State Coastal Conservancy parcel included in
3 the decommissioning analysis is located just east of the
4 causeway landing. And you can kind of see that right on
5 the slide in blue. Maybe you can see that. It's pretty
6 faint.

7 Next slide, please.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The three
10 phases of Rincon planning and decommissioning are shown on
11 this current slide. Phase one of the Rincon
12 decommissioning included the plugging and abandonment of
13 all oil and gas wells, and the removal of surface
14 equipment at Rincon Island, the onshore facility, and the
15 adjacent privately owned Coast Ranch parcel. Phase one
16 activities were completed in June 2021.

17 Phase two of the Rincon decommissioning effort,
18 our current phase, includes the preparation of a
19 feasibility study, which was completed, public outreach,
20 and analysis under the California Environmental Quality
21 Act.

22 Phase three will consist of securing funding and
23 implementation of the project decommissioning plan that is
24 selected by the Commission after the CEQA process is
25 complete.

1 Next slide.

2 --o0o--

3 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: These
4 photos show the current condition of Rincon Island and the
5 wharf. As you can see, very few structures remain on the
6 island. The island is currently under caretaker status,
7 which includes daily monitoring.

8 Next slide.

9 --o0o--

10 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Here are
11 photos of the onshore facility and the pipeline connection
12 valve box landward of the causeway where the pipeline
13 disconnection would take place.

14 Next slide.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: And
17 finally, this photo shows the Coastal Conservancy parcel,
18 which is also included as part of the proposed project.

19 Next slide.

20 --o0o--

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
22 flowchart shown here was prepared to clarify the phase two
23 decommissioning process and reiterate that the process
24 allows for ongoing public, tribal, and agency engagement.
25 AB 52 tribal consultation will take place as part of the

1 CEQA process. The red-lined box indicates where we are
2 now.

3 Next slide.

4 --o0o--

5 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: As
6 mentioned previously, a feasibility study was prepared as
7 a preliminary concept level study to support Commission
8 selection of a proposed project for analysis in the EIR.
9 The draft feasibility study was released on March 17th,
10 2022 for a 60-day public review period. The final
11 feasibility study was released on July 21st, 2022, and can
12 be found on the Commission's website. On August 23rd,
13 2022, the Commission approved the feasibility study and
14 staff's recommendations for selection of a proposed
15 project and preparation of an EIR.

16 Next slide.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: At this
19 time, I'd like to turn it over to Simon to discuss the
20 Environmental Impact Report process.

21 MR. POULTER: Thank you, Cyndi, and welcome
22 everyone. Simon Poulter with Padre Associates. I'm a
23 Principal with the firm and lead our environmental
24 sciences group. I'm joined by Jenni -- Jennifer Leighton,
25 who is the project manager for the upcoming EIR. As those

1 of you who have participated in previous CEQA document
2 processes, you know there are multiple steps as part of
3 this ongoing effort. We are currently in the scoping
4 phase, which allows agencies and the general public to
5 provide input on what the content and analysis focuses
6 will be on that document.

7 Once we have completed our initial analysis, a
8 draft document will be released to the public. That will
9 be currently slated for sometime in the second and third
10 quarter of next year. We need that time to both complete
11 the analysis plus some specific studies we are undertaking
12 to complete our technical analysis.

13 During the public review period, which will
14 typically be 45 days, we solicit comments from you and
15 other agencies to -- as a result of the analysis that's
16 done. And we then prepare responses to any comments we
17 receive, prepare a final document, and that document is
18 then presented to the Commission -- State Lands Commission
19 for certification and approval of an approved action,
20 depending on what that might be.

21 Next slide, please.

22 --o0o--

23 MR. POULTER: As outlined by Cindy, the
24 Commission has made a determination, based on the results
25 of the first component of this process, this phase 2

1 process, the feasibility study project that we are taking
2 forward as the proposed project, and that is a reuse
3 alternative. And I want to emphasize that is not a
4 specific reuse. It is just preparing the island for
5 potential reuses. That -- it will be another phase
6 depending on who applies for the potential reuse of
7 that -- of the facilities.

8 The reuse alternative includes the retention of
9 the island and the causeway in its current configuration,
10 the remaining portions of the onshore facility will be
11 decommissioned. And as you've seen in the pictures or
12 maybe seen on the site, all the wells have been abandoned
13 and there are only a few facilities remaining on that site
14 that would need to be addressed. We would also finalize
15 the abandonment of the onshore pipeline under the freeway
16 to the connection box next to the highway and then finally
17 make some improvements to the SCC parcel, which is
18 currently experiencing quite a bit erosion.

19 Next slide, please.

20 --o0o--

21 MR. POULTER: One key component and decision that
22 has been made is that the retention of Rincon Island will
23 move forward as part of the proposed project. As
24 documented in numerous studies that we've completed using
25 UCSB, the island has tremendous biological resource

1 habitat in an area that is pretty much devoid of rocky
2 substrate. So it provides a very unique habitat in the
3 area. This slide shows some of the pictures from the
4 study. And again, all of these reports were included in
5 our feasibility report, if anybody would like to see it.

6 Next slide, please.

7 --o0o--

8 MR. POULTER: Under the California Environmental
9 Act -- Quality Act, we are required to look at a number of
10 resource issues for potential impacts. These range from
11 physical, biological, and social/cultural issues. This
12 slide highlights those key issue areas that we are
13 planning on looking at as part of this analysis. And
14 again, this is focusing in on both the technical
15 components that were previously described in the
16 feasibility study, but also we're doing some additional
17 work to address these issues.

18 Project alternatives, which is something we're
19 very interested in hearing further dialogue. Although we
20 looked at a number of alternatives in the feasibility
21 study, we will continue that analysis through the EIR for
22 additional information to the decision-makers and the
23 general public. And that includes a reefing alternative.
24 Although, I described the island as it's currently
25 configured is providing substantial biological benefits.

1 There are some things that could be done to enhance the
2 reefing component.

3 We are also looking at a -- a partial causeway
4 removal, which is associated with the idea that the
5 causeway may be providing some recreational benefits to
6 the site that would allow retention of portions of that
7 causeway for continued use, much like a recreational pier
8 or a similar configuration.

9 We are also looking at removal of the causeway,
10 but retention of the abutment and revetment, which is the
11 rocky structures and the -- and the concrete structures
12 that are on the onshore end of the -- of the causeway.
13 And then finally, as required by CEQA, we will be looking
14 at the no project alternative, which means status quo.

15 Next slide, please.

16 --o0o--

17 MR. POULTER: The in -- the alternatives that we
18 are looking for additional input on need to look at --
19 need to meet a certain criteria. And that's, you know,
20 outlined in the project objectives. They must be feasible
21 and they must be capable of reducing any impacts --
22 significant impacts that we identify as part of our
23 analysis. So we do have a certain constraint on what we
24 can consider as an alternative, but we are definitely
25 looking for input on that.

1 I noted earlier that we are conducting some
2 additional studies based on the public input during the
3 feasibility study. This includes looking at potential
4 impacts of the removal of the causeway and that potential
5 impact on the surf break and sediment transport in and
6 around the point -- Punta Gorda Port point there. So
7 again, we're -- we're using that analysis and then we're
8 also doing some biological resource assessments associated
9 with the causeway pilings and any biological benefits.

10 I will note that you may have -- if any of you
11 are residents, periodically a drone being flown. That's
12 being used to assess the ongoing use by birds. I think
13 most of us have become very aware of how white the island
14 has become. The pictures that we showed in our
15 presentation were right after completion of the well
16 abandonments, and obviously somebody has taken up
17 residence out there at -- some gusto, but we're also
18 looking at other issues like commercial fishing use and
19 looking at surf break issues around the causeway.

20 --o0o--

21 MR. POULTER: Okay. I will return it to -- I
22 guess this is my -- still my slide. So anyway, as I
23 highlighted in the previous -- earlier slide in the flow
24 diagram, this is an outline of the current schedule as we
25 anticipate it, moving forward to release of the draft EIR.

1 So these dates are notable.

2 Cyndi.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank
5 you, Simon. The Notice of Preparation -- the Notice of
6 Preparation and this staff hearing start the scoping
7 process to solicit comments regarding the scope and
8 content of the EIR. The Commission is not taking any
9 action on the project today nor is the Commission
10 preparing this EIR in order to either support or oppose
11 any actions or potential approvals by other regulatory
12 agencies.

13 We will now open up for comments on the scope and
14 content for the Draft EIR. Staff will not be responding
15 to comments at this time, unless there is a question
16 regarding process. The testimony we are interested in
17 receiving involves the projects -- the proposed projects,
18 range of actions, project alternatives, mitigation
19 measures, and significant effects to be analyzed in depth
20 in the environmental document. Please try to limit your
21 testimony to three minutes and to these issues. The
22 comments will be recorded, so please first introduce
23 yourself and then speak as clearly as possible. Your
24 comments will become part of the administrative record.

25 Jennifer, do we have any speaker slips?

1 MS. LEIGHTON: Does anybody have -- excuse me,
2 does anybody have a speaker slip I'll come grab them.

3 (Discussion off the record.)

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: And while
5 we're waiting for that to start, I just want to thank
6 everyone who made comment on the feasibility study. Your
7 input was fantastic and much appreciated.

8 MS. LEIGHTON: There's one more coming, Cyndi,
9 but in the meantime if you're ready. In no particular
10 order, the first speaker will be Dan Reddick.

11 Hold on just a moment, Dan, while I get the timer
12 ready.

13 MR. REDDICK: Hello. Good afternoon, my name is
14 Dan Reddick. I'm a resident, the little white house there
15 right where you enter to the pier. I want to thank you
16 for the opportunity to speak and I respectfully offer the
17 following.

18 **Comment 3-1** In the Notice of Preparation by the State Lands
19 Commission, you state in Section 1.4 the following, State
20 CEQA guidelines require an EIR to dot, dot, dot, describe
21 a range of reasonable alternatives to the project or the
22 location of the project that would feasibly attain most of
23 the basic objectives of the project, but would avoid
24 substantially lessening any of the significant effects of
25 the project and evaluate comparative mer -- merits of the

Comment 3-1 Cont.

1 alternatives.

2 It goes on further and talks about the State CEQA
3 guidelines also. You have four bullets there, one of
4 which that need to be considered as part of these
5 projects. It says the EIR will evaluate the no-project
6 alternative and under specific circumstances designate an
7 environmentally superior alternative from among the
8 remaining alternatives - and I want to just emphasize
9 "environmentally superior" - provide the basis for
10 selecting alternatives that are feasible and would reduce
11 significant impacts associated with the project. Two of
12 the alternatives highlighted by the California
13 State's[SIC] Land Commission involve the complete or
14 partial removal of the pier causeway connecting the land
15 based rock causeway to the island.

16 Per the CEQA and EIR guidelines alternatives,
17 alternatives should provide options that lessen
18 environmental impact and not heightened environmental
19 impact. So to even have them considered is really
20 nonsensical.

21 **Comment 3-2** Any professional layman or (inaudible) can
22 clearly understand that the removal of the pier causeway
23 will in no way lessen these impacts, and there again would
24 only heighten them. Since the inception of this process,
25 frankly, the California State Lands Commission has been

Comment 3-2 Cont.

1 very pointed in very subtle ways that we want to get rid
2 of the pier and it's due to the ongoing cost of the
3 maintenance of the pier. And never has the -- have you
4 ever suggested that it would lower the impact to the -- to
5 the environment. The public is clearly being misled in my
6 opinion. The alternatives to completely or partially
7 remove the pier causeway is only being offered solely as
8 financial benefits to the California State Land
9 Commission. These two options I would suggest be removed
10 immediately.

11 **Comment 3-3** I'd like to harken back to 1997 when an article
12 in the LA Times said, and this is an excerpt, "A State
13 Lands Commission study, however, has shown that oil
14 piers..." -- and this is talking about down the coast from
15 us about a mile -- "...have no effect on sand migration
16 wave action on the beach. The Commission report suggests
17 that nearby Rincon Island and the 1971 widening to the
18 Ventura freeway had more to do with wave action. We
19 didn't see that it had any major impact".

20 Fast forward four years to 19 -- to 2003 by
21 Surfrider, it's -- they wrote in an article that said,
22 "Unfortunately, the California State Lands Commission
23 dismantled and removed the two oil piers in 1998 and the
24 process removed the very things that trapped the sand and
25 made the wave any good". Now, it's the same crapola

Comment 3-3 Cont.

1 | closeout beach break and the rest of the beach is now
2 | gone. Again, California State Lands Commission suggestion
3 | that the complete or partial removal of the pier would
4 | lessen environmental impact is just categorically
5 | misleading and we ask that you keep those.

6 | Thank you very much.

7 | SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank you
8 | for your comment

9 | MS. LEIGHTON: Thank you, Mr. Reddick.

10 | **Comment 3-4** MR. REDDICK: You're going to ruin our beaches.

11 | MS. LEIGHTON: The next commenter will be Robert
12 | Brunner.

13 | MR. BRUNNER: Hello, State Lands Commission. My
14 | name is Robert Brunner. Thank you for having us today.
15 | My wife Janet Brunner and I reside Mussel Shoals for 50
16 | years. Our residence is 6640 Old PCH located southeast of

Comment 4-1

17 | the pier and is beachfront. We are very concerned about
18 | the removal of the pier and causeway will increase the
19 | wave action towards our rock riprap seawall and our
20 | dwelling causing damage to both. Have the Army Corps of

Comment 4-2

21 | Engineer reports regarding this issue been discussed?
22 | We're concerned about sand flow and restoring the rock

Comment 4-3

23 | riprap seawall due to the adding of your seawall, which is
24 | south of the pier. It looks like it might be about 60, 75
25 | yards long. The lateral winter waves and currents sweep

Comment 4-3 Cont.

1 down that coast and the houses that are just below that,
2 there's probably about six of them are going to be very
3 influenced by that action.

Comment 4-4

4 Been there 50 years. I remember when that land
5 went out another 75 yards. Our tide pools are designated

Comment 4-5

6 Coastal Commission tide pools that need to be protected
7 and policed due to poachers. We need tide pool etiquette
8 signs at both sides of the point. And we also need you

Comment 4-6

9 guys to respect our residential beach. It is a
10 residential area during the decommissioning process. We

Comment 4-7

11 know several old oil wells along the beach between the
12 pier and south of the cliff house. We want to make sure
13 these are capped and they are no longer in danger of
14 leaking oil. This should be part of the State Lands
15 responsibility along with the decommissioning of the
16 island.

Comment 4-8

17 I have suggested a desal plant due to the lack of
18 water in our area and also possibly a Coast Guard
19 substation. And I have not heard of anything of those
20 issues. I hope that we look into those. I think they're
21 good things to look into the future.

Comment 4-9

22 We don't want to see the pier go bye-bye. Of
23 course, we don't want to see the island go. We want to
24 restore our point. It's a wonderful world class surf
25 break. And there's also a lack of parking in that

Comment 4-9 Cont.

1 community, so keep that in mind as far as the recreation
2 end of it.

3 Thank you so much.

4 MS. LEIGHTON: Thank you, Mr. Brunner.

5 The next speaker will be Jeff Maassen.

6 MR. MAASSEN: Good afternoon, members of the
7 State Lands Commission. My name is Jeff Maassen. I'm a
8 commercial sea urchin diver for the last 35 years, so
9 essentially a commercial fisherman. I raised my family
10 here in Santa Barbara, long-term resident.

11 **Comment 5-1** So over the last 35 years, I probably have
12 accumulated 10,000 to 15,000 miles under the water during
13 my harvest. So I've seen the changes in the underwater
14 benthic ecosystems. I've seen the ebb and the flow. And
15 I come here essentially extemporaneously representing the
16 four commercial fishing organizations that are within our
17 network, California Sea Urchin Divers Network, Commercial
18 Fisherman of Santa Barbara, Ventura County Federal
19 Fishermen's Association, and the California Sea Urchin
20 Commission. These are generally healthy, thriving, vital
21 fisheries that provide food to the community and our local
22 sphere here.

Comment 5-2

23 And what I wanted to underscore, as I watch my
24 time tick away, that we would like to keep the island and
25 we would like to restore it, if necessary. Right now --

Comment 5-2 Cont.

1 | yeah, so it would be good to keep it there and to allow
2 | fisherman, whether it's the lobster, the crab fishermen
3 | from Ventura, Oxnard, or the Santa Barbara fishermen who
4 | come down on occasion and will fish for tuna, shark,
5 | lobster, crab, whatever. But above and beyond that, this
6 | could all be converted into a recreational area, and
7 | that -- the commingling of -- of the public and the
8 | commercial on that island. And while maintaining it with
9 | kelp planting and restoration projects, it could really be
10 | beneficial.

11 | So sport and commercial sea urchin divers can
12 | outplant kelp. So to keep the kelp ecosystem going in a
13 | time of climate change, when we do -- we are having
14 | problems, and we can extract resources for the benefit of
15 | the community, both sport and commercial.

Comment 5-3

16 | As far as the pier is concerned, I know that's
17 | going to be expensive to -- to maintain that and run that,
18 | but I just wanted to let you know that there is interest
19 | from the fishing side and the recreational side. And
20 | there will be benefits to maintain ecosystem health as a
21 | connectivity, you know, between the two different areas
22 | that exist. There's not much reef around there. There's
23 | just that island. So it tends to get very healthy and the
24 | lobster and the fish do very well. Right now, it's not
25 | doing well. That's where the urchin divers can come in

Comment 5-3 Cont.

1 and plant kelp, and restore it, and maintain a healthy
2 ecosystem.

3 So that's -- I'm working with USC and some other
4 universities to -- to do these at the Channel Islands,
5 where we have persistent urchin barrens due to climate
6 change. So as we roll forward, it's -- I think it's
7 pretty -- pretty cool to be able to step up to the plate
8 and do good things with it, because it is a very unique
9 situation and we know there's a lot of -- lot of animals
10 that live there. So that was my piece. That's why I
11 came. Thank you very much.

12 MS. LEIGHTON: Thank you, Mr. Maassen.

13 Are there any other speakers.

14 (Thereupon a discussion occurred off the record.)

15 MS. WORDEN: Okay. Are you ready?

16 MS. LEIGHTON: Give me a minute.

17 MS. WORDEN: Okay.

18 MS. LEIGHTON: Excuse me. Are you Marjorie?

19 MS. WORDEN: No.

20 MS. LEIGHTON: Pam.

21 MS. WORDEN: I'm Pam.

22 MS. LEIGHTON: Thank you.

23 MR. WORDEN: Okay. I'm Pam Worden and I've lived
24 in the area on the weekends, because I live in LA the rest
25 of the time, because I work, and you can't commute from

1 there. And I've been here 62 years, about 10 of them in
2 Sea Cliff and 50 in Mussel Shoals.

3 **Comment 6-1**

4 I would like to support the idea of keeping the
5 pier for this reason, I was in Sea Cliff before you put
6 that off-ramp in. And I know what it looked like and I
7 have pictures of it. And it looks completely different
8 because after they put the on-ramp in, it changed the
9 whole tide and wiped out the whole beach area that was
10 there. And then people have problems with -- in Sea
11 Cliff, and that's one of the reasons that I moved from
12 there.

13 And so I say that if you change anything, they
14 obviously -- Caltrans didn't think they were going to
15 change anything. They ruined that whole beach area. So
16 if they didn't know what they were doing, I don't know
17 that we know any more now than we did then, but I can tell
18 you they ruined that beach area front of sea cliff.

18 **Comment 6-2**

19 I would like you to keep in mind that we are a
20 housing community and we do have severe parking issues at
21 this point in time, like people parking in my driveway and
22 people blocking my driveway, people triple parking,
23 because they can't find enough parking. So you have to
24 keep in mind, if you open it up to more than that, that's
25 a common occurrence that we have at this time, where we
call the Highway Patrol and the State police come and help

Comment 6-2 Cont.

1 us and then they don't, because it's too far out. So I
2 want you to keep that in mind.

Comment 6-3

3 I would like to support maybe a Coast Guard
4 substation - I just heard about that - for this reason,
5 three weeks ago, had to call your security guy and I said,
6 hey, there's two kids, 14, 16 years old. I'm sitting on
7 my porch and I'm watching them go underneath the fence and
8 go out on the pier and then jump of off like kids do, 14
9 and 16 years old.

10 And so I called them and I said could you come
11 out and help these two teenagers before they drowned and
12 sue us -- not us, us being California, not us and
13 residents. And so I want you to consider that kids are
14 very inventive, especially teenagers, and they will go
15 under those fences, even though the people who were here
16 tried to secure those fences. You need somebody. And so
17 a Coast Guard station or a Homeland Security station,
18 where somebody is out there, that might help the security
19 issue. They say there's cameras, but I don't know about
20 that.

21 And so I just want you to keep in mind those
22 security issues, because we live with them and you might
23 find that hard to believe, but kids are inventive. And so
24 they will find a way to get out there, if you let them, so
25 Homeland Security or a Coast Guard station.

1 MS. LEIGHTON: Thank you, Ms. Worden.

2 Next speaker is Marjorie Badger.

3 MS. BADGER: I didn't -- I just had a --

4 MS. LEIGHTON: You just wanted to submit.

5 MS. BADGER: -- question on the back of that.

6 MS. LEIGHTON: Okay. That's fine. No, that's
7 great -- you can submit your comments this way.

8 MS. BADGER: Can you answer that question. You
9 brought -- you brought it.

10 MS. LEIGHTON: Oh, we're not here to answer
11 questions, but I'll let him decide that for himself.

12 MS. BADGER: Okay.

13 MR. POULTER: Him being me.

14 MS. LEIGHTON: Him being Simon.

15 (Laughter)

Comment 7-1

16 MS. BADGER: I was just trying to picture half of
17 that pier gone, and what --

18 MR. POULTER: Actually, there is a description in
19 the feasibility study of what it would take to remove the
20 pier working offshore to onshore. So if you go back to
21 the feasibility study --

**Comment 7-1
Cont.**

22 MS. BADGER: That -- that I understand, removing
23 it, but I'm trying to understand how you said partial
24 removal.

25 MR. POULTER: Oh, we're -- we're -- that's part

1 of our study as part of the EIR phase.

2 **Comment 7-1**
3 **Cont.**

MS. BADGER: I mean, how would you take half of
it off and still be able to use -- make -- why would the
other half be used? That's all I meant.

MR. POULTER: Yeah, we're going to explain that
further in the EIR. I mean, we're doing analysis as we
speak looking at that and finding out whether it -- it
could be.

8 **Comment 7-1**
9 **Cont.**

MS. BADGER: That statement is kind of hard to
imagine.

MR. POULTER: Yeah.

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The idea
is -- is more of a -- leaving more of a pier rather than a
causeway.

MS. BADGER: Oh, I see.

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Just
to --

MS. BADGER: Okay. Thank you. Thank you.

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: But as
far as particulars, we're working on it.

MS. BADGER: Thank you.

UNIDENTIFIED SPEAKER: Do you guys have any
questions for us?

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: I don't
think so, but like I said, what you have told us so far

1 has been great. Keep it coming, please. Remain involved.
2 It does make a difference. Even if you think that it
3 doesn't, it does. Just -- just for the fact that, you
4 know, we've gotten the removal of the island off the
5 table. I mean, that -- that was a big thing and we feel
6 really good about that. We appreciate the habitat and
7 that was because we got input, so it's great.

8 Okay. No one else?

9 MS. BADGER: The mailing for those comment papers
10 is out there, right, where you mail them?

11 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Yes,
12 ma'am.

13 MS. LEIGHTON: I just -- excuse me. I just put
14 up the slide that also has the mailing address.

15 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Right.

16 MS. LEIGHTON: If you think of any comments you
17 want to add via email or written in, please feel free to
18 send them to the address there. There's copies --
19 those -- those email addresses are also in your notice
20 that there are copies of on the back table.

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Right,
22 which is where we were going. That's okay.

23 MS. LEIGHTON: Oh, sorry.

24 (Laughter)

25 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: That's

1 okay.

2 MS. LEIGHTON: I jumped ahead of Cyndi. Stole
3 her thunder.

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: That's
5 all right. I don't mind. I don't mind at all, but
6 officially I have to say the words. So if no else has any
7 questions, we can consider the comment period to be
8 concluded.

9 Just a reminder that the written comment must be
10 received by Monday, November 4th, 2022 by 5 p.m. Please
11 get any other comments that you have. Okay. And as you
12 said, we've got them in the notice, so that should be
13 good. At this time, I will close the first of two
14 sessions of the scoping meeting. The second session will
15 begin at 6 p.m. tonight at this same location. As stated
16 earlier, you do not need to sign up or speak at both
17 sessions to have your comments recorded.

18 I appreciate everyone coming very much.

19 Thank you.

20 (Thank yous.)

21 MS. LEIGHTON: Thank you, all.

22 (Off record: 2:40 p.m.)

23 (Thereupon a recess was taken.)

24

25

1 (On record: 6:00 p.m.)

2 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Good
3 evening. At this time, we are going to start the public
4 scoping meeting for Rincon Phase 2 Decommissioning
5 Environmental Impact Report, or EIR. It's October 20th,
6 2022 at 6 p.m. Welcome and thank you all for coming. We
7 appreciate your interest in the environmental review of
8 this project.

9 Before we begin, I would like to acknowledge that
10 the project area is located on the traditional territory
11 and homelands of the Chumash people. Since time
12 immemorial, the Chumash have lived on this coast and
13 fished these waters in a relationship of balance and
14 sustainability. Through informed intentional action, we
15 demonstrate our respect for our ongoing trust relationship
16 with the Chumash who are essential stewardship partners of
17 the State lands and resources.

18 My name is Cynthia Herzog. I'm a Senior
19 Environmental Scientist with the California State Lands
20 Commission, Division of Environmental Planning and
21 Management, and will be overseeing the preparation of the
22 EIR in compliance with the California Environmental
23 Quality Act, or CEQA.

24 With me today are Simon Poulter and Jennifer
25 Leighton with Padre Associates, the consultant retained

1 for this project.

2 First, I'd like to go over some logistics and
3 details. There are sign-in sheets available in the back
4 so that we have a complete record of the meeting and so
5 you can be added to our mailing list to receive notices
6 regarding the EIR. We also have speaker slips on the back
7 table for those who would like to speak on the scope and
8 content of the proposed document. The slips can also be
9 used to provide brief written comments on the back of the
10 form. You can also email or mail your comments to the
11 address in the Notice of Preparation. Additional copies
12 of the notice are available on our website. The 30-day
13 comment period will end on November 4th, 2022.

14 Next slide, please.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: And
17 Katie, could you please go over the instructions for the
18 Zoom meeting?

19 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes.
20 Thank you, Cyndi. So for today's meeting, it is a hybrid
21 meeting, so we do have people attending in person as well
22 as attending through Zoom. During -- during the
23 presentation, all attendees will be muted. We will have
24 time for oral comments at the end of presentation. In
25 order to provide comments, if you are attending through

1 Zoom, please use the raise-hand feature once we open that
2 comment period up and we will call on you in the order in
3 which you raise your hand. If you are calling in via a
4 telephone number, you can hit star nine to raise your hand
5 and then we will call on you then. And then please note
6 that this meeting is being recorded as well.

7 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank
8 you, Katie.

9 If we could go to the next slide.

10 --o0o--

11 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
12 meeting agenda will consist of an introduction and meeting
13 purpose, background and proposed project description, the
14 CEQA process, public comments, followed by the close of
15 the meeting. This is the second of two sessions.

16 Next slide, please.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The
19 purpose of this meeting is to obtain agency, tribal, and
20 public input and comment on the scope of the issues, and
21 analysis that the State Lands Commission should consider
22 in the EIR. All oral comments presented today will be
23 recorded in the transcript and joined with written
24 comments to inform the Commission's analysis of the
25 project.

1 Next slide, please.

2 --o0o--

3 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Rincon
4 Island is located approximately 3,000 feet offshore of
5 Punta Gorda in Ventura County, approximately seven miles
6 northwest of the City of Ventura and is located in
7 approximately 55 feet of water. A causeway connects the
8 island to the coast. On the landward end, the causeway is
9 connected to an abutment that is surrounded by a
10 protective rock revetment. The onshore facility consists
11 of a six-acre parcel owned by the State located 1.3 miles
12 to the east of Rincon Island off of the Pacific Coast
13 Highway. A State Coastal Conservancy parcel included in
14 the decommissioning analysis is located just east of the
15 causeway landing.

16 Next slide, please.

17 --o0o--

18 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The three
19 phases of Rincon planning and decommissioning are shown on
20 the current slide. Phase one of the Rincon
21 decommissioning included the plugging and abandonment of
22 all oil and gas wells and removal of the surface equipment
23 at Rincon Island, the onshore facility, and the adjacent
24 privately owned coast ranch parcel. Phase one activities
25 were completed in June 2021. Phase two of the Rincon

1 decommissioning effort, our current phase, includes
2 preparation of the feasibility study, which is now
3 complete, public outreach and analysis under CEQA. Phase
4 three will consist of securing funding and implementation
5 of the project decommissioning plan selected by the
6 Commission after the CEQA process is complete.

7 Next slide, please.

8 --o0o--

9 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: These
10 photos show the current condition of Rincon Island and the
11 wharf. As you can see, very few structures remain on the
12 island. The island is currently under caretaker status,
13 which includes daily monitoring.

14 Next slide.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Here are
17 photos of the onshore facility and the pipeline connection
18 valve box landward of the causeway where the pipeline
19 disconnection would take place.

20 Next slide.

21 --o0o--

22 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Finally,
23 this photo shows the Coastal Conservancy parcel, which is
24 also included as part of the proposed project.

25 Next slide, please.

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The

Flowchart shown here was prepared to clarify the phase two decommissioning process and reiterate that the process allows for ongoing public, tribal, and agency engagement. AB 52 tribal consultation will take place as part of the CEQA process. The red-lined box indicates where we are now.

Next slide, please.

— — ○ 0 ○ — —

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: A

feasibility study was prepared as a preliminary concept level study to support Commission selection of a proposed projector for analysis in the EIR. The draft feasibility study was released on March 17th, 2022 for a 60-day public review period. The final study was released on July 21st, 2022 and can be found on the Commission's website. On August 23rd, the Commission approved the feasibility study and staff's recommendations for selection of a proposed project and preparation of an EIR.

Next slide, please.

— — 0 0 — —

SENIOR ENVIRONMENTAL SCIENTIST HERZOG: At this

time, I'd like to turn the presentation over to Simon to discuss the EIR process.

1 MR. POULTER: Thank you, Cindy. As this diagram
2 shows, the standard environmental review process outlined
3 under CEQA involves a scoping process, which we're
4 currently in. The intent here is to help inform us, the
5 preparers of that EIR, potential issues that need to be
6 addressed as well as potential alternatives to address.
7 Once we have completed the scoping, we will be preparing a
8 Draft EIR that, once completed, will be released for
9 public review. And during that time, we will again be
10 taking public comment and agency inputs on the result of
11 that analysis.

12 Those inputs would then be used to finalize the
13 environmental report, which would then be presented again
14 to the State Lands Commission for certification and a
15 final decision-making process. So there will be at least
16 two formal opportunities for people to give comments
17 through the process.

18 Next slide, please.

19 --o0o--

20 MR. POULTER: A proposed project has been
21 selected by the State Lands Commission by their
22 commissioners during the formal hearing where the
23 conclusions of the feasibility study were presented. This
24 proposed project is the alternative that basically is the
25 reuse alternative from the feasibility study. Although

1 it's a reuse alternative, no actual use is currently under
2 evaluation. We are strictly looking at what it's going to
3 take to get the facilities ready for a potential reuse,
4 which would then be evaluated at a set -- another time.

5 So what the project entails at this point is the
6 retention of Rincon Island and the causeway in its current
7 configuration. Final decommissioning of the onshore
8 facility where all the wells have been completed, but
9 there are some remaining issues to be addressed there,
10 including site soil contamination cleanup, the
11 decommissioning of the onshore pipeline connections below
12 Highway 101, and then finally, the additional improvements
13 to the SCC parcel, which is located just to the south of
14 the causeway itself. So this is the proposed project
15 being taken into the EIR process.

16 One import -- next slide, please.

17 --o0o--

18 MR. POULTER: One of the major outcomes of the
19 feasibility process, or feasibility study, was the
20 recognition that because of the unique biological habitat
21 that the island presents in itself, and the fact that the
22 island has remained very sturdy throughout its tenure,
23 that the island is not being considered for removal under
24 any of the alternatives. This will retain the biological
25 habitat that remains there.

1 Next slide, please.

2 --o0o--

3 MR. POULTER: Under the California Environmental
4 Quality Act, the EIR is required to look at a number of
5 potential issues related to the biological, physical, and
6 social cultural issues in the area. And this slide
7 outlines those key issue areas that we will be addressing
8 in the EIR, and that includes other -- other issues such
9 as climate change, impacts to commercial fishing, and
10 environmental justice.

11 Next slide, please.

12 --o0o--

13 MR. POULTER: As I noted earlier, we are looking
14 for input on project -- potential project alternatives.
15 But at least through the screening that we have done as
16 part of our process through the feasibility study and
17 working with State Lands, we've have ident -- identified
18 the four primary alternatives that we're taking into the
19 EIR. Reefing, which addresses further enhancement of the
20 island itself is an artificial reef, and that -- that
21 would involve potentially removal of the causeway.
22 Partial causeway removal, which would entail retention of
23 portions of the causeway closer to the mainland that may
24 provide beneficial recreational issue -- abilities. The
25 third alternative is the retention of the abutment and

1 revetment area, which is where the causeway lands on the
2 main land. And then finally, as required by the CEQA
3 guidelines, we will look at the no-project alternative,
4 which relates to the retention of the facilities with no
5 changes at this time.

6 Next slide, please.

7 --o0o--

8 MR. POULTER: Alternative criterias have been
9 laid out as part of the CEQA process. And first and
10 foremost, any alternatives that would be evaluated has to
11 meet the overall project objectives, which Cindy provided
12 earlier in her presentation. It must be feasible, meaning
13 that it actually can be carried out, and that also that it
14 has the ability of reducing one or more major significant
15 impacts that are identified for the proposed project.

16 Next slide, please.

17 --o0o--

18 MR. POULTER: As we noted during the feasibility
19 study, a number of participants in that process identified
20 concerns related to parts of the facility, particularly
21 the causeway. And because of that, we are undertaking a
22 number of specialty studies to focus on the effects of
23 potential causeway removal and its impact on the surf
24 break, but also on the sediment movement that is obviously
25 occurring in and around that area.

1 In addition, we are doing assessment of the
2 biological resources associated with the causeway itself.
3 The more focused biological study done as part of the
4 feasibility study really focused just strictly on the
5 island itself. So these studies are ongoing. Some
6 residents may have noticed periodic drone flights over the
7 causeway and island, where we're assessing biological
8 activity on the island, particularly bird use. We're also
9 looking at wave movement under the causeway as well as
10 commercial fishing activities in and around the island.

11 As outlined earlier -- next slide, please.

12 --o0o--

13 MR. POULTER: As outlined earlier in the
14 presentation, we do have this tentative schedule for the
15 completion of the EIR process. And again, note the times
16 when we expect the availability of the document, which you
17 can follow on the State's website, but there will be other
18 opportunities to provide input.

19 At this point, I'll turn the remaining
20 presentation back to Cindy.

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank
22 you, Simon. The Notice of Preparation and this staff
23 rearing start the scoping process to solicit comments
24 regarding the scope and content of the EIR. The
25 Commission is not taking any action on the project today

1 nor is the Commission preparing this EIR in order to
2 either support or oppose any actions or potential
3 approvals by other regulatory agencies.

4 We will now open up for comments on the scope and
5 content for the Draft EIR. Staff will not be responding
6 to comments at this time, unless there is a question
7 regarding process. The testimony we are interested in
8 receiving involves the proposed project's range of
9 actions, project alternatives, mitigation measures, and
10 significant effects to be analyzed in depth in the
11 environmental document.

12 Please try to limit your testimony to three
13 minutes and to these issues. The comments will be
14 recorded, so please first introduce yourself, and then
15 speak as clearly as possible. Your comments will become
16 part of the administrative record.

17 We have no attendees at this session tonight in
18 person. Katie, do we have any online Zoom attendees that
19 wish to comment?

20 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes, we
21 do. And we do have one hand raised.

22 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Okay.

23 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: So our
24 first commenter is Dave Colker. You should be able to
25 unmute yourself now.

1 MR. COLKER: I did that and can you hear me?

2 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP: Yes, we
3 can. Thank you.

Comment 8-1

4 MR. COLKER: Okay. Yeah. Thank you very much
5 for your time to the Commission. My name is David Colker.
6 I'm the President of the Ventura County Commercial
7 Fishermen's Association. And I am calling -- or calling
8 in to make a comment, that the commercial fishermen of
9 Ventura County are comprised of responsible individuals
10 who hold a common motivational effort to maintain a
11 viable, healthy, thriving ecosystem in the ocean waters.
12 This ecosystem provides livelihoods fishermen and an
13 organic source of food proteins for communities interested
14 in access to non-GMO or farm-raised fish/shellfish
15 products.

16 Furthermore, the commercial fishermen of Ventura
17 County are interested in contributing to efforts to
18 manipulate ecosystems into fruitfulness by means of kelp
19 restoration efforts. These efforts give sport fishermen,
20 recreational, and commercial fishermen more living,
21 thriving areas to utilize and lessen their carbon
22 footprint while obtaining their objectives locally. It is
23 out -- our best interest to maintain Rincon Island as an
24 open access area.

Comment 8-2

25 There's another point of interest and that is in

Comment 8-2 Cont.

1 increased closure areas -- as increased enclosure areas
2 are introduced into our fishing territory, there is an
3 increase in pressure on the fishing areas that are open
4 and that becomes an issue. Essentially, you focus all the
5 fishing pressure on a smaller area.

6 I thank you for your time and opportunity for me
7 to speak and for me to speak on behalf of the stakeholders
8 in this decommissioning process. And this is in regards
9 to the closing of the fishing grounds in your project.

10 Thank you.

11 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank you
12 for your comment.

13 Katie, do we have any other commenters?

14 ENVIRONMENTAL SCIENTIST ROBINSON-FILIPP:

15 Currently, we do not have anyone else raising
16 their hand to speak. So if you are calling in, please hit
17 star nine to raise your hand and we can -- we can help you
18 unmute yourself. If you are attending virtually and you
19 would like to provide a comment, please raise your hand
20 now and we'll call on you.

21 Okay. So far, there are no other hands raised at
22 this time.

23 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Okay.
24 Well, at this point in time, I think that we can close the
25 comment period. Just a reminder that the written comments

1 must be received by Monday, November 4th, 2022. Katie,
2 could you go to the next slide, please.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: There we
5 go.

6 This slide details how to submit your comments to
7 Commission staff. The information is also provided in the
8 Notice of Preparation, which again is on our website. And
9 at this time, we can conclude the second of two sessions
10 of the scoping meeting. Thank you for all who are
11 attending virtually. Your input is very much appreciated.

12 The meeting is now adjourned.

13 (Thereupon the California State Lands
14 Commission public scoping meeting adjourned
15 at 6:22 p.m.)
16
17
18
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22
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24
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CERTIFICATE OF REPORTER

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st of November, 2022.



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

DEPARTMENT OF TRANSPORTATION

DISTRICT 7

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

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*Making Conservation
a California Way of Life*

October 27, 2022

Cynthia Herzog
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

RE: Rincon Phase 2 Decommissioning Project
SCH # 2022100043
Vic. VEN-101/PM 41
GTS # LA-2022-00515-NOP

Dear Cynthia Herzog:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced NOP. The proposed Project would include remediation of the Onshore Facility, removal of Rincon Island's remaining surface structures, removal of the Island's well bay concrete deck and contaminated soil, backfill of the Island with clean soil, decommissioning of onshore pipeline connections, and improvement of the State Coastal Conservancy parcel adjacent to the causeway landing.

Comment
9-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

In the Notice of Preparation of a Draft Environmental Impact Report, Caltrans acknowledges that "the analysis will examine proposed Project decommissioning impacts to transportation and public access to roads and highways". Please include a discussion

Comment 9-1 Cont. | related to decommissioning truck trips in the DEIR. We are looking forward to reviewing the transportation and traffic sections in the DEIR.

Comment 9-2 | The existing 6-inch-diameter gas pipeline and the 6-inch-diameter oil pipeline, from their terminations at the causeway abutment to the valve box located on the northeast side of the Union Pacific Railroad right-of-way, would be decommissioned. The 6-inch-diameter gas pipeline and the 6-inch-diameter oil pipelines were previously removed from the causeway and are currently terminated with caps at the abutment. Both pipelines proceed north from the abutment under Ocean Avenue, then cross underneath Highway 101 and the adjacent railroad track to an underground concrete vault located on the north side of the railroad track. Both pipelines are installed within a 30-inch-diameter steel pipe casing that passes beneath the freeway and the railroad. The oil pipeline terminates at the concrete vault where it was formerly connected to a separately owned oil pipeline. The gas pipeline continues north and east of the vault, connecting to the nearby privately owned DCOR oil and gas processing facility, as well as the Onshore Facility. The pipelines terminating at the Onshore Facility were capped and the remainder of the pipelines on the Onshore Facility were removed during Phase 1. Any decommissioning work on Highway 101 would need a Caltrans encroachment permit.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2022-00515AL-NOP.

Sincerely,



MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

MusickPeeler

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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
VENTURA COUNTY

FILE NO.: 13084.021

November 1, 2022

VIA US MAIL and EMAIL

Ms. Cynthia Herzog
Senior Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825
CEQA.comments@slc.ca.gov

Re: Rincon Phase 2 Decommissioning Project NOP Comments

Dear Ms. Herzog:

We represent Coast Ranch Family, LLC, which owns a parcel immediately east of and adjacent to the "Onshore Facility" identified as the "approximately 6.0-acre parcel owned by the State [of California]. . .at 5750 W. Pacific Coast Highway, Ventura," and referenced in the Attachment (Proposed Project Description) to the Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting (NOP) regarding the Rincon Phase 2 Decommissioning Project (Project). (See NOP Figure 1 Phase 2 Area and Facilities). In this capacity, we respectfully submit the following comments to the NOP.

In general, the proposed Project would include remediation of contamination at the Onshore Facility. Specifically, it is proposed that petroleum hydrocarbon (TPH)-contaminated soil and groundwater at the Onshore Facility would be remediated to remove any long-term risk of exposure to the existing community or environment. The stated goal of the proposed Project is that after such remediation, the Onshore Facility would be available for lease for new uses consistent with the Public Trust. The NOP further provides that proposed improvements to the Onshore Facility could, among other things, reduce future erosion and increase recreational opportunities and public access.

In particular, the NOP proposes the most conservative remediation levels and measures for the Onshore Facility that would include removal of approximately 2.80 acres of recycled asphalt aggregate base material spread across much of the Onshore Facility to a depth of 2.5 feet, which is anticipated to include approximately 9,360 cubic yards of material. The recycled asphalt aggregate base material would be excavated to the underlying native soil and transported

MusickPeeler

Ms. Cynthia Herzog
Senior Environmental Scientist
November 1, 2022
Page 2

to an off-site disposal or recycling facility that accepts non-hazardous petroleum hydrocarbon-contaminated waste.

The proposed Project would also include the remediation of approximately 0.48 acres of TPH-contaminated soil to an estimated depth 12 feet below ground surface (bgs), anticipated to include approximately 7,500 cubic yards of soil. The excavated contaminated soil would then be transported to an offsite disposal or recycling facility that accepts non-hazardous TPH-contaminated waste.

The NOP also proposes that groundwater dewatering wells would be installed around the soil excavation area. The extracted TPH-contaminated groundwater would be processed through a series of settling tanks, bag filters and granular-activated carbon vessels in order to meet the requirements to discharge into the County of Ventura-operated wastewater system. Once excavation activities are complete, the dewatering wells would be removed and the excavation area would be backfilled to match surrounding grade with clean soil from a source located in Ventura County. The NOP estimates that the proposed Project would be completed in approximately two (2) years.

According to the NOP, the above-described, most conservative proposed level of remediation would bring the site contamination to environmental screening levels (ESLs) acceptable for unrestricted public use (e.g., residential), which require the maximum extent of remediation.¹

The Coast Ranch, however, believes that the proposed most conservative remediation level, with its extensive proposed soil and groundwater excavation, pumping and removal activities, including the transportation of tons of asphalt and soil from the Onshore Facility, is excessive and not necessary to return the property to a condition protective of new uses consistent with the physical nature and location of the property, the Public Trust and more importantly, local zoning and land use policies. Rather, the Coast Ranch contends, and concurs with the statement in the NOP, that “the level of remediation could vary depending on the anticipated future use.” (NOP, pp. A-4-5).

¹ It is our understanding that the relevant ESLs are found in documents prepared by staff of the San Francisco Bay Regional Water Quality Board. As noted on the State Water Resources Control Board’s webpage, “Information provided in these documents is not intended to establish policy or regulation.” (see https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html). The current major update of the ESL documents was in January 2019.

MusickPeeler

Ms. Cynthia Herzog
Senior Environmental Scientist
November 1, 2022
Page 3

Comment

10-2

As such, the Coast Ranch requests that remediation alternatives and methods that do not require the excavation and removal of the recycled asphalt and soil from the Onshore Facility be considered in the draft EIR. These alternatives should include those that, according to the NOP, are identified in the Feasibility Study analysis and are currently being assessed and will be discussed as alternative options in the EIR analysis. (NOP, pp. A-6, 23). Specifically, alternatives identified in the NOP include, among others: in-situ and bioremediation (e.g., the use of microorganisms to consume and break down environmental pollutants) or capping of areas of contamination rather than excavation. (NOP, p. A-25).

Comment

10-3

The Coast Ranch also requests that in analyzing and proposing remediation alternatives in the draft EIR, particular attention be made to the following environmental issues and mitigation measures, as proposed in the NOP:

- Land Use Planning, which analysis would include an examination of the County's General Plan and Local Coastal Program for applicable policies and standards as it relates to the proposed Project. (NOP, pp. A-26-27); and
- Recreation, which analysis will examine the proposed Project impacts to recreational activities, including surfing and beach access during and after decommissioning activities. (NOP, p. A-27).

Comment

10-4

Based on the foregoing, the Coast Ranch believes that the most conservative remediation level proposed in the NOP (e.g., extensive soil excavation and removal, etc.) would not be appropriate or necessary for the Onshore Facility, given the reasonable and foreseeable anticipated new uses for the property, such as recreation and visitor-serving uses. This is confirmed by Comment 4-2 to the Feasibility Study made by the Ventura County Resource Management Agency (May 23, 2022), which provided in pertinent part: "The six-acre Onshore Facility is designated and zoned as Coastal Open Space (COS). Reuse plans should consider additional recreational and visitor serving uses consistent with the COS zone. The site's proximity to the coast, nearby public parking lot and beach access at Mobile Piers and Punta Gorda could make the site suitable for day use or low-cost visitor accommodations."

Comment

10-5

Accordingly, the Coast Ranch respectfully requests that the draft EIR include alternative remediation measures and levels that consider the following:

- The future, anticipated land use of the Onshore Facility will be in accordance with the Ventura County COS zone, such as recreational and visitor serving uses (e.g., commercial). As such, because commercial ESLs should apply, there is no need to remediate to "the maximum extent of remediation."

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Ms. Cynthia Herzog
Senior Environmental Scientist
November 1, 2022
Page 4

Comment
10-6

- In applying commercial ESLs, there would be no need to remove the recycled asphalt aggregate base material at the Onshore Facility, because such material could remain in place and/or be utilized in new pavement for parking on the property. In doing so, the pavement would cap the impacted soils.

Comment
10-7

- Under commercial ESLs, there would be no need to excavate and remove soils, as well as no need to install and use groundwater dewatering wells and pumps.

Comment
10-8

- The use of a Land Use Covenant (LUC) stipulating commercial use only for the Onshore Facility, as well as a Soil Management Plan (SMP) and Groundwater Management Plan (GMP) that describe acceptable land uses and protocols should soil and/or groundwater at the property be disturbed. Such measures are common at other similarly-situated sites located throughout Ventura County.

We appreciate the opportunity to provide our comments to the NOP on behalf of the Coast Ranch. We also look forward to reviewing and commenting on additional notices, reports and related materials relating to the proposed Project in the future. Thank you.

Sincerely,



William W. Carter
for MUSICK, PEELER & GARRETT LLP

cc: Coast Ranch Family, LLC
Laura K. McAvoy, Esq.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 2, 2022

Ms. Cynthia Herzog
California State Lands Commission
100 Howe Avenue Suite 100
Sacramento, CA 95825
cynthia.herzog@slc.ca.gov

**Subject: Rincon Phase 2 Decommissioning Project, Notice of Preparation,
SCH No. 2022100043; City of Mussel Shoals, Ventura County**

Dear Ms. Herzog:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the California State Lands Commission (CSLC) for the Rincon Phase 2 Decommissioning Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources. CDFW is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Ms. Cynthia Herzog
California State Lands Commission
November 2, 2022
Page 2 of 19

Project Description and Summary

Objective: The CSLC proposes to continue decommissioning and remediation activities on Rincon Island and the state-owned Onshore Facility. Improvements to the State Coastal Commission (SCC) beach parcel and decommissioning of onshore pipelines are also included within the Project. Excavation and removal of petroleum hydrocarbon contaminated soils at Rincon Island and the Onshore facility would be replaced with clean, native soils. Erosion control would be added to the SCC parcel and activities to improve public access to the parcel would be implemented. Methodologies for pipeline decommissioning were provided but are based on certain assumptions. If these assumptions prove incorrect it is unclear what alternative methodologies would be implemented and what their potential impacts would be. Several alternatives were mentioned within the NOP but were not discussed at length.

Rincon Island Decommissioning

The proposed Project includes retention of Rincon Island and the causeway, and removal of Rincon Island surface structures, well bay concrete deck, pavement and contaminated soil (which would then be backfilled with clean soil). In addition, the onshore pipeline connections would be decommissioned, contaminated soil at the Onshore Facility would be remediated, and erosion protection, public access, and native revegetation improvements would be made on the SCC Parcel (described in detail below).

Onshore Facility Decommissioning

Decommissioning of the 6.01-acre onshore facility would include remediation of the parcel for future Public-Trust consistent use. As proposed within the NOP remediation includes the removal of 2.80 acres (~9,360 cubic yards) of recycled asphalt aggregate base material and 0.48 acres (~7,500 cubic yards) of soil. These materials have been contaminated by petroleum hydrocarbons during the operation of the oil and gas facility. The asphalt material goes to a depth of 2.5 feet while the soil would be excavated to a depth of around 12 feet below ground surface. Excavation would be performed using hydraulic excavators, front-end loaders, and track mounted dozers. Contaminated soil would be placed onto trucks and transported offsite to an appropriate recycling facility. Soil samples would be collected in a grid pattern from the excavation area and chemically analyzed for presence of petroleum hydrocarbons.

Groundwater dewatering wells would be installed around the area of excavation and contaminated groundwater would be processed through a series of equipment (e.g. settling tanks, bag filters, and granular activated carbon vessels). Processing of contaminated groundwater through these means is meant to ensure the water meets the requirements to discharge into Ventura County's operated wastewater system. Once this process is complete the dewatering wells are to be removed. When excavation and dewatering is completed, the area would be backfilled with clean soil. Backfill would be graded as such to match the surrounding grade and establish a positive drainage from the disturbed areas. Finally, the disturbed areas would be hydroseeded with a native seed mix.

Under all proposed alternative plans except for the "No Project" alternative, the Onshore Facility will be remediated for future use. Bioremediation or capping of contaminated areas may be alternative methods of remediation other than excavation.

Ms. Cynthia Herzog
California State Lands Commission
November 2, 2022
Page 3 of 19

Onshore Pipeline Decommissioning

As proposed within the NOP the existing gas and oil pipelines which run under Ocean Avenue and continue northeast under the 101 freeway and the Union Pacific Railroad tracks would be decommissioned. Decommissioning activities would terminate at the concrete vault located just northeast of the railroad tracks. Both pipelines are 6 inches in diameter and encased within 30-inch diameter steel pipe casings. The pipelines would be flushed (pigging and flushing) using foam “pigs” and a cleaning solution that would be pushed through the pipelines. Wastewater would either be collected directly into vacuum trucks or stored in temporary storage tanks to later be transported offsite. Wastewater would be tested by a state-certified laboratory to identify total petroleum hydrocarbon levels (TPH). TPH levels should be less than 15 parts per million. However, this method is proposed off the assumption that pipeline conditions are sufficient to support these activities. It is unclear what methodology would be used as an alternative if the pipelines lack the integrity and strength to support the pigging and flushing method.

Segments of the pipelines spanning under the 101 freeway and Union Pacific railroad tracks would be excavated and removed. Excavation would occur at the northern end of the casing where it meets the wall of the concrete vault and at the southwest end at Ocean Avenue. The pipelines will be removed from their casing and cut into pieces which will be transported to a disposal facility in trucks. This methodology is based on the assumption that casings will be accessible from Ocean Avenue and near the concrete fault. The pipelines are also assumed not to be grouted into the casing so that they may be removed. If these assumptions are incorrect, it is unclear what the alternative methods of removal will be implemented. The remaining pipeline segments spanning under Ocean Avenue in the southwest orientation would be temporarily welded shut. Cement slurry will be pumped into the pipeline and casing and steel plates will be welded onto the pipeline and casing ends.

After decommissioning activities have concluded the excavated sites would be backfilled and compacted using native soils. Disturbed pavement would be repaired, and the site would be restored to the original condition. Under all proposed alternative plans except for the “No Project” alternative, the onshore pipelines will be decommissioned.

State Coastal Commission (SCC) Parcel Improvements

As proposed within the NOP the SCC parcel will include erosion prevention along the shoreline and the associated upland berm. Appropriate cobble would be placed along portions of the shoreline which lack erosion control. Additionally, the vegetated upland berm would be excavated. It is estimated that 3,800 cubic yards of soil would be removed from the berm. In place of the soil removed cobbles would be placed and the area would be backfilled with ~3.5 feet of original native soil. The excess native soil would be used to the extent feasible, but the Project may dispose of ~2,500 cubic yards of excess soil. The profile of cobble placed in the back berm and along the shoreline would mimic the natural grade. Around 4,300 tons of cobble would be required for this portion of the Project and would be transported onsite. Dump trucks and two excavators would be utilized. Following cobble placement and backfilling appropriate plants would be placed on the 0.33-acre upland berm and a seed mix would be used for hydroseeding the area. Existing walking paths would be improved, a stairway would be installed, a bench would be placed onsite, and educational signage would be erected. Finally, a concrete box structure on the eastern extent of the shoreline would be removed to the extent feasible and backfilled using native materials.

Ms. Cynthia Herzog
California State Lands Commission
November 2, 2022
Page 4 of 19

Under all proposed alternative plans except for the “No Project” alternative, the SCC parcel will be improved upon. However, Project activities may vary. As a possible alternative, no additional cobble or riprap would be added to the area while other proposed improvements (e.g., signage, pathway improvements, etc.) would still be installed. Alternatively, riprap would only be installed on the unarmored beach sections without excavating the bluff. The other site improvements and revegetation plans would still be executed.

Project Alternatives

The NOP includes three Project Alternatives, as described below. The NOP states that additional alternatives may be analyzed in the DEIR, such as those identified in the 2022 Feasibility Study or during the scoping period. Additionally, a No Project Alternative will also be analyzed in the DEIR.

- a) Reefing Alternative. The causeway, wharf, abutment and protective revetment would be removed in their entirety with pilings removed to 5 feet below the seafloor.
- b) Partial Causeway Removal Alternative. The Island wharf, abutment and protective revetment would remain untouched, but a length of the causeway would be removed, along with associated pilings to 5 feet below the seafloor. The remaining causeway would be reconfigured to provide a stable and safe “pier” structure.
- c) Abutment and Revetment Retention Alternative. The Island wharf and the abutment and protective revetment at the landward end of the causeway would remain untouched, but the causeway would be completely removed, along with associated pilings to 5 feet below the seafloor.
- d) Other Alternatives. Alternatives identified in the Feasibility Study include 1) reuse of the Island (leaving the well bay conductors intact); 2) complete removal of the causeway, wharf, revetment, and abutment; and 3) complete removal of Rincon Island down to the seafloor (in addition to removal of all the other in-water structures).
- e) No Project Alternative. Circumstance under which the Project does not proceed.

Location: Project activities will occur in three separate Project areas. Rincon Island is approximately 3,000 feet offshore of Punta Gorda and the community of Mussel Shoals. The Island is accessible via a causeway that spans over the water from its associated landing. Just east of the causeway landing is the small land parcel owned by the SCC. The Onshore facility owned by the State is 1.3 miles east of Rincon Island. All Project sites are within Ventura County and surrounding land uses consist of residential, open space, and public use.

Comments and Recommendations

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

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 5 of 19

COMMENTS AND RECOMMENDATIONS

Terrestrial Specific Comments

Comment
 11-1

1) Sensitive Shorebird Species. According to the NOP several special status shorebird species may forage on the Project site(s) including: Endangered Species Act (ESA-) listed and California Special Concern Species (CSC) western snowy plover (*Charadrius nivosus nivosus*); ESA-listed California least tern (*Sterna antillarum brownie*); CSC ashy storm petrel (*Oceanodroma homochroa*); and CSC black storm petrel (*Oceanodroma melania*). The Project could lead to the loss of foraging habitat for sensitive shorebird species in the area. Likewise, increased noise, vibration, light, and human activity may alter the behavior of these species or force them to move to other locations where the habitat is less suitable for their survival.

- a) Protection Status. Western snowy plover and California least tern are federal ESA-listed species. A species is considered endangered, rare, or threatened if it is a species of animal or plant that is presumed to be endangered, rare, or threatened as it is listed under ESA [CEQA Guidelines, § 15380(c)(2)]. CSC species do not have legal protective status under CESA but are of concern for CDFW. Further, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
- b) Survey & Analysis. CDFW recommends the Project retains a qualified biologist to perform surveys for shorebirds. Surveys should be conducted wherever shorebirds may directly or indirectly impacted. The DEIR should discuss potential impacts to shorebirds, both direct and indirect, through habitat modifications which may occur due to Project activities. The DEIR should discuss potential loss of foraging and nesting habitat for special status shorebirds and shorebirds included under the MBTA. Impacts due to increased noise, vibration, light and human activity should also be addressed for each project site.

Comment
 11-2

3) Nesting birds. Project activities include excavation, grading, backfilling, use of heavy machinery and vehicles. These activities can potentially alter habitat and make suitable nesting habitat unavailable to nesting birds due to increased noise, vibration, light, dust, and human activity. Moreover, Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees and shrubs directly within and adjacent to the Project's boundaries.

- a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
- b) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 6 of 19

Comment
 11-2
 Cont.

their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on-site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

Comment
 11-3

4) Rare Plants. According to the NOP the Project has potential to impact several rare plant species including Mile's milk-vetch (*Astragalus didymocarpus* var. *milesianus*), southern tarplant (*Centromadia parryi* ssp. *australis*), Ojai fritillary (*Fritillaria ojaiensis*), mesa horkelia (*Horckelia cuneata* var. *puberula*), chaparral nolina (*Nolina cismontane*), and Nuttall's scrub oak (*Quercus dumosa*).

- a) Protection Status. Mile's milk-vetch (*Astragalus didymocarpus* var. *milesianus*), outhern tarplant (*Centromadia parryi* ssp. *australis*), mesa horkelia (*Horckelia cuneata* var. *puberula*), chaparral nolina (*Nolina cismontane*), and Nuttall's scrub oak (*Quercus dumosa*) have a California Rare Plant Rank (CRPR) of 1B.1. Ojai fritillary (*Fritillaria ojaiensis*) has a CRPR of 1B.2. Plants with a CRPR of 1B are rare throughout their range, and a majority are endemic to California (CNPS 2022a). All plants with the 1B ranking meet the definitions of CESA. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125; (c) and/or §15380. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Potential impacts on rare plants should be analyzed, disclosed, and mitigated in the Project's PEIR. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA.
- b) Survey and Analysis. Although these species are only considered to have low probability of occurrence on the Project sites CDFW recommends that CSLC retain a qualified botanist to perform focused botanical surveys for rare plants. Surveys should be conducted within the Project site and in all areas subject to Project-related ground-disturbing activities including staging, mobilization, excavation, and vegetation clearing. The survey should identify all individuals and populations and plant communities supporting those rare plants that could be impacted. Surveys should be performed at appropriate times of the year when plants are evident and identifiable (CDFWa 2018). If rare plants are to be impacted the Project should provide disclosure of those impacts and provide appropriate measures to avoid, minimize, and/or mitigate impacts.

Comment
 11-4

5) Crotch Bumblebee. Within the NOP it states that Crotch bumblebee (*Bombus crotchii*) has a low probability of occurrence, however it is possible that suitable habitat may occur near the vault structure northeast of the railroad tracks. Suitable Crotch bumblebee habitat includes areas of grasslands and coastal sage scrub that contain requisite habitat elements, such as small mammal burrows. Project ground-disturbing activities and vegetation removal may cause

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 7 of 19

Comment
 11-4
 Cont.

death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

- a) Protection Status. A petition to list the Crotch bumble bee as an endangered species under CESA is currently pending before the California Fish and Game Commission (Commission) (Cal. Reg. Notice Register 2018, No. 45-Z, pp. 1986–1987 [November 9, 2018]). The Commission designated the Crotch bumble bee as a candidate species under CESA in June 2019 (Cal. Reg. Notice Register 2019, No. 26-Z, pp. 954–955 [June 28, 2019]). The Commission’s decision to designate the Crotch bumble bee as a candidate species is the subject of a pending legal challenge (Almond Alliance of California v. Fish and Game Commission [2022] 79 Cal. App. 5th 337, pet. for review pending, S275412). On September 30th, 2022, candidacy was reinstated for the four bumble bee species petitioned for listing—franklin’s, crotch, western, and suckley cuckoo.
- b) Survey and Analysis. CDFW recommends surveys be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch’s bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. If present a survey report should be provided and include a survey map showing the survey path, field conditions, maps with nest locations, and a description of the physical and biological conditions of nest sites.

Comment
 11-5

6) San Diego Desert Woodrat. Within the NOP it states that San Diego woodrat (*Neotoma lepida intermedia*) has a low probability of occurrence, however it is possible that suitable habitat may occur near the vault structure northeast of the railroad tracks. A review of the CNDDDB revealed that a recorded observation of San Diego woodrat in close proximity to this area (CDFWb 2022). Suitable habitat is found in areas of coastal sage scrub including mixed chamise chaparral and sagebrush vegetation. Project ground-disturbing activities and vegetation removal may cause death or injury of adults, nest abandonment, and reduced nest success.

- a) Protection Status. San Diego desert woodrat is a Species of Special Concern (SSC). Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).
- b) Survey and Analysis. CDFW recommends surveys be performed by a qualified biologist familiar with the species behavior and life history to disclose potential impacts to San Diego desert woodrat. A qualified biologist should conduct surveys in areas of appropriate habitat within proposed disturbance zones and within 200 feet of the disturbance zones. If necessary, the DEIR should include appropriate avoidance,

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 8 of 19

Comment 11-5 Cont. minimization, and mitigation measures to reduce impacts to San Diego desert woodrat.

Comment 11-6 7) Bats. Numerous bat species are known to roost in trees and structures throughout Ventura County (Remington and Cooper 2014). Bats use trees and man-made structures for daytime and nighttime roosts. Accordingly, CDFW recommends the DEIR provide measures where the Project avoids potential impacts to bats.

- a) Protection Status. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Project construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.
- b) Survey and Analysis. CDFW recommends a project-level biological resources survey to provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from Project construction and activities including (but not limited to) ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal. If necessary, to reduce impacts to less than significant, a project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

Comment 11-7 8) Lake and Streambed Alteration (LSA) Agreements. Los Sauces creek transects the Onshore Facility owned by the State. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification (CDFWc 2022).

- a) The Project area support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
- b) In Project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore,

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 9 of 19

Comment
 11-7 Cont.

CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.

- c) If impacts on streams and associated vegetation are unavoidable, CDFW recommends the DEIR provide compensatory mitigation for impacts on streams and potential loss of associated riparian vegetation. CSLC could provide an on- or off-site mitigation. The DEIR should discuss the suitability of selected location(s) for mitigating impacts to streams and associated vegetation.
- d) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should evaluate streams under existing and post-Project conditions and erosion/scour potential post-Project.

Comment
 11-8

9) Wetlands Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. [The Wetlands Resources policy](#) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 10 of 19

- Comment 11-8 Cont.** and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).
- Comment 11-9** 10) Ventura County Local Coastal Program. The Project site is within the [Ventura County Local Coastal Program](#) planning area (CVRMA 2022). CDFW recommends the DEIR provide a discussion of the Project's impacts on biological resources and beneficial uses within the Ventura County Local Coastal Program planning areas.
- Comment 11-10** 11) Alternative Methodologies. If assumptions made for the decommissioning and removal of the onshore pipelines are incorrect and the methodologies presented within the NOP are not feasible the DEIR should discuss alternative methods and potential impacts to special status wildlife, rare plants and communities, habitat, and hydrology if applicable. Likewise, the DEIR should explore potential impacts for all remediation alternatives associated with the SCC Parcel and the State-owned Onshore Facility.
- Comment 11-11** 12) Plantings and Hydroseed. Native plantings and hydroseed will be applied to the disturbed vegetated areas at the SCC Parcel and the Onshore Facility. Planting selections should be based on species composition of the surrounding vegetation communities and scientifically justifiable. The CSLC should survey other in-kind habitat in the surrounding area, or at sites within close proximity that can function as a proxy, to determine species composition and ratios. Likewise, when hydroseeding CDFW recommends using seed packs that are as similar to the surrounding vegetation genetically and compositionally.
- Comment 11-12** 13) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR stipulate that no invasive plant material be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found [here](#) (CAL IPC 2022).

Marine Specific Comments

- Comment 11-13** 1) Description of Project Alternatives. The DEIR should include details on the type of equipment, location of staging areas (on land and vessel anchorage/mooring locations), timing of operations, and specify the amount and type of material to be removed and/or installed for all the Project Alternatives. Impacts to marine habitat and species, as outlined below, should be analyzed for each of the different Project Alternatives.
- Comment 11-14** 2) Eelgrass, Surfgrass, and Kelp Habitat. Marine habitat characterization surveys conducted in 2020 describe colonization of the Island's rock and protective revetment by encrusting and attached biota, including giant kelp (*Macrocystis pyrifera*). A near continuous band of macroalgae around the Island supports a diversity of marine life (UCSB 2021). The Feasibility Study states that further study is required to determine if eelgrass or surfgrass beds are present in the Project Area. Impacts to marine habitats that have colonized the in-water structures from full and/or partial removal of the causeway, wharf, abutment, protective revetment and the Island itself should be analyzed in the DEIR.

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 11 of 19

Comment
 11-14 Cont.

- a) Protection Status. Native eelgrass beds (*Zostera sp.*), surfgrass (*Phyllospadix sp.*), and canopy kelp (e.g., giant kelp) are important components of the marine ecosystem and are recognized by state and federal statutes as both highly valuable and sensitive habitats. These marine habitats provide primary production and nutrients to the ecosystem along with spawning, foraging, and nursery habitat for fish and other species. Pursuant to the federal Magnuson-Stevens Fishery Conservation and Management Act, eelgrass, surfgrass, and canopy kelp are considered Habitat Areas of Particular Concern for various species within the Pacific Coast Groundfish and Pacific Coast Salmon Fishery Management Plans. Additionally, the importance of eelgrass protection and restoration, as well as the ecological benefits of eelgrass, is identified in the California Public Resources Code (PRC §35630).
- b) Survey & Analysis. A thorough survey of marine habitats, including characterization of eelgrass, surfgrass, kelp, hard substrate, and rocky reef habitat, will be necessary to determine the extent of Project impacts. The DEIR should include a map of marine habitats (e.g., eelgrass, surfgrass, kelp, hard substrate, rocky reef habitat) and an analysis of impacts to those habitats and associated species for the different Project Alternatives. Eelgrass surveys should be conducted in accordance with the National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP, NMFS 2014). If surveys indicate that eelgrass, surfgrass, kelp, or rocky reef habitat will be impacted by Project activities, then a Minimization, Mitigation and Monitoring Plan (MMMP) should be developed and provided to CDFW and other appropriate regulatory agencies for review prior to the start of Project activities. Mitigation ratios in the MMMP must be high enough to ensure “no net loss” of marine vegetation.

Comment
 11-15

3) Marine Invertebrates. Sensitive marine invertebrates in the Project vicinity may include but are not limited to abalone (*Haliotis sp.*) and habitat-forming invertebrates, such as gorgonians, sponges, and cup corals. Eighteen species of invertebrates on the Island were identified during diver surveys in 2020 (UCSB 2020). While abalone were not observed during surveys in 2020, they have the potential to occur in the Project area. Invertebrate species and their habitats are vulnerable to burial and sedimentation impacts.

- a) Protection Status. Black and white abalone are listed as Endangered under the Federal ESA.
- b) Survey and Analysis. A thorough survey of marine invertebrate species and potential habitat should be conducted by a qualified biologist using the best available methods to determine impacts from Project activities. If Project activities will result in impacts to (or removal of) sensitive species habitat (such as removal of revetment that has been colonized by invertebrates), the applicant should consult with CDFW and other regulatory agencies to minimize and mitigate those impacts. The DEIR should also include measures to avoid impacts to sensitive benthic habitats and species from vessel operations (e.g., anchoring or staging vessels).

Comment
 11-16

4) Marine Fisheries. Many important commercial and recreational fish species use the Project area for shelter, spawning, foraging, and resting. The UCSB Marine Characterization survey observed 28 fish species, including 19 recreational fisheries species and 7 commercial fisheries species that are all associated with nearshore rocky reef habitat. These surveys observed a greater diversity and abundance of fish at Rincon Island than at the adjacent natural reefs

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 12 of 19

Comment
 11-16 Cont.

(UCSB 2020). Important invertebrate fisheries species, including California spiny lobster (*Panulirus interruptus*), were also observed during surveys of the Island. Potential impacts to marine fisheries from Project activities include, but are not limited to, loss of habitat, temporary degradation of water quality, sedimentation, and noise disturbance. The DEIR should identify impacts to commercially and recreationally important fish and invertebrate species and include mitigation measures to avoid or reduce impacts for each of the Project Alternatives. If lobster and/or their habitat is identified, impacts to the species and/or their habitat should be avoided and/or minimized. A list and description of marine species and State Fishery Management Plans can be found on CDFW's website (<https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research>).

Comment
 11-17

5) Marine Mammals and Sea Turtles. Marine mammals and sea turtles may be present in waters nearshore and offshore of Rincon Island and are vulnerable to impacts associated with underwater noise, water quality, disturbance from surveys and construction, and collision risk with vessels. Impacts to habitat and prey resulting from Project activities could also impact marine mammals and sea turtles.

- a) Protection Status. The U.S. Marine Mammal Protection Act of 1972 protects all marine mammals, including cetaceans, pinnipeds, and sea otters. All sea turtles are listed as endangered or threatened under the Federal ESA, and the Leatherback turtle (*Dermochelys coriacea*) is also listed as a State Candidate Endangered species.
- b) Survey and Analysis. The DEIR should include an analysis of potential impacts to marine mammals and sea turtles from Project activities and include mitigation measures to reduce those impacts. CDFW recommends the Project implement marine mammal and sea turtle monitoring protocols and appropriate buffer zones as specified by the NMFS guidance during all construction related activities.

Comment
 11-18

6) Underwater noise impacts. The DEIR should describe the materials to be removed, methods for removal, underwater sound monitoring methods, and mitigation measures to avoid injurious sound pressure levels to fish, marine mammals, and sea turtles during in-water construction work. According to the Interim Criteria for Injury to Fish from Pile Driving Activities, the sound pressure levels should not exceed 206 decibels (dB) peak level, and 187 dB accumulated sound exposure level (SEL) for all listed fish except those that are less than two grams. In that case, the criteria for the accumulated SEL should be 183 dB. The NMFS Marine Mammal Acoustic Technical Guidance provides thresholds for underwater noise impacts to marine mammals. CDFW recommends the DEIR include an underwater sound attenuation monitoring plan and that monitoring results for this aspect of the Project are provided to CDFW and other appropriate regulatory agencies for review.

Comment
 11-19

7) Water quality impacts. The DEIR should analyze impacts to water quality that could occur from Project activities, including the removal of the causeway, wharf, abutment, protective revetment, and Island. Seafloor sediment testing should be conducted to evaluate potential contamination of sediment underneath and surrounding the Island, and to assess the potential for contaminants to disperse into the water column and surrounding habitats during in-water construction. The DEIR should also analyze impacts to water quality from reuse of the well bay conductors. The DEIR should include the development and implementation of a Water Quality Monitoring Plan for all in-water construction work. The Plan should include measures to mitigate or reduce water quality impacts, and results from the monitoring plan should be provided to

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 13 of 19

Comment 11-19 Cont. CDFW and other appropriate regulatory agencies. Additionally, the DEIR should include testing of the causeway pilings and decking materials to identify the potential presence of wood preservatives, such as creosote. If materials do contain wood preservatives or other toxins, mitigation measures to minimize leaching of toxins into marine waters during disassembly and transportation from the site should be developed.

Comment 11-20 8) Artificial Lighting. Adverse effects to fish, mammals, and birds have been noted with the use of artificial lighting during nighttime hours. Effects can include altered behaviors such as phototaxis, aggregation or repellent of species, and changes in species richness and diversity in the area. Care should be taken to minimize the use of artificial lighting to reduce light pollution. The DEIR should describe if any artificial lighting will be used during construction of the Project. CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is proposed, CDFW recommends proper placement and shielding be used to avoid light spillage skyward or onto marine waters. The DEIR should specify if any permanent lighting is proposed on the Island for navigation safety.

Comment 11-21 9) Scientific Collecting Permit. Fish and Game Code sections 1002, 1002.5 and 1003 authorize the CDFW to issue permits for the take or possession of wildlife and certain plants. CDFW currently implements this authority through Section 650, Title 14, California Code of Regulations, by issuing Scientific Collecting Permits (SCP). An SCP issued from CDFW will be required prior to relocating or transplanting any marine species, including fish, kelp, and eelgrass. More information can be found on CDFW's SCP webpage (<https://wildlife.ca.gov/Licensing/Scientific-Collecting>).

Comment 11-22 10) Future Management. The DEIR should discuss future management of Rincon Island under the different Project Alternatives, including:

- a) Changes in jurisdiction, ownership, and/or management of the Island;
- b) Future uses of the Island;
- c) Public access to the Island, causeway, wharf, or any other features;
- d) Maintenance of the Island and other structures in response to damage from storms, sea level rise, vessels, and other disturbances.

General Comments

Comment 11-23 1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the appropriateness of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Comment 11-24 2) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project areas, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 14 of 19

**Comment
 11-24 Cont.**

cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect [Sensitive Natural Communities](#) (CDFWd 2022) from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity;
- b) A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. [The Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer, 2009). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on-site and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that [CNDDDB Field Survey Forms](#) (CDFWe 2022) be completed and submitted to CNDDDB to document survey results;
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on-site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. See CDFW's [Surveying and Monitoring Protocols and Guidelines](#) (CDFWf 2022) for established survey protocol for select species. Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and
- f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to two years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 15 of 19

Comment 11-24 Cont.	g) Presence/absence determinations of wildlife and rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the DEIR provide any recent survey data.
Comment 11-25	3) <u>Data</u> . CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting CNDDB Field Survey Forms (CDFWe 2021). CSLC should ensure data collected for the preparation of the PEIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
Comment 11-26	<p>4) <u>Mitigation Measures</u>. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.</p> <p>a) <u>Level of Detail</u>. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that CSLC prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.</p> <p>b) <u>Disclosure of Impacts</u>. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.</p>
Comment 11-27	5) <u>Biological Direct, Indirect, and Cumulative Impacts</u> . To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR for all Project sites:

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 16 of 19

Comment
 11-27 Cont.

- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
- c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
- d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Comment
 11-28

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

Comment
 11-29

7) Moving out of Harm's Way. The proposed Project may result in impacting habitats on and/or adjacent to the Project site that may support wildlife. To avoid direct mortality, CDFW

Ms. Cynthia Herzog
 California State Lands Commission
 November 2, 2022
 Page 17 of 19

**Comment
 11-29 Cont.**

recommends that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

**Comment
 11-30**

8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

**Comment
 11-31**

9) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
- b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. CDFW recommends CSLC consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends CSLC consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. Potential impacts to wildlife movement areas should also be evaluated, avoided, or mitigated consistent with applicable requirements of the City's General Plan and Local Coastal Program.

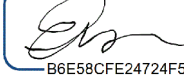
Conclusion

We appreciate the opportunity to comment on the NOP to assist the CSLC in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov, or Corianna Flannery, Environmental Scientist, at Corianna.Flannery@wildlife.ca.gov for questions related to marine comments.

Ms. Cynthia Herzog
California State Lands Commission
November 2, 2022
Page 18 of 19

Sincerely,

DocuSigned by:



B6E58CFE24724F5...
Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Steve Gibson, Los Alamitos – Steve.Gibson@wildlife.ca.gov
Emily Galli, Fillmore – Emily.Galli@wildlife.ca.gov
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NMFS
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California Coastal Commission
Cassidy Teufel – Cassidy.Teufel@coastal.ca.gov

OPR
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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Ms. Cynthia Herzog
California State Lands Commission
November 2, 2022
Page 19 of 19

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**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Cynthia Herzog, Sr. Environmental Scientist, CSLC

DATE: November 2, 2022

FROM: Nicole Collazo, Air Quality Specialist, VCAPCD Planning Division 

SUBJECT: Notice of Preparation for the Rincon Phase 2 Decommissioning Project (RMA 22-031)

Ventura County Air Pollution Control District (APCD) staff has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the project referenced above. The project location is Rincon Island Offshore Facility, approximately 3,000 feet offshore of Punta Gorda, and Rincon Onshore Facility at 5750 W. Pacific Coast Highway. The Lead Agency for the project is the California State Lands Commission (CSLC)

APCD has the following comments regarding the project's NOP of an EIR.

Comment
12-1

1) *Air Quality Section*- The air quality assessment should consider project consistency with the 2016 Air Quality Management Plan (AQMP). The 2016 AQMP presents Ventura County's strategy (including related mandated elements) to attain the 2008 federal 8-hour ozone standard by 2020, as required by the federal Clean Air Act Amendments of 1990 and applicable U.S. EPA clean air regulations. The 2016 AQMP uses an updated 2012 emissions inventory as baseline for forecasting data, SCAG RTP 2016 data, and CARB's EMFAC2014 emission factors for mobile sources. The AQMP can be downloaded from our website at <http://www.vcapcd.org/AQMP-2016.htm>.

Comment
12-2

2) The APCD recommends the methods and standards in the Ventura County Air Quality Assessment Guidelines (AQAG) for evaluating potential air quality impacts for purposes of the California Environmental Quality Act (CEQA). The AQAG are also downloadable from the APCD website here: <http://www.vcapcd.org/environmental-review.htm>. Specifically, the air quality assessment should evaluate reactive organic compound (ROC), nitrogen oxide (NOx), and particulate matter from all project-related sources (e.g., motor vehicles, sources not permitted with APCD, and construction equipment). The APCD notes that the AQAG has not been updated since 2003. Current air quality determinations follow the same methodology but using updated tools (CalEEMod instead of URBEMIS, updated OEHHA standards for toxics). The recommended list of mitigation measures in the AQAG are also limited and outdated. Solutions that result in direct emission reductions, such as installing bicycle lockers, electric vehicle (EV) charging stations, and energy efficiency standards exceeding Title 24 requirements should be considered before choosing to mitigate emissions using Transportation Demand Management (TDM) Fund Mitigation.

**Comment
12-3**

3) It is important to quantify construction emissions. Although they are short-term in nature and not included in the impact determination for attaining the ambient air quality standards for ozone, even temporary exposure to diesel particulate matter (diesel PM) and ozone precursors can have adverse impacts on sensitive receptors, especially infants in the development stages. Emission reduction measures such as requiring Tier 4 off-road construction equipment can reduce NOx pollutants by up to 85% and is highly recommended if construction emissions are above 25 lbs./day of ROC or NOx. Another potential emission reduction measure is to require all on-road construction vehicles to be of 2010 engine year or newer (such as vehicles hauling contaminated soil off-site) per the emission standards of the California State Regulation for In-Use On-Road Diesel Vehicles Title 13, CCR §2025. It is also recommended a Health Risk Assessment (HRA) be conducted to evaluate the cancer risks from the 2-yr construction activities occurring adjacent to a residential community. The HRA shall be conducted using the state standards and thresholds set forth in the California Office of Environmental Health Hazard Assessment (OEHHA) guidelines. The model can be adjusted for the exposure of a 0–2-year-old developmental stage to be in line with the expected construction period.

**Comment
12-4**

4) It is important there be an enforceable measure or condition of approval for covered truck loads for the contamination soil remediation activities, not only to reduce fugitive dust generation but exposure of contaminated soil to sensitive receptors within truck routes.

**Comment
12-5**

5) The NOP stated both the Operator and Electrical Building contain non-friable asbestos-containing material (ACM). Any demolition activities, including those with ACM, must comply with APCD Rule 62.7, *Asbestos- Demolition and Renovation*, including notification requirements and possible inspections. More on Rule 62.7 and the APCD Asbestos Program can be found [here](#).

Thank you for the opportunity to comment on the project's NOP. If you have any questions, you may contact me at nicole@vcapcd.org or 805-303-3674.

November 3, 2022

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

Attention: Cynthia Herzog, Katie Robinson-Filipp, Sheri Pemberton and Micaela Wiemer

Reference: Rincon Onshore and Offshore Facilities

Subject: CEQA Scope Of Work: Comments and Concerns

Dear California State Lands Commission (CSLC),

Thank you for the opportunity to provide feedback, regarding the recently issued EIR/CDQA Draft Scope of Work, Dated October 4, 2022. Respectfully provided below are comments and recommendations, regarding the information provided to the public.

In the Notice Of Preparation, California State Lands Commission state the following: Section 4.1

4.1 Alternatives Analysis

State CEQA Guidelines require an EIR to:

...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (§ 15126.6).

The State CEQA Guidelines also require that the EIR evaluate a "no project" alternative and, under specific circumstances, designate an environmentally superior alternative from among the remaining alternatives. The EIR will:

- Identify alternatives based on the environmental analysis and information received during scoping
- provide the basis for selecting alternatives that are feasible and that would reduce significant impacts associated with the proposed Project
- provide a detailed explanation of why any alternatives were rejected from further analysis
- evaluate a reasonable range of alternatives including the "no project" alternative

**Comment
13-1 Cont.**

The three alternatives highlighted by the CSLC involve the complete or partial removal of the pier/causeway connecting the land base rock causeway to the island. Per the CEQA and EIR guidelines, alternatives should provide options to "lessen" environmental impacts not "heighten" environmental impacts. Any professional, layman or common citizen can clearly understand that removal of the pier/causeway would in no way "lessen" environmental impacts, it would only "heighten" both environmental and community impacts.

Since the inception of this this process, CSLC has clearly indicated that they want to remove the pier, due to the costs to perform on going maintenance. Never has the CSLC suggested it would lower the impact to the environment.

**Comment
13-2**

In addition, the California Coastal Commission who as I understand has controlling authority to approve or reject projects of this type along the California Coast has clearly indicated that they support the "Reuse" option. Given the Coastal Commission position, the impacts to the environment and the Mussel Shoals community that removal of the causeway and pier would cause, why is the State Lands Commission wasting tax payer money to study these three alternative?

In summary, the three alternatives must be removed "Project."

Sincerely,

Daniel C. Reddick

Mussel Shoals Resident

**Comment
13-3**

In 1997, The State Lands Commission was wrong, the "Oil Pier" beach was completely destroyed and is no longer usable. Please do not repeat this mistake at Mussel Shoals, wisdom comes by learning from the past.

I urge you to read the following 1997 LA Times article (Parting of the Waves) regarding Oil Piers, just south of Mussel Shoals: <https://www.latimes.com/archives/la-xpm-1997-sep-01-me-27897-story.html>

An excerpt from this article:

"A State Lands Commission study, however, has shown the oil piers have no effect on sand migration and wave action at the beach. The commission report suggests that nearby Rincon Island and the 1971 widening of the Ventura Freeway had more to do with wave creation than the pilings.

"We didn't see that it had any major impact," said Michael Valentine, senior staff attorney with the State Lands Commission.

The commission has, in turn, decided to conduct a fast-track environmental review released last week..."

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
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November 4, 2022

Cynthia Herzog
Senior Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Re: Rincon Phase 2 Decommissioning Project Notice of Preparation (NOP)

Dear Ms. Herzog:

California Coastal Commission (Commission) staff appreciates the opportunity to review and provide comments on the Notice of Preparation (NOP) for the Rincon Phase 2 Decommissioning Project that would include remediation of the Onshore Facility, removal of Rincon Island's remaining surface structures, removal of the Island's well bay concrete deck and contaminated soil, backfill of the Island with clean soil, decommissioning of onshore pipeline connections, and improvement of the State Coastal Conservancy parcel adjacent to the causeway landing (abutment). Rincon Island is located approximately 3,000 feet offshore of Punta Gorda in Ventura County, approximately seven miles northwest of the city of Ventura, California. Rincon Island is located immediately offshore of the community of Mussel Shoals and approximately 0.5 mile south of the community of La Conchita. The Island is located in approximately 55 feet of water.

Comment
14-1

The entire project is within the Coastal Zone; therefore, a Coastal Development Permit (CDP) to implement the final project will ultimately be required. In 1983, the Coastal Commission certified a Local Coastal Program (LCP) for Ventura County (County). As such, the County Planning Division may process a CDP for development within its LCP jurisdiction, and the LCP would be the standard of review. The portion of the project within the Coastal Commission's retained jurisdiction would need a permit processed by the Coastal Commission, with Chapter Three of the Coastal Act as the standard of review. However, as the project spans both jurisdictions, Coastal Act Section 30601.3 authorizes the Coastal Commission to process a consolidated CDP application when the applicant, the local government(s), and the Coastal Commission all agree to do so. For consolidated permit applications, the Coastal Act is the standard of review for the entire project, with the relevant Local Coastal Program providing guidance.

Comment
14-2

Commission and County staff previously reviewed a feasibility study for the project in May of 2022 and provided comments regarding public access and recreation opportunities, removal and import of materials, shoreline protective devices and coastal hazards, project alternatives, County LCP land use designations and policies, Environmentally Sensitive

Comment 14-2 Cont. | Habitat Areas (ESHA), coastal water quality, and marine resources. After reviewing the NOP, it appears that Commission staff's and County staff's comments on the feasibility study remain applicable to the scope of work identified in the NOP. As such, we have included that letter here as an appendix and encourage State Lands Commission (SLC) staff to continue to consider those comments and incorporate them by reference into this letter.

Comment 14-3 | In particular, we encourage SLC staff to consider reuse alternatives that preserve, enhance and maximize coastal access and recreation opportunities that would align with Ventura County's planned multi-modal transportation system for the California Coastal Trail (CCT). Sections 30210, 30211, and 30212 of the Coastal Act, as incorporated into the County's LCP, mandate that maximum public access and recreational opportunities be provided and that development does not interfere with the public's right to access the coast. Rincon Island, the causeway, and the onshore facility are located along the route of the CCT within the County's transportation system and could provide unique and regionally important public access and recreational amenities for the public, such as day-use facilities and a walk-in or bike-in campground. Although we understand that re-use will be more fully considered at a later date, because the scope of decommissioning activities and manner in which they are carried out may affect or limit some re-use options, we felt it would be valuable to provide input and suggestions at this time regarding eventual and interim use of the Rincon Island and Onshore Facility sites. For example, there is currently an operations building within Rincon Island that includes multiple rooms and a restroom connected to a septic system. If feasible, this facility could remain or be modified as part of the decommissioning in order to support future coastal access and recreation opportunities. This facility should remain in place until it is determined to be unnecessary for future use.

Comment 14-4 | Rincon Island consists of a level and open two-acre area located approximately one-half mile offshore and protected on all sides by existing rock revetment. Because of its size and construction, once the site is remediated it would seem able to support conversion to a walk-in/bike-in campground without significant construction or development. Although the site is not dissimilar to Ventura County operated campgrounds at Faria Beach Park and Hobson Beach Park (paved camping areas located on the coast behind large rock revetments), nowhere else along the coast of California has the potential to host camping opportunities directly offshore which would provide a completely unique way to experience and access coastal resources. In addition, while the Ventura County coastline has a number of sites dedicated exclusively or primarily to recreational vehicle camping (Rincon Parkway, Hobson Beach Park, Faria Beach Park, Emma Wood State Beach North Beach Campground) there is currently a very limited number of sites and a 15-mile gap between available walk-in and bike-in camping opportunities (specifically, those at Carpinteria State Beach to the north and the Emma Wood State Beach Ventura River Group Camp to the south). Rincon Island is primely located in the middle of those two facilities and could thus fill an important gap in the available walk-in and bike-in camping opportunities along this stretch of the coast.

There are also several other advantages of the area around Rincon Island that make a strong case for day-use public access and recreation. These include three different

Comment
14-4 Cont.

beaches and beach access points located within a mile of Rincon Island, each with easily accessible connections to the CCT and multi-modal transport. Rincon Island is located immediately adjacent to popular surfing, fishing, and tide pooling activities and while public parking opportunities in the Mussel Shoals community are limited, more abundant parking is available both up- and down-coast in close proximity and accessible via a paved class one bike trail (including at Bates Beach and landward of Highway 101 near Oil Piers Beach). The Onshore Facility, another component of the Rincon Island Decommissioning Project located 1.3 miles to the east along Pacific Coast Highway, is similarly located close to several beach access points and would also appear to include ample space that could be used for parking and other development to support access and recreation activities.

As stated in the NOP, following decommissioning, State Lands Commission staff would consider applications for leases from entities that have an interest in managing the facilities that remain in place and any impacts associated with reuse options will be evaluated at that time. Until leasing options for reuse have been finalized, beach and offshore access to Rincon Island would remain as-is; with the causeway remaining locked and the island remaining in caretaker status only. The amount of time for the selection of a potential lessee to repurpose or redevelop the sites is unspecified. Although final development plans would be contingent upon an executed lease agreement, Commission staff encourage State Lands Commission staff to consider alternatives or reuse of existing facilities that would help facilitate future access and recreation at the sites. Also, considering the potential extended duration between decommissioning and repurposing the site, Commission staff encourage State Lands Commission staff to consider options for allowing and facilitating public access and recreation in the area on an interim basis during the repurposing process.

We understand, however, that the State Lands Commission is not in a position to develop or manage a public access or recreation facility such as a day use area or campground at Rincon Island and that a wide variety of constraints and considerations would need to be evaluated prior to moving forward with such a concept. We therefore encourage State Lands Commission staff to consider coordinating with California Department of Parks and Recreation and Ventura County on the possibility of establishing and managing a campground at Rincon Island, the types of facilities that would be necessary at the site to support access and recreation during and after repurposing and possible challenges that would need to be addressed. Commission staff stands ready to assist in that effort and in facilitating those discussions.

Comment
14-5

Lastly, we encourage SLC staff to carefully consider a range of alternatives for the proposed decommissioning activities that will minimize alteration of the shoreline, minimize risk of development from coastal hazards, and minimize adverse environmental impacts to the maximum extent feasible.

We look forward to coordinating with the State Lands Commission on the development of the Initial Study, EIR and the CDP process.

Please contact Wesley Horn at Wesley.Horn@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

Wesley Horn
Environmental Scientist

Attachment A: Coastal Commission Staff Letter on the Rincon Phase 2 Decommissioning
Feasibility Study Dated May 16, 2022

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



May 16, 2022

Via email to Rincon.Phase2@slc.ca.gov
California State Lands Commission

RE: Rincon Phase 2 Decommissioning Feasibility Study

Dear California State Lands Commission Staff,

Thank you for the opportunity to comment on the Rincon Phase 2 Decommissioning Feasibility Study for the project located on Rincon Island and in the Mussel Shoals area in unincorporated Ventura County. State Lands Commission (SLC) is currently evaluating three alternatives, Reuse, Reefing, and Complete Removal, for the decommissioning of the oil and gas related facilities. The final project could consist of up to nine components spanning the areas of Rincon Island located immediately offshore of the community of Mussel Shoals, the causeway connecting Rincon Island to the coast, the State Coastal Conservancy (SCC) parcel on the southern shore of the Mussel Shoals community immediately east of the causeway landing, and the Onshore Facility located 1.3 miles to the east of Rincon Island at 5750 W. Pacific Coast Highway.

The entire project is within the Coastal Zone; therefore, a coastal development permit to implement the final project will ultimately be required. In 1983, the Coastal Commission certified a Local Coastal Program (LCP) for Ventura County. As such, the Ventura County Planning Division may process a coastal development permit for development within its LCP jurisdiction, and the LCP would be the standard of review. The portion of the project within the Coastal Commission's retained jurisdiction would need a permit processed by the Coastal Commission, with Chapter Three of the Coastal Act as the standard of review. However, as the project spans both jurisdictions, Coastal Act Section 30601.3 authorizes the Coastal Commission to process a consolidated coastal development permit application when the applicant, the local government(s), and the Coastal Commission all agree to do so. For consolidated permit applications, the Coastal Act is the standard of review for the entire project, with the relevant Local Coastal Program providing guidance.

Public Access and Recreation Opportunities

One of the primary tenets of the Coastal Act is to protect, enhance, and maximize public access to and along the coast. Specifically, Sections 30210, 30211, and 30212 of the Coastal Act, as incorporated into the County's LCP, mandate that maximum public access and recreational opportunities be provided and that development does not interfere with the public's right to access the coast. Therefore, Coastal Commission staff supports a reuse alternative that preserves Rincon Island, the causeway, and the

onshore facility for the provision of public access and recreation opportunities. In the assessment of the project's impacts on recreation resources, the Feasibility Study states that under the identified Reuse alternative, the causeway is intended to remain locked and the island is intended to be utilized for private purposes only. Coastal Commission staff strongly encourage SLC to consider a broader range of reuse opportunities and to prioritize those that would most effectively protect, enhance and maximize public coastal access and recreation in the area. Rincon Island and the causeway are located a short distance from the California Coastal Trail and could provide unique public access and coastal recreational opportunities for the public, such as day-use and walk-in or bike-in camping; alternatives which should be evaluated if SLC is to move forward with "Reuse" as its preferred alternative. Furthermore, Coastal Act Section 30604(h) states that when acting on a coastal development permit (CDP), the issuing agency may consider environmental justice or the equitable distribution of environmental benefits throughout the state. As much of the project site lies within lands subject to the public trust, we believe it is particularly critical that maximum public access and recreational opportunities be protected and provided to adequately meet requirements of the Coastal Act, and thus incorporate environmental justice initiatives to promote equitable access. Commission staff ask that relevant environmental justice groups be contacted to evaluate current needs in the region to identify maximum public access opportunities that can be incorporated into the project.

The County's LCP contains specific goals, policies, and provisions relating to alignment, design, implementation, and management of the California Coastal Trail. Coastal Trail Policy 1.1 states:

The California Coastal Trail (Coastal Trail) shall be provided through unincorporated Ventura County, and shall be located as close to the ocean as feasible, preferably along the shoreline or within sight or sound of the sea.

Implementation of this policy requires an interconnected and multi-modal transportation system. The SCC parcel in the subject project is located close to Coastal Trail Segment N1, a multi-modal trail along Highway 101, which is depicted on LCP Figure 4.1-2. Since the segment of Highway 101 in the Mussel Shoals area is located inland of the residential community, there are opportunities to provide Coastal Trail segments in this area closer to the beach. The SCC parcel is located between the walking/hiking trail segments N1-A on La Conchita Beach and N1-B on Beacon's Beach. Given SCC parcel's location adjacent to the ocean, the land provides unique opportunities for public access to the ocean and for possible future connections to existing Coastal Trail segments N1-A and N1-B. As such, Coastal Commission staff agree that enhancement of this parcel with public access amenities such as benches and pathways would serve to enhance public access consistent with the Coastal Act and LCP.

Furthermore, the Onshore Facility component of the project is approximately 6-acres in size and is located along Coastal Trail Segment N2, which is depicted on LCP Figures 4.1-2 and 4.1-3. Trail segment N2 has been identified as a multi-modal trail segment

that needs improvements for hikers and walkers. In order to further enhance public access and recreational opportunities in this area additional project components including reuse of this parcel should be analyzed. Specifically, this area could provide additional parking or low-cost overnight camping facilities. Public access improvements including enhanced bicycle and pedestrian access to the Beacon's Beach Highway 101 undercrossing should also be analyzed. The final project should provide space for safe recreational opportunities, safe pedestrian, and bicycle access to the coast and ocean and should enhance connections to existing public access and recreational facilities. Coastal Commission staff strongly encourage SLC to actively engage in coordination with us, the California Department of Parks and Recreation, and the Ventura County Parks Department to further explore these types of opportunities.

Removal and Import of Materials

Various aspects of the alternatives considered for the subject project may involve removing materials from and importing materials to the island, the causeway, the SCC parcel, and the Onshore Facility. Chapter Three policies of the Coastal Act require that Environmentally Sensitive Habitat Area (ESHA), coastal waters, and other coastal resources be protected and enhanced. Specifically, Coastal Act Sections 30230, 30231, and 30240, require the protection of coastal waters, ESHA, and other coastal resources to the maximum extent feasible. The feasibility study should analyze potential impacts to coastal waters, ESHA, and other coastal resources, and should evaluate project alternatives that would avoid impacts to the maximum extent feasible. Only if no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected and mitigation should be required.

SCC Parcel

Section 30235 of the Coastal Act, as incorporated into the County's LCP, provides for the construction of a revetment or other shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. Component Plan 9 includes three project alternatives for the SCC parcel. Alternative 9C would include the placement of rip rap to the remaining unarmored section of the beach, which is approximately 130 feet in length. The Feasibility Study states that this rip rap would be necessary to protect the homes located landward of the SCC parcel. However, it is unclear if these homes constitute existing development and information has not been included in the study to indicate that these homes are in need of protection. Thus, it appears that this alternative as it is currently considered is not consistent with the Coastal Act and LCP policies. Furthermore, the permit history of the existing rip rap on site should be investigated. Any unpermitted development on the site cannot be considered as the baseline upon which to assess potential impacts from new development. Rather, unpermitted development should be included as part of the project description for new development on this site and evaluated for its consistency with Coastal Act and LCP policies.

Additionally, Alternative 9B, examines a "managed retreat" strategy that involves the addition of cobble along an unarmored portion of the shoreline to stabilize the shoreline

from erosion. Managed retreat strategies should be designed to allow the shoreline to migrate landward as a result of erosion and sea level rise in the future. Managed retreat measures include strategic relocation of threatened structures, removing shoreline protection devices, and replacing hard armoring with soft, nature-based, adaptation strategies that absorb wave energy such as cobble berms and vegetated dunes. While alternative 9B for the SCC parcel involves constructing a cobble berm, the alternative as it is currently considered should not be characterized as “managed retreat,” since it is proposing to add cobble to armor a segment of the shoreline onsite that is currently unarmored (albeit not hard armor such as revetment), instead of softening the shoreline or relocating structures farther from coastal hazard. The Surfer’s Point project (4-05-148, A-4-SBV-06-037, 4-05-148-A1, and A-4-SBV-06-037-A1) referenced in the discussion of alternative 9B involves the construction of a cobble berm in a location dominated by natural cobble substrate, but it also involves removing an approximately 200-foot-long rock revetment and relocating the existing parking lot further inland. Therefore, the Surfer’s Point project as a whole is softening the shoreline and relocating development unlike the current proposal of Alternative 9B.

While analyzing the alternatives for development of the SCC parcel, managed retreat strategies that allow the shoreline to migrate landward without the use of cobble and rip rap should be fully evaluated and prioritized. The erosion protection alternative(s) that involves the minimum alteration to the shoreline should be prioritized. Furthermore, while the cobble berm design may be suitable as a nature-based adaptation solution in locations such as Surfer’s Point and near river mouths where cobbles are naturally found, it is unclear if the cobble berm design that involves importing 2,500 cubic yards (4,300 tons) of cobble to the SCC parcel location is a suitable nature-based solution, and if the import of cobble to this location will adversely impact the intertidal and subtidal habitats in the area. To better facilitate landward migration of the shoreline, public access amenities on the site should be planned with adaptability and removability in mind. The proposed stairway to access the beach and the replacement bench should be designed to be easily removed when they are threatened by coastal hazards in the future. Furthermore, any existing rip rap on the beach should be gathered from the beach area and removed or, if determined to have been legally placed, relocated to the most landward location possible to make more beach area available and usable for public access and recreation. Overall, a range of alternatives for the proposed development at the SCC parcel should be analyzed to identify the design that will minimize alteration of shoreline, minimize risk of development from coastal hazards, provide public access and recreation opportunities, and minimize adverse environmental impacts to the maximum extent feasible.

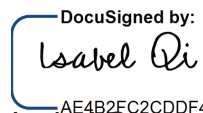
Removal Alternatives

Both the “Complete Removal” and “Reefing” alternatives include the decommissioning and removal of all or significant portions of the island and causeway. Coastal Commission staff encourages SLC to consider the effects this potential removal of the island, the causeway, and/or the causeway abutment, would have on sand, swell, and current movement in the area, and on erosion of the shoreline near the SCC parcel. In

addition to supporting a rich array of marine life and habitats, the project site is also a well known and frequently used surf break of recognized quality and consistency. The combination of seafloor profile and type, current patterns, swell direction and wind exposure that influence the presence and quality of surf breaks is poorly understood and highly variable. As such, removal or significant alteration of project components such as the causeway and causeway abutment could have unintended and permanent effects on the surf break that may not be able to be effectively predicted. Coastal Commission staff therefore again strongly encourage SLC to consider reuse alternatives that both preserve the unique existing coastal recreation assets provided at the project site and further enhance and maximize coastal access and recreation.

Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the project develops, and Coastal Commission staff requests notification of any future activity associated with this project or related projects. Again, thank you for the opportunity to comment.

Sincerely,

DocuSigned by:

AE4B2FC2CDDF492...

Isabel Qi
Coastal Program Analyst

Cc: Cassidy Teufel, Senior Environmental Scientist, CCC
Linda Locklin, Public Access Program Manager, CCC



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www.healtheocean.org

November 4, 2022

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA, 95825
Attn: Jennifer Lucchesi, Executive Officer, and California State Lands Commissioners
via email: CEQA.comments@slc.ca.gov

**RE: Rincon Phase 2 Decommissioning Project Notice of Preparation [SCH # 2202100043;
CSLC File Ref: W30134]**

Dear Executive Officer Lucchesi and Honorable Commissioners,

On behalf of Heal the Ocean (HTO), I submit the following comments on the Notice of Preparation of the Draft Environmental Impact Report (EIR) for the Rincon Phase 2 Decommissioning Project. **We invite the Commission to consider our recommendations for inclusion in preparation of the EIR.**

HTO is a non-profit organization founded in 1998 in Santa Barbara, CA. Since 2017, we have been working with the California State Lands Commission (SLC) on the leaking oil wells off of Summerland Beach – with political, financial and research support, and with logistical help, too. HTO Field Supervisor, Harry Rabin, has worked with SLC engineers to accurately identify locations of the wellheads before decommissioning projects commence.

Comment
15-1

Rabin has worked with SLC on the various issues involved with abandonment of wells on “Rincon Island,” (Island). HTO has heard of and assessed various alternative uses for the Island. Although many environmental groups advocate for complete removal, HTO asks the Commission to recognize the disappearance of nearshore habitat over time due to dredging and other onshore activities that have been lethal to shallow water life. The Executive Director of Heal the Ocean, Hillary Hauser, spent years diving and documenting the life underneath offshore platforms. She has strong personal feelings about the destruction of entire reef communities in the effort to “leave it as you found it.”

Notice of Preparation

Comment
15-2

Heal the Ocean supports the Project Objectives outlined in Section 2.1 – to prepare Rincon Island the Onshore Facility for lease for new uses, to retain the biological diversity associated with Rincon Island, to remediate contamination of Rincon Island and the Onshore facility, to decommission the pipelines previously used for oil and gas production and transportation, and to improve Public Access conditions on the SCC parcel. We concur with the statement in the



Comment
15-2
Cont.

Feasibility Study (Executive Summary line 9: Retention of Rincon Island protects the existing biological diversity (terrestrial and marine) that use the structure).

Comment
15-3

The Feasibility Study also outlines the ocean-environmental harm that is expected to occur with the removal of the causeway (including increased sediment transport from the north side of the causeway to the south, loss of habitat for the marine environment, etc., which Heal the Ocean doesn't want to see. **In Section 2.4.2 Phase 2 Alternatives**, the bulleted section 'Reuse' describes the removal of contaminated soil and other materials being done while leaving the Rincon Island causeway and wharf – "left intact and available for use in some form."

While HTO recognizes that the Notice of Preparation (NOP) for the EIR only provides examples of some potential alternatives to be considered, HTO seeks for the Commission to include the 'Reuse' alternative identified in the Feasibility Study as an alternative for analysis in the EIR.

Without the causeway and wharf, the only alternative use left for Rincon Island is reefing.

Given that the California coastal zone is under increasing pressure for space needed for any kind of beneficial use –maritime laboratory, scientific installation, renewable energy, or some other use by a user that has significant funds to remove financial liability from the State – the 'Reuse' alternative identified in the Feasibility Study should be included in the NOP. The permanent removal of a 2,732-foot long wood and steel bridge that provides access to Rincon Island from the mainland coast is no small matter, particularly since the removal of it reduces the use of Rincon Island to reefing only.

In today's world, where facility space is scarce for renewable energy in particular, we would like to see the SLC include within its exploration of Alternatives of all possibly important uses for the Island.

The Commissioners have the opportunity within the EIR process to assess the feasibility of possible uses for the Island and Causeway, and the time for this is now. To include the 'Reuse' alternative that seeks to identify uses for both the Island and the Causeway in the EIR would, at the very least, ensure that nothing has been overlooked in decisions made.

We thank the California State Lands Commission for considering our comments.

Sincerely,

Hillary Hauser
Executive Director

Hello,

Cultural Heritage Board (CHB) Staff has reviewed the subject site and project description. Following review, CHB Staff offers the following recommendation:

Comment 16-1

Before altering or otherwise affecting a building or structure 50 years old or older, the project-applicant should retain a qualified architectural historian according to the Secretary of the Interior Standards, to record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building or structure has not previously been evaluated. Its significance shall be assessed by a qualified architectural historian, using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5.

Thank you,



Dillan Murray | Assistant Planner
Planning Division
Dillan.Murray@ventura.org

Ventura County Resource Management Agency
P. (805) 654-5042 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700
Visit our website at vcrma.org

For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

Rincon Phase 2 Decommission

Comment 17-1 | Robert and Janet Brunner have resided in Mussel Shoals for 50 years. Our residence, located at 6640 Old Pacific Coast Hwy. is located south east of the pier and beach front. We are very concerned at the removal of the pier and causeway will increase the wave action towards our rock rip rap seawall and dwelling causing damage to both. Have any Army Corps Engineer reports regarding this been discussed? We are concerned about sand flow and restoring our rock rip rap seawall due to the adding of your seawall south of the pier. The lateral Winter waves and currents will damage our seawall. Will you help with issuing permits to repair our seawalls?

Comment 17-2 | Our tide pools are designated Coastal Commission tide pools that need to be protected and policed due to poachers. Please respect our residential beach community during the decommissioning process.

Comment 17-3 | We know of several old oil wells along the beach between the pier and below the Cliff House, we want to make sure these are capped and are in no danger of leaking oil. This should be part of the State Lands responsibility alone with the decommission of the island.

Comment 17-4 | I have suggested a Desalinization plant be placed on the island and also possibly a Coast Guard substation be put out there, I haven't heard anything mentioned or being discussed on these possibilities.

Thank you

Robert Brunner
6640 Old Pacific Coast Hwy.
Ventura, CA 93101

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

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from Voice Phone **800.735.2929**

or for Spanish **800.855.3000**

Contact Phone: (916) 574-1890

October 4, 2022

SCH # 2202100043
CSLC File Ref: W30134

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC SCOPING MEETING

NOTICE IS HEREBY GIVEN that the California State Lands Commission (CSLC), as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR), and that CSLC staff will hold two sessions of a public scoping meeting (one in person and one hybrid) pursuant to CEQA and the State CEQA Guidelines for the project listed below.¹

Project Title: Rincon Phase 2 Decommissioning Project

Proponent: California State Lands Commission

Project Location: Rincon Island and causeway are located approximately 3,000 feet offshore of Punta Gorda in Ventura County, approximately 7 miles northwest of the city of Ventura, California. The Onshore Facility consists of an approximately 6.0-acre parcel owned by the State located 1.3 miles to the east of Rincon Island at 5750 W. Pacific Coast Highway, Ventura (see Figure 1 in the Attachment).

Meeting Information: Thursday, October 20, 2022. Sessions begin at **2 PM** and **6 PM**.

2 PM	6 PM
Carpinteria City Hall, 5775 Carpinteria Ave, Carpinteria, CA (In person only)	Carpinteria City Hall, 5775 Carpinteria Ave, Carpinteria, CA Via Zoom at: https://us02web.zoom.us/j/87111485778?pwd=ZFNGT0ljTk1CVFIQc1pINjJJaTgzdz09 or by Phone: 833 548 0282 (Toll Free) then enter Webinar ID: 871 1148 5778 Passcode: 559964

¹ CEQA is in Public Resources Code section 21000 et seq.; the State CEQA Guidelines are in California Code of Regulations, title 14, section 15000 et seq. The public scoping meeting will be held pursuant to CEQA (§ 21083.9, subd. (a)(2)) and the State CEQA Guidelines (§§ 15082, subd. (c), and 15083).

Notice of Preparation and Notice of Public Scoping Meeting

The CSLC staff has prepared this Notice of Preparation (NOP) to solicit public and agency comments, in writing or at the public meeting, as to the scope and content of the environmental analysis, mitigation measures, and alternatives to include in the EIR. Applicable agencies will need to use the EIR when considering related permits or other Project approvals. This NOP, along with additional background information and the Project Description included in the Attachment, is available online at www.slc.ca.gov (under the "Information" tab and "CEQA" link).

Written comments must be received or postmarked by November 4, 2022.²⁼

Please send your comments at the earliest possible date to:

Cynthia Herzog Senior Environmental Scientist California State Lands Commission 100 Howe Avenue, Suite 100-South Sacramento, CA 95825	Email: CEQA.comments@slc.ca.gov (Subject Line: Rincon Phase 2 Decommissioning Project NOP Comments) Phone: (916) 574-1310
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PROJECT SUMMARY

The proposed Project would include remediation of the Onshore Facility, removal of Rincon Island's remaining surface structures, removal of the Island's well bay concrete deck and contaminated soil, backfill of the Island with clean soil, decommissioning of onshore pipeline connections, and improvement of the State Coastal Conservancy parcel adjacent to the causeway landing (abutment).

PUBLIC SCOPING MEETING

For those not attending in person, each session of the public scoping meeting will also be conducted using the online meeting platform Zoom. You may join by entering the web link listed above for the session you would like to join, or by dialing in by telephone at the number listed above. The Zoom meeting links will also be available on the CSLC's website at www.slc.ca.gov (under the "Information" tab and "CEQA" link). You may join from a desktop computer, laptop, mobile device, or telephone. Staff recommends that you test out your device, internet connection, and Zoom app compatibility well before attempting to join the meeting.

The CSLC staff will begin each session of the scoping meeting noticed above with a brief presentation on the proposed Project. The material presented at

² Pursuant to State CEQA Guidelines section 15103, Responsible and Trustee Agencies shall provide a response to an NOP within 30 days after receipt of the notice.

Notice of Preparation and Notice of Public Scoping Meeting

both sessions will be the same. Two sessions are scheduled for the convenience of the attendees. After each presentation, staff will receive comments on the potential significant environmental issues that should be included in the EIR, until all persons present who wish to provide oral comments have done so, at which time staff will close the session. Each session will be recorded, and all oral comments will be summarized in a scoping memo. A 3-minute time limit on oral comments may be imposed. No Commission action on the Project will occur at these sessions; any such action will occur at a separate noticed public meeting after the EIR has been finalized.

IMPORTANT NOTES TO COMMENTERS

1. If you submit written comments, you are encouraged to submit electronic copies by email to CEQA.comments@slc.ca.gov and write **“Rincon Phase 2 Decommissioning Project NOP Comments”** in the subject line of your email.
2. Before including your mailing or email address, telephone number, or other personal identifying information in your comment, please be aware that the entire comment - including personal identifying information - may become publicly available, including in the EIR and posted on the Internet. The CSLC will make available for inspection, in their entirety, all comments submitted by organizations, businesses, or individuals.
3. If you represent a public agency, please provide the name, email address, and telephone number for the contact person in your agency for this EIR.
4. If you require a sign language interpreter or other reasonable accommodation for a disability, as defined by the federal Americans with Disabilities Act and California Fair Employment and Housing Act, in order to participate in the scoping meeting, please contact the CSLC staff person listed below at least 5 days in advance of the meeting to arrange for such accommodation.
5. Please contact the CSLC staff person listed in this NOP at cynthia.herzog@slc.ca.gov or (916) 574-1310 if you have any questions.

Signature: 
Cynthia Herzog
Senior Environmental Scientist

Date: October 4, 2022