

Staff Report 71

PARTY:

California State Lands Commission

PROPOSED ACTION:

Consider certification of a Final Environmental Impact Report, State Clearinghouse No. 2022100043; adoption of a Mitigation Monitoring Program and Statement of Findings; and authorization to proceed with the Rincon Island, Onshore Facility (Option 2), and Onshore Pipeline Connections (OPC) components of the Rincon Phase 2 Decommissioning Project (Project).

AREA, LAND TYPE, AND LOCATION:

Rincon Island is located approximately 3,000 feet offshore of Punta Gorda in Ventura County, approximately 7 miles northwest of the city of Ventura, California (Figures 1 and 2, below). 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. The Rincon Island Causeway (causeway), or access pier, connects the Island to the coast. Rincon Island and the causeway are located on sovereign submerged lands and tidelands and are associated with former State Oil and Gas Lease PRC 1466.

The Onshore Facility consists of a 6.01-acre parcel of sovereign filled tidelands located 1.3 miles to the east and downcoast of Rincon Island at 5750 W. Pacific Coast Highway (PCH), Ventura, and is associated with former State Oil and Gas Leases PRC 145, PRC 410, and PRC 1466. Rincon Island and the Onshore Facility were previously connected by a pipeline system, until they were disconnected in 2021 as part of the well plugging and abandonment process.

The OPC consist of one 6-inch-diameter oil pipeline and one 6-inch-diameter gas pipeline that were used to transport oil and gas production from Rincon Island to

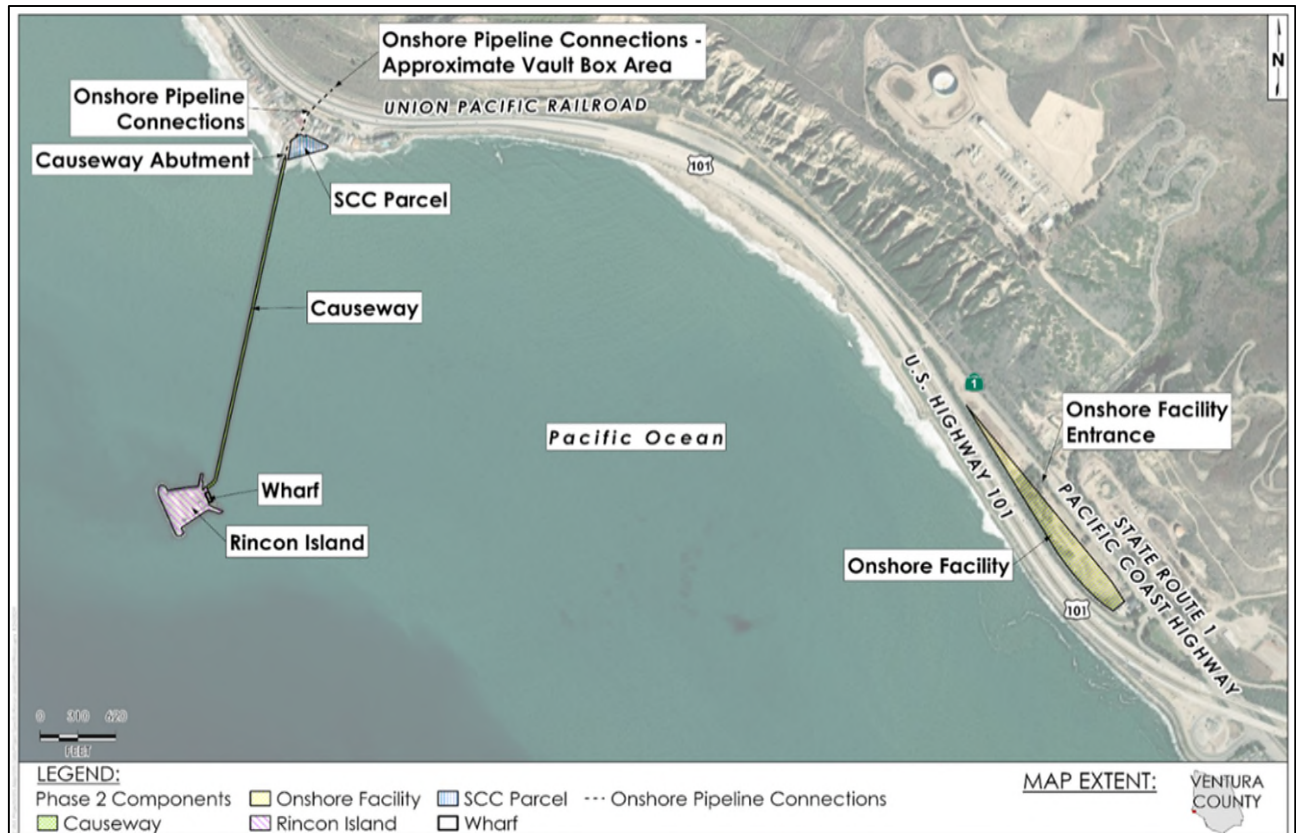
shore and that run from the causeway abutment under Ocean Avenue through the community of Mussel Shoals, and then under U.S. Highway 101, to a vault box north of the Union Pacific Railroad and U.S. Highway 101, within the Railroad right-of-way. The OPC are accessed from uplands landward of the mean high-tide line within Assessor's Parcel Numbers (APNs) 060-0-090-010 and 060-0-090-125. The pipelines traverse through a Ventura County right-of-way between these two APNs. The OPC are not on sovereign lands and are outside of the Commission's jurisdiction.

A State Coastal Conservancy (SCC) Parcel, included in the EIR decommissioning analysis, is located just east of the causeway landing (abutment) within APN 060-0-090-425. The SCC Parcel is under SCC's jurisdiction, not within the Commission's jurisdiction, except for the portion of the parcel waterward of the mean high-tide line.

Figure 1. Site Location Map



Figure 2. Project Sites Overview Map



BACKGROUND:

Rincon Island was constructed in 1959 and, along with the Onshore Facility and the adjacent privately owned Coast Ranch parcel, used for oil and gas production. The Commission historically issued leases to oil production companies for this purpose. Rincon Island Limited Partnership (RILP) was the most recent lessee of these lands, producing oil and gas under State Oil and Gas Leases PRC 145, PRC 410, and PRC 1466.

LESSEE INSOLVENCY AND QUITCLAIM TO STATE

Oil and gas production from Rincon Island ceased in 2008, due partially to deterioration of and damage to the causeway (which has since been repaired). In November 2014, Commission staff identified regulatory violations at Rincon Island that posed a significant risk to the environment and health and safety and worked with the California Geologic Energy Management Division (CalGEM) to address the violations. After missing key compliance deadlines and making only minimal progress to address well pressurization concerns and other safety and regulatory

deficiencies, staff scheduled a recommendation for the Commission to terminate the leases at its August 9, 2016 meeting. Before this could take place, RILP filed bankruptcy on August 8, 2016, and in December 2017, quitclaimed (transferred) its lease interests to the Commission. RILP later liquidated, dissolved, and failed to plug and abandon the oil wells and decommission the facilities associated with these leases, as was required by the leases.

The State of California, by and through the Commission, began decommissioning the oil and gas facilities and preparing for the final decommissioning of Rincon Island. Throughout this process, the Commission has worked closely with other agencies including CalGEM, the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board (RWQCB, and collectively with the State Water Resources Control Board, the Water Boards), California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR), California Coastal Commission, California Department of Transportation (Caltrans), California Department of Forestry and Fire Protection (CAL FIRE), and the County of Ventura, including the Ventura County Air Pollution Control District, Ventura County Resource Management Agency, and Ventura County Public Works Department.

The bankruptcy and liquidation of RILP created legal challenges for public agencies and private landowners seeking to protect against and remediate harms posed by RILP's desertion of its oil and gas facilities.

DECOMMISSIONING PHASES

Phase 1 of the decommissioning process included the plugging and abandonment of all oil and gas wells and the removal of service equipment at Rincon Island, the Onshore Facility, and the adjacent privately owned Coast Ranch parcel. Phase 1 activities were completed in June 2021, and the facilities are currently in "caretaker" status, meaning they do not require a full-time operator for safety or pollution prevention.

Phase 2 began with the development of the [Rincon Phase 2 Decommissioning Feasibility Study \(Feasibility Study\)](#) that was completed in July 2022 ([Item 47, August 23, 2022](#)). The Feasibility Study provided information from technical studies and public input to inform staff's recommendations to the Commission for a proposed Rincon Phase 2 Decommissioning Project to be evaluated in compliance with the California Environmental Quality Act (CEQA). Because decommissioning is a "project" as defined by CEQA, the Commission prepared an Environmental Impact Report (EIR) (see discussion below) to complete Phase 2.

The goals of the Project analyzed in the EIR are to remediate and decommission the facilities previously used to produce oil and gas in accordance with existing federal, state, and local laws. The Project activities approved by the Commission will be implemented during Phase 3 (the timing of which is dependent on future funding) to prepare Rincon Island and the Onshore Facility to be leased for new uses, including but not limited to co-management with sovereign tribal nations, consistent with the Public Trust. The Project does not include proposals for future use. Any future use would be subject to additional review under CEQA.

STATE COASTAL CONSERVANCY PARCEL

In Mussel Shoals, adjacent to the causeway landing, there is a parcel of oceanfront property that a private party donated to SCC several decades ago (the SCC Parcel). At the request of SCC, due to the proximity of the SCC Parcel to Rincon Island, the SCC Parcel was included in the EIR to analyze options for improving that parcel to enhance public access. SCC and Commission staff have discussed potentially transferring the jurisdiction of the SCC Parcel from SCC to the Commission, but to date, no such transfer of jurisdiction has been authorized. Because the SCC Parcel is within SCC's jurisdiction, the SCC Parcel component of the Project analyzed in the EIR is not recommended for consideration and approval by the Commission.

DECOMMISSIONING FUNDING

The Commission collected a \$9.65 million performance bond it held for the leases to fund decommissioning activities. Commission staff also negotiated a settlement with ARCO, a prior lessee of the Rincon facilities, pursuant to a previously approved assignment agreement. ARCO paid \$8 million to the Commission to contribute to decommissioning costs incurred by the State. The Commission approved the settlement in closed session at its April 2017 meeting. (See [Item 77, August 17, 2017](#), for more information about the settlement and the history of RILP's lease compliance issues and bankruptcy.)

Because this total of \$17.65 million was insufficient to fund decommissioning costs, the Commission received a legislative appropriation of \$50.46 million in Fiscal Year 2018-2019 for Phase 1 of the decommissioning process (plug and abandonment of wells) and a second legislative appropriation of \$2.5 million in Fiscal Year 2020-2021 for Phase 2 of the decommissioning process (environmental analysis). An additional legislative appropriation will be needed for Phase 3 (implementation of the decommissioning plan).

PROJECT DESCRIPTION:

The Project analyzed in the EIR consists of four components:

1. Rincon Island Surface Facilities Removal and Remediation of Soils within the Island Core (recommended for approval as part of the Project to be undertaken by the Commission), consisting of:
 - island surface structures removal (with an option for public facilities retention, which option is not recommended for approval as part of the Project to be undertaken by the Commission)
 - island well bay concrete deck and pavement removal
 - removal of contaminated soil (approximately 9,604 cubic yards) and interstitial water (as encountered)
 - transport of materials to offsite disposal or recycling facility
 - backfill and compaction with clean soil
2. Decommissioning the Onshore Facility using one of five options for remediation methodology (recommended for approval as part of the Project to be undertaken by the Commission, using remediation Option 2, as described below, subject to approval by the Water Boards), consisting of:
 - installation of a 750-foot-long steel sheet pile wall between the Onshore Facility and upgradient Coast Ranch Parcel (unless remediation of the Coast Ranch Parcel occurs concurrently with Onshore Facility remediation)
 - remediation of petroleum hydrocarbon-contaminated soil and groundwater by one of the following methods:
 - Option 1: surface cap/leave contaminated soil in-place and in-situ groundwater bioremediation
 - Option 2: excavate contaminated soil (dig and haul) and pump and treat groundwater remediation
 - Option 3: excavate contaminated soil (onsite soil treatment and bioremediation) and pump and treat groundwater remediation
 - Option 4: in-situ soil mixing and in-situ groundwater remediation

- Option 5: localized excavation/surface cap remainder and in-situ groundwater remediation
 - transport of contaminated materials to offsite disposal or recycling facility
 - surface grade backfilled with clean imported soil
 - final site restoration and revegetation
3. Decommissioning of the Onshore Pipeline Connections (OPC) within the Project Site (recommended for approval as part of the Project to be undertaken by the Commission at this time, subject to reaching agreement with Ventura County [the upland authority with jurisdiction] regarding project execution details and costs]), consisting of:
- cleaning and flushing the 6-inch-diameter oil and gas pipelines; filling the pipelines with cement slurry from the causeway abutment to the southern end of the casing
 - removing pipelines from the 30-inch-diameter casing north to the concrete vault
 - filling 30-inch-diameter casing with cement slurry
 - transport of materials to offsite disposal or recycling facility
4. Improvements on the SCC Parcel (not recommended for approval as part of the Project to be undertaken by the Commission because the SCC Parcel is outside of the Commission's jurisdiction; potentially to be approved and undertaken in the future by the upland authority with jurisdiction), consisting of one of three options:
- Option 1: removal of non-native vegetation, restoration with native vegetation (approximately 0.33 acre), walkway/pathway improvements with crushed rock, installation of visitor amenities, including seating and signage, installation of beach access stairway at the eastern end of parcel, removal of coastal hazards, including remnant pipe and concrete/rebar, as appropriate along the shoreline
 - Option 2: all components of Option 1, plus installation of a cobble back berm
 - Option 3: all components of Option 1, plus installation of riprap along parcel frontage

The Rincon Island component would extend over approximately 437 working days over the course of approximately 15 months. The Onshore Facility component would extend over 22 to 57 working days over the course of approximately 5 to 12 weeks, depending on the remediation option selected. Restoration and remediation monitoring at the Onshore Facility would extend over approximately 4 to 324 working days over the course of approximately 2 weeks to 6 years, again depending on the remediation option selected. The OPC component would extend over approximately 29 working days over the course of approximately 6 weeks (only 10 days of which would be in the Mussel Shoals community for pipeline flushing).

The SCC Parcel component (not recommended for approval by the Commission at this time) would extend over approximately 10 to 25 workdays over the course of approximately 2 to 5 weeks, depending on the option selected. Restoration monitoring at the SCC Parcel would extend over approximately 26 workdays over the course of 1 year.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

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

On March 15, 2024, staff filed a Notice of Availability with the State Clearinghouse (No. 2022100043) and circulated a Draft EIR for a 60-day public review period from March 15, 2024, through May 15, 2024. During the Draft EIR public review period, staff received comments on the proposed Project from governmental agencies, organizations/groups, and individuals.

Staff held two public meeting sessions on May 2, 2024, at 2 p.m. and 6 p.m., with the 6 p.m. session also available online via Zoom. Nine speakers submitted oral comments. Staff received 22 written comment letters. Part II of the Final EIR

responds to all comments received on the Draft EIR. Staff released the Final EIR on July 16, 2024 (see <https://www.slc.ca.gov/ceqa/rincon-phase-2-decommissioning/>).

SUMMARY OF ENVIRONMENTAL IMPACTS:

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Cultural Resources – Tribal
- Geology and Coastal Processes
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Wildfire

With the implementation of mitigation measures specified in the Final EIR, all the impacts would be reduced to *Less than Significant*. The Mitigation Monitoring Program, attached to this report as Exhibit A, has mitigations specific to the Rincon Island, Onshore Facility, and OPC components of the Project. If an agency or agencies with jurisdiction approve and undertake the SCC Parcel component of the Project in the future, the Commission will work with such proponent to enforce mitigation measures for that CEQA component or delegate those mitigations to another agency consistent with the CEQA Guidelines.

CONSTRAINTS THAT LIMIT THE COMMISSION'S PROJECT AUTHORIZATION

Staff recommends certification of the EIR, which both analyzes components of the Project that the Commission has jurisdiction to approve and undertake and components that the Commission does not have jurisdiction to approve and undertake at this time. Jurisdictional and funding constraints limit the Commission to only undertaking the Rincon Island, Onshore Facility, and OPC components of the Project.¹ The SCC Parcel component of the Project cannot be undertaken by the Commission at this time because the SCC owns this parcel, and the Commission does not have jurisdiction over this property.

The Commission, as an agency of the State, is limited to acting within the bounds granted by the Legislature. As an agent-land manager for the State, the Commission's relevant terrestrial jurisdiction in the Project area is over "all ungranted tidelands and submerged lands owned by the State." (Cal. Pub. Resources Code § 6301). The Commission lacks independent authority to perform work on private or public property owned by government agencies, outside of its narrow ability to condemn lands for purposes outside the scope of the Project.

Rincon Island and the Onshore Facility are filled sovereign tidelands and submerged lands within the Commission's jurisdiction.

The OPC traverses beneath land under the jurisdiction of the County of Ventura. Although not on lands under the Commission's jurisdiction, the OPC were included in the EIR to ensure the EIR analyzed the whole of the Project, because the OPC were directly connected to and used in the Rincon Island and Onshore Facility oil and gas operations and would have been decommissioned as part of the larger decommissioning project by RILP had it not dissolved. Commission staff have been discussing and coordinating with County of Ventura staff regarding the OPC component of the Project. The OPC component of the Project is recommended for approval subject to reaching an agreement with the County of Ventura regarding project execution details and costs.

The SCC Parcel is under the jurisdiction of SCC. The SCC Parcel was included in the EIR at the request of SCC, as part of discussions between SCC and Commission staff regarding the potential transfer of jurisdiction of the SCC Parcel to the Commission,

¹ The execution of the OPC component is subject to agreement with Ventura County regarding project details and costs, given that the OPC is within the County's rather than the Commission's jurisdiction.

along with a transfer of funding from SCC to the Commission to implement the SCC Parcel component of the Project. Such transfer of jurisdiction and funding has not occurred. Execution of the SCC Parcel component may be approved and undertaken in the future by a governmental entity with jurisdiction.

Similarly, the Coast Ranch Parcel is privately owned and not within the Commission's jurisdiction, although it is immediately adjacent to the Onshore Facility. Coast Ranch Family, LLC maintained its own agreements with RILP and prior oil and gas operators for use of the Coast Ranch Parcel for oil and gas production. The Coast Ranch Parcel was not included in the EIR given the private ownership of the parcel, and decommissioning and remediation of the Coast Ranch Parcel is not included in the proposed Project. Decommissioning and remediation of the Coast Ranch Parcel could occur concurrently with or separate from decommissioning and remediation of the Onshore Facility, subject to further analysis under CEQA. The EIR contemplates installation of a sheet pile barrier wall between the Coast Ranch Parcel and Onshore Facility. If the parcels were remediated concurrently, the Project could be revised to eliminate the sheet pile barrier wall.

As mentioned earlier, funding constraints limit the Commission from undertaking the Project activities recommended for approval. Since 2018, the Legislature has appropriated funding for the Commission to complete Phase 1 plug and abandonment activities and Phase 2 environmental analysis. A further legislative appropriation is needed to fund Phase 3, implementation of the Project components approved by the Commission. Staff will continue to identify and pursue funding sources for the Phase 3 decommissioning work.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The overall Project is consistent with the Public Trust and in the State's best interest because it decommissions facilities used for oil and gas production on and offshore of Ventura County, will eliminate potential long-term risk from a release of hydrocarbon contaminated soil, retain the biological diversity associated with Rincon Island and its adjacent marine environment, and prepare Rincon Island and the Onshore Facility for new uses, including but not limited to co-management with sovereign tribal nations, consistent with the Public Trust.

As discussed above, although the EIR analyzed four Project components (Rincon Island, the Onshore Facility, the OPC, and the SCC Parcel), Commission staff recommend that the Commission approve a Project consisting of only three

components: (1) Rincon Island surface facilities removal and remediation of soils within the Island core; (2) decommissioning of the Onshore Facility, including remediation of petroleum hydrocarbon-contaminated soil and groundwater, using Option 2; and, (3) decommissioning of the OPC, subject to reaching agreement with the County of Ventura about project execution details and costs.

The Commission does not have jurisdiction and authority to approve any activities related to the SCC Parcel component of the Project analyzed in the EIR. That component may be undertaken in the future if approved by an entity with jurisdiction. Excluding the SCC Parcel component from the Project to be approved by the Commission does not affect any of the analysis or determinations in the EIR. Approving and undertaking the Rincon Island, Onshore Facility, and OPC components of the Project at this time so that these sites can be remediated and made ready for potential future use is in the State's best interest.

The EIR analyzed five options to remediate the Onshore Facility (set forth above). Commission staff requested and received preliminary feedback from the RWQCB regarding which option would likely be (or not be) approved by the Water Boards. Commission staff also requested the recommendation of its environmental consultant, Padre Associates, Inc. (Padre), about a preferred option. Both the RWQCB and Padre indicated that Options 2 and 5 would likely best meet site cleanup goals and receive regulatory approval. The RWQCB noted that both Options 2 and 5 are remedial strategies that have been used at sites overseen by the RWQCB. Staff understands, after communicating with both the RWQCB and Padre, that Options 2 and 5 would both be protective of human and ecological receptors at the Onshore Facility.

Option 2, estimated to cost \$2,658,460, contemplates the excavation of 7,500 cubic yards of petroleum hydrocarbon-contaminated soil to an estimated depth of 10 feet below ground surface (bgs). Clean imported fill material would be brought in for backfill and restoration of the excavation area. Groundwater would be pumped and treated, and the removal of contaminated soil would mean no further exposure of the groundwater to contamination. Option 2 includes groundwater monitoring for 1 year. The Onshore Facility would then be suitable for any type of future use.

Option 5, estimated to cost \$517,000, includes localized excavation to depths of approximately 3 feet bgs at locations identified to contain elevated concentrations of petroleum hydrocarbons, for an estimated total removal volume of 2,300 cubic yards, and in-situ bioremediation of groundwater by application of oxygen-

releasing compounds (ORC [bioremediation]) to the source zone and downstream of the contamination to reduce dissolved-phase petroleum hydrocarbon concentrations. The in-situ application of ORC to groundwater would create an oxygen-rich curtain that would promote biodegradation of petroleum hydrocarbons in groundwater between the Onshore Facility and sensitive downgradient receptors (i.e., the ocean). Option 5 includes groundwater monitoring for 5 years to monitor natural attenuation of hydrocarbon concentrations. Under Option 5, the Onshore Facility would be burdened with a land use covenant preventing certain types of development on small portions of the overall site. Commission staff understand that future uses of the Onshore Facility could be designed around this limitation.

Commission staff recommends that the Commission approve Option 2 because Option 2 would fully remediate and remove contamination from the Onshore Facility and maximize the potential future uses available at the Onshore Facility.

Decommissioning and remediation of the Onshore Facility, although within the Commission's jurisdiction, is subject to receiving all necessary approvals, including approval by the Water Boards of a Remedial Action Plan to be prepared and submitted by Commission staff. If the Commission approves staff's recommendation to proceed with Option 2 for Onshore Facility remediation, Commission staff will include Option 2 in the Remedial Action Plan submitted to the Water Boards.

Because the Commission's lessee, RILP, filed bankruptcy, dissolved, and quitclaimed the former oil and gas leases to the State, and because there are no other parties legally liable for decommissioning the facilities formerly under lease to RILP, the State has been and will continue to be responsible for the costs to decommission these facilities. It is anticipated that the Project proposed for approval will cost approximately \$14 million, excluding inflation from present to time of Project implementation, cost contingencies, or staff costs for managing the Project. The estimated Project costs consist of: \$9,916,083 for Rincon Island surface facilities removal and remediation of soils within the Island core; \$2,658,460 for Onshore Facility decommissioning Option 2; \$995,730 for installation of a sheet pile barrier wall between the Onshore Facility and Coast Ranch Parcel (which will be necessary unless the parcels are remediated concurrently); and \$360,626 to decommission the OPC (subject to agreement with the County of Ventura regarding project details and costs). The Commission has approximately \$10 million available, which consists of the remaining bond and ARCO settlement funds that have not been used for plug and abandonment work and caretaker activities. The

Commission will need to seek a legislative appropriation to fund the remaining Project work.

As provided above, the Project is not anticipated to have significant environmental impacts with the implementation of mitigation measures. Environmental effects from decommissioning and remediation would be temporary and limited in term; however, some disturbance may occur while heavy equipment is in operation. As discussed above, Commission staff continue to work with state and local agency partners and others to guide permitting for the work to implement the Project, subject to available funding.

CLIMATE CHANGE:

The EIR provides a climate change and sea level rise analysis in Section 7.1.2. Climate change will have an increasingly significant impact on California's coastal region, including its coastal communities, ecosystems, economies, and built assets. The impacts of climate change along the coast include, but are not limited to, sea level rise, saltwater intrusion, ocean acidification, increased wave activity, more frequent and intense storm events, increased flooding and erosion, and changes in sand deposition. These impacts may affect infrastructure and activities associated with Rincon Island and the causeway, which are tidally influenced offshore sites. The Onshore Facility, which consists of filled tidelands, separated from the Pacific Ocean by Highway 101, may also be affected.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to synthesize the best available science on sea level rise projections and rates.² Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both emission trajectories. Commission staff used the Santa Barbara tide gauge (closest to the Project site) for the projected sea level rise scenario for the Project sites as listed in Table 1, below.

² On June 5, 2024, the California Ocean Protection Council adopted the State of California Sea Level Rise Guidance: 2024 Science and Policy Update. As the Draft EIR was completed prior to that release, the 2018 Guidance document was relied on in the EIR and is referred to here.

Table 1. Projected Sea Level Rise for Santa Barbara

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

Based on this data, the coastline Project sites (Rincon Island Causeway abutment areas) could likely see a range of up to a 0.7 foot of sea level rise by 2030, 1.8 feet by 2050, and as extreme as 6.6 feet of sea level rise by 2100. As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and nearby coastal areas.

An analysis of projected sea level rise and its effects, combined with the effects of climate change, on the proposed decommissioning area and facilities was included as part of a Coastal Engineering Study conducted for the Feasibility Study. The decommissioning activities at the Onshore Facility and OPC are not expected to be impacted by sea level rise due to their upland locations outside of projected sea level rise impacted areas based on maximum water heights (6.6 feet). Existing sea surface elevation information (also referred to as "still water level (SWL)") was combined with the likely range of sea level rise increases to determine a range of maximum future sea surface levels. This information was modeled in the Coastal Engineering Study to assess potential sea level rise impacts at Rincon Island.

The analysis indicated that Rincon Island (in its existing condition) is not anticipated to be flooded (overtopped by ocean water) with SWL alone, even considering the highest sea level rise projection of 6.6 feet in 2100, because the top of the surrounding armoring (riprap and tetrapods) measure approximately 35.5 feet above sea level. However, during 10-year or larger storm events, the south (seaward) side of the Island (crest elevation of +35.5 feet) could be overtopped by waves (anticipated wave runup elevation of +36.1 feet or higher) and flood the interior of the Island. Rincon Island was developed with an unusual shape to optimize wave protection, but the south side of the Island is more vulnerable to wave run up because of its direct exposure to westerly swells. Extreme storms that

have occurred over the past 60 years do not appear to have endangered the whole Island, which indicates that Rincon Island may remain in place even when subject to the rare occurrences of very large storm events. The existing protective armors on the north side, leeward, and southeast side of the Island appear to be able to withstand a 100-year storm event at the current SWL and protect the interior of the Island. Other less protected or unarmored portions of the Island or causeway, however, are more vulnerable to large storm events. For example, in January 2023, strong storms and high waves damaged the wooden railing of the Rincon Island causeway. Regular maintenance of the causeway may reduce the likelihood of severe structural degradation or dislodgement.

TRIBAL COORDINATION AND CONSULTATION:

The Commission's [Tribal Consultation Policy](#) guides staff interactions with California Native American Tribes. Executive Orders B-10-11 and N-15-19 affirm and memorialize that every state agency should coordinate with tribal governments in public decision making. The Commission's Tribal Consultation Policy recognizes that Tribes have a connection to areas that may be affected by Commission actions and "that these Tribes and their members have unique and valuable knowledge and practices for conserving and using these resources sustainably."

Under AB 52, Chapter 532, Statutes of 2014, lead agencies must avoid damaging effects on tribal cultural resources, when feasible, whether consultation occurred or is required. Commission staff contacted the California Native American Heritage Commission (NAHC), which maintains databases to assist specialists in identifying cultural resources of concern to California: the Native Americans Sacred Lands File and Native American Contacts. Commission staff asked the NAHC for a sacred lands file search of the Project site and a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to the Project sites.

In the summer of 2021 and in the fall of 2022, Commission staff provided informal updates to Tribes and requested early feedback from geographically and culturally affiliated tribes as part of its preparation for the Rincon Phase 2 Decommissioning Feasibility Study and EIR. In June 2021, the NAHC informed Commission staff that no records were identified in the Sacred Lands File record search for the Project sites and provided a list of nine Tribal contacts from the following six Tribes:

1. Barbareño/Ventureño Band of Mission Indians
2. Coastal Band of the Chumash Nation

3. San Luis Obispo County Chumash Council
4. Northern Chumash Tribal Council
5. Chumash Council of Bakersfield
6. Santa Ynez Band of Chumash Indians

The Commission's Tribal Liaison sent two email notifications, one on June 7, 2021, to notify Tribes of the Phase 2 Feasibility Study Workshop, and one on August 10, 2021, to explain the Phase 2 process. Commission staff received one email comment from the Tribal Chair for the Coastal Band of the Chumash Nation asking to be part of outreach to tribal governments. In December 2021, the Chair reiterated interest in coordinating on the decommissioning, particularly as it relates to the Onshore Facility.

In March 2022, the Commission's Tribal Liaison emailed Tribes notifying them that the Commission released a draft Feasibility Study. In April 2022, the Commission's Tribal Liaison notified Tribes that the Commission would hold a public meeting on the draft Feasibility Study on May 4, 2022. Commission staff held a virtual tribal roundtable session with tribes before the public meeting. Commission staff hosted representatives from the Coastal Band of the Chumash Nation and the Wishtoyo Foundation at Rincon Island for a site visit the following month.

At the August 23, 2022, Commission meeting, staff received guidance from the Commission to formalize, either through a letter of interest or letter of intent, a potential co-management/co-stewardship agreement with the Coastal Band of the Chumash Nation for the Project sites. Commissioners expressed support for a reuse option for the Project sites that involved partnering with the Tribe to explore mutual benefits such as supporting the State's 30x30 conservation goals and shared land stewardship.

When Commission staff released the Notice of Preparation in October 2022, the Commission Tribal Liaison notified all Tribes on the NAHC list about the proposed Project and scoping meetings. Commission staff did not receive any written requests from Tribes for consultation as provided for under Assembly Bill 52. In October 2022, the Commission Tribal Liaison received a letter from the Santa Ynez Band of Chumash Indians stating that the Elders' Council requested no further consultation on the Project. In October 2023, the Commission Tribal Liaison provided the Cultural Resources and Cultural Resources - Tribal sections of the Draft EIR and the archaeological report to Tribal representatives of the Coastal Band of the Chumash Nation and the Santa Ynez Band of Chumash Indians to obtain input.

In November 2023, staff received a response from the Santa Ynez Band of Chumash Indians that they appreciated the cumulative impacts discussion and the ability to collaborate on the Cultural Resources Management and Treatment Plan per the EIR's mitigation measure (MM CUL-1/TCR-1). The Tribe requested to have monitors on site during onshore ground disturbance as part of the cultural and tribal resources mitigation measure (MM CUL-2/TCR-2) (addressed in sections 4.4.5 and 4.5.4 of the EIR). The Tribe also requested to have their Worker Environmental Awareness Program included as part of MM CUL-3/TCR-3 (also addressed in sections 4.4.5 and 4.5.4). The Tribe expressed optimism that the "smallest footprint for the decommissioning activities occur to protect potentially buried portions of the VEN-141, -241 or -644 cultural site." (VEN-141, -241 and -644 are the identifiers assigned by the California Historical Resources Information System at the South Central Coastal Information Center to three previously recorded cultural resources located within a .25 mile search radius of the decommissioning sites, as discussed in section 4.4.1.1 of the EIR.)

In a separate item also to be considered at the August 29, 2024 Commission meeting, staff is recommending entering into a memorandum of intent (MOI) with the Coastal Band of the Chumash Nation to memorialize the intent and commitment to partner on a framework and agreement to co-manage/co-steward the Project sites ([Item 72, August 29, 2024](#)).

ENVIRONMENTAL JUSTICE:

Supporting clean energy is one of 12 goals in the Commission's Environmental Justice Policy. To help achieve this goal, the Environmental Justice Policy commits to support efforts to transition California away from fossil fuels through the timely and responsible decommissioning of oil and gas facilities. The environmental justice working group that informed the development of the Commission's Environmental Justice Policy recommended that the Commission champion efforts to transition California off fossil fuels by supporting and accelerating the decommissioning of oil and gas facilities and promoting the development of renewable energy projects that benefit disadvantaged communities. The proposed action in this staff report is consistent with the goals and commitments in the Commission's Environmental Justice Policy and the environmental justice working group recommendations.

Section 7.3 of the Final EIR includes an environmental justice analysis, which is something that the environmental justice working group recommended. The data in the EIR's analysis supports the determination that there would be no significant environmental impacts associated with the Project. The proposed Project sites are

located in an area that shows a small degree of environmental burden as noted by quantitative data. Project activities are intended to improve site conditions through decommissioning oil and gas infrastructure and sites that are no longer in use and remediation of hydrocarbon impacted soils and water.

The proposed Project sites are in an area that has a high percentage of white individuals, with average wealth, and a lower percentage of those below the established poverty level than in Ventura County or California as a whole.

Section 4.0 of the EIR, Environmental Impact Analysis, finds that the proposed Project would have the potential for short-term construction-related impacts to aesthetics, cultural resources, tribal cultural resources, hazards and hazardous materials, hydrology and water quality, land use, and recreation that have the potential to contribute to existing circumstances affecting environmental justice communities. The proposed Project sites are identified by the Office of Environmental Health Hazard Assessment CalEnviroScreen 4.0 screening tool as being potentially impacted by pesticides, traffic, groundwater threats, hazardous waste, solid waste, and impaired water bodies.

However, following incorporation of mitigation measures identified in the EIR (including equal representation of English and Spanish languages in posted notices and other Project-related notifications), the proposed Project is not anticipated to create new burdens or add to existing pollution burdens felt by a vulnerable community; and there are no anticipated factors that would put any sensitive populations disproportionately at risk from the proposed Project.

The proposed Project is intended to prepare the sites for future Public Trust-consistent use, which would result in a potential long-term benefit to nearby communities through reduced risk of hazardous materials release or runoff from contaminated sites. No long-term or permanent structures or operations would result from the proposed Project. Any future use of Rincon Island or the Onshore Facility after decommissioning will require further Commission approval and analysis under CEQA. Any temporary impacts from Project activities would be mitigated during Project implementation; therefore, no significant impacts to environmental justice communities would result.

CONCLUSION:

For all the reasons above, staff believes certification of the EIR and approval of the Rincon Island, Onshore Facility (Option 2), and OPC components of the Project will

enhance Public Trust needs and values at this location; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with the “Meeting Evolving Public Trust Needs,” “Leading Climate Activism,” “Prioritizing Social, Economic, and Environmental Justice,” “Partnering with Sovereign Tribal Governments and Communities,” and “Committing to Collaborative Leadership” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.
2. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), Staff has prepared an Environmental Impact Report (EIR) identified as CSLC EIR No. 815, State Clearinghouse No. 2022100043. The EIR was prepared and circulated for public review pursuant to the provisions of CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit A.

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

3. The Project involves lands identified as possessing significant environmental values within the Commission’s Significant Lands Inventory pursuant to Public Resources Code section 6370 et seq. Rincon Island and the causeway are in the Pacific Ocean offshore of Ventura County and are listed in the Significant Lands Inventory as parcel number 56-062-100. The lands are classified as use category Class B, which authorizes limited use. Environmental values identified for these lands are mostly biological, including endangered species habitat and marine wildlife support, but also geological and recreational values. Based on staff’s review of the Significant Lands Inventory and the CEQA analysis in this EIR, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification.

APPROVALS REQUIRED:

- California Coastal Commission
- Los Angeles Regional Water Quality Control Board

- U.S. Army Corps of Engineers
- Ventura County Air Pollution Control District
- Ventura County Resource Management Agency
- Ventura County Public Works Department

EXHIBITS:

- A. Mitigation Monitoring Program
- B. Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the EIR, CSLC EIR No. 815, State Clearinghouse No. 2022100043, was prepared for this project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein, and in the comments received in response thereto, and that the EIR reflects the Commission's independent judgment and analysis.

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

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

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed certification of the EIR and approval of the Rincon Island, Onshore Facility (Option 2), and OPC components of the Project is consistent with the Public Trust needs and values at this location; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

Authorize the Executive Officer or her designee to take all actions necessary to undertake and implement the following components of the Rincon Phase 2 Decommissioning Project, subject to available funding:

1. Rincon Island Surface Facilities Removal and Remediation of Soils within the Island Core.
2. Decommissioning of the Onshore Facility, Option 2 (subject to approval of a Remedial Action Plan by the Water Boards).
3. Decommissioning of the OPC (subject to reaching an agreement with the County of Ventura regarding project execution details and costs).

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
RINCON PHASE 2 DECOMMISSIONING PROJECT
(State Clearinghouse No. 2022100043)

As the lead agency under the California Environmental Quality Act (CEQA), the California State Lands Commission (CSLC or Commission) is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures (MMs). As proponent for the Rincon Phase 2 Decommissioning Project (Project), the CSLC will also ensure the implementation of the adopted MMs defined in the Project's Environmental Impact Report (EIR). This lead agency responsibility originates in Public Resources Code section 21081.6, subdivision (a) (Findings), and the State Guidelines for Implementing CEQA sections 15091, subdivision (d) (Findings), and 15097 (Mitigation Monitoring or Reporting).

1.1 MONITORING AUTHORITY

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

1.2 ENFORCEMENT RESPONSIBILITY

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

1.3 MITIGATION COMPLIANCE RESPONSIBILITY

The CSLC is responsible for successfully implementing all the MMs in the MMP and shall ensure that these requirements are met by all construction contractors and field personnel. Standards for successful mitigation also are implicit in many MMs that include such requirements as obtaining permits or avoiding a specific impact entirely. Other MMs include detailed success criteria. Additional mitigation success thresholds may be established by applicable agencies with jurisdiction through the permit process and through the review and approval of specific plans for the implementation of MMs.

1.4 MONITORING PROCEDURES

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

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

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

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

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

General Reporting Procedures. CSLC staff or CSLC's designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall confirm that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them. A monitoring record form shall be filled out by Project monitors and submitted to CSLC staff. A compilation of all records shall be maintained and submitted to CSLC staff at the end of the Project.

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

1.5 MITIGATION MEASURES

This section presents the MMs for each environmental resource area associated with the Project components proposed for approval by the Commission. Impacts that do not require mitigation are not included. Similarly, impacts and MMs associated with components of the Project and options for certain Project components that are not recommended for approval by the Commission are not included. For each MM, the following information is provided:

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

Revisions to a few Mitigation Measures, as certified in the Final EIR, were required for the MMP to reflect the components of the Project proposed for approval by the Commission. Revisions to the MMs are shown as follows:

- Additions to the text of the MM as certified in the Final EIR are underlined
- Deletions of the text of the MM as certified in the Final EIR are shown as ~~strikeout~~

1.5.1 AESTHETICS

Potential Impact AES-1. Temporary Effects on Public Views from Decommissioning Activities

MM AES-1a: Overnight Storage of Equipment. Equipment used for Project activities shall be returned to the staging areas at the end of each workday, both for public safety and aesthetic considerations.

Monitoring/Reporting Action: Observe equipment returned to laydown areas

Effectiveness Criteria: Obstructed views minimized

Responsible Party: CSLC, contractors

Timing: Following completion of each workday

Potential Impact AES-1. Temporary Effects on Public Views from Decommissioning Activities

MM AES-1b: Material Removal at Construction Completion. All materials, equipment, and debris shall be removed from each Project site upon completion of decommissioning activities.

Monitoring/Reporting Action: Observe all materials and equipment removed from Project work areas

Effectiveness Criteria: Project areas restored

Responsible Party: CSLC, contractors

Timing: Following completion of construction at each Project worksite

Potential Impact AES-1. Temporary Effects on Public Views from Decommissioning Activities

MM AES-1c: Minimize Night Lighting. If required, lighting shall use the minimum number of fixtures and intensity needed for decommissioning activities. Fixtures shall be focused on work areas and fully shielded to minimize visibility from public viewing areas, wildlife habitats, migration routes, and other sensitive receptors.

Monitoring/Reporting Action: Observe nighttime lighting for compliance

Effectiveness Criteria: Lighting glare minimized

Responsible Party: CSLC, contractors

Timing: During any nighttime work

Potential Impact AES-3. Potential for Cumulative Aesthetic Impacts to Public Views

Implement MM AES-1a: Overnight Storage of Equipment (see above)

Implement MM AES-1b: Material Removal at Construction Completion (see above)

Implement MM AES-1c: Minimize Night Lighting (see above)

1.5.2 AIR QUALITY

Potential Impact AQ-1. Decommissioning-related Air Pollutant Emissions

MM AQ-1: Standard Ventura County Air Pollution Control District (VCAPCD) Construction Emissions Reduction Measures. Air pollutant emissions reduction measures recommended by the VCAPCD shall be implemented, including:

- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
- All trucks shall be required to cover their loads as required by California Vehicle Code §23114.
- All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

- Graded or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over 4 days. If no further grading or excavation operations are planned for the area, the area shall be seeded and watered until plant growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
- Signs shall be posted on site limiting traffic to 15 miles per hour or less.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on site activities and operations from being a nuisance or hazard, either off site or on site. The site superintendent/supervisor shall use his/her discretion in conjunction with the VCAPCD in determining when winds are excessive.
- Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
- Personnel involved in grading operations, including contractors and subcontractors, shall be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.
- Material stockpiles shall be enclosed, covered, stabilized, or otherwise treated as needed to prevent blowing fugitive dust off site.
- All Project construction and site preparation operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust) and Rule 10 (Permits Required).
- Signs displaying the VCAPCD complaint line telephone number (805-303-3700 after hours; 805-303-3708 during business hours) shall be posted in a prominent location visible to the public.

- Off-road construction equipment shall utilize engines certified to the Federal Emissions Standard Category of Tier 3 or Tier 4, if available. Based on Federal exhaust emission standards, using Tier 3 certified engines instead of Tier 2 certified engines would reduce NO_x and non-methane hydrocarbon emissions by 39 percent.

Monitoring/Reporting Action: Documentation in compliance monitoring sheets

Effectiveness Criteria: Reduction in fugitive dust and pollutants

Responsible Party: CSLC, contractors

Timing: Throughout decommissioning activities

Potential Impact AQ-2. Cumulative Air Quality Impacts

Implement MM AQ-1: Standard Ventura County Air Pollution Control District Construction Emissions Reduction Measures (see above)

1.5.3 BIOLOGICAL RESOURCES

Potential Impact BIO-1. Temporary Disturbance to Foraging, Roosting, and Nesting Birds, Including California Brown Pelican, Osprey, and Double-Crested Cormorant

MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys. Project-related ground-disturbing activities would be scheduled at the Onshore Facility outside of the February 15 to August 1 nesting season; however, if activities must be scheduled within that timeframe, then pre-construction surveys of bird nesting habitat shall be conducted no more than 7 days prior to the planned start of construction within 500 feet of work areas to identify raptor and passerine nest sites. If an active raptor or passerine bird nest is identified, an appropriate species-specific nest protection buffer shall be delineated by a CSLC-qualified biologist in coordination with the California Department of Fish and Wildlife (CDFW). A pre-construction nesting survey report shall be prepared and submitted to CDFW and CSLC prior to the start of construction that outlines the surveys conducted, nest locations identified, and recommended nest protection buffers. Construction activities shall be prohibited within the established buffers until the young have fledged or the nest is abandoned. If a lapse in Project-related activities occurs for 14 days or longer, another focused survey is required before Project activities can be reinitiated.

Monitoring/Reporting Action: Documentation of season avoidance or survey report

Effectiveness Criteria: Avoidance of impacts to Roosting or Nesting Birds

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact BIO-1. Temporary Disturbance to Foraging, Roosting and Nesting Birds, Including California Brown Pelican, Osprey, and Double-Crested Cormorant

MM BIO-1b: Environmental Awareness Training. A CSLC-approved biologist shall conduct environmental awareness training for all Project personnel to familiarize workers with potential special status species and their habitat, applicable regulatory requirements, and measures that must be implemented to avoid or minimize potential impacts to sensitive habitat. Training materials shall be approved by CSLC staff 2 weeks prior to implementation.

Monitoring/Reporting Action: Training documentation

Effectiveness Criteria: Avoidance of impacts to sensitive species and habitat

Responsible Party: CSLC, contractors

Timing: Prior to decommissioning activities

Potential Impact BIO-3. Temporary Impacts to Monarch Butterflies at the Onshore Facility

Implement MM BIO-1b: Environmental Awareness Training (see above)

Potential Impact BIO-3. Temporary Impacts to Monarch Butterflies at the Onshore Facility

MM BIO-3: Monarch Butterfly Avoidance. Prior to any Project-related activities at the Onshore Facility scheduled between October and February, a CSLC-qualified biologist shall survey for monarch butterfly aggregations 2 weeks prior to the start of construction. If monarch butterfly aggregations are observed, a protection buffer shall be delineated by a CSLC-qualified biologist in coordination with the CDFW around the roosting area. The protection buffer will remain in place and the aggregation will continue to be monitored every 2 weeks until it has

determined the aggregation has dispersed. If an over-wintering population becomes established, indicated by the presence of monarch butterflies in December through February, then the qualified biologist shall document the extent of the roosting area and coordinate with CDFW to establish an appropriate buffer for potential over-wintering and breeding activities.

Monitoring/Reporting Action: Documentation of season avoidance or survey report

Effectiveness Criteria: Avoidance of impacts to Monarch Butterflies

Responsible Party: CSLC, contractors

Timing: Prior to decommissioning activities at Onshore Facility

Potential Impact BIO-6. Cumulative Impacts to Biological Resources

Implement MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys (see above)

Implement MM BIO-1b: Environmental Awareness Training (see above)

Implement MM BIO-3: Monarch Butterfly Avoidance (see above)

1.5.4 CULTURAL AND HISTORIC RESOURCES

Potential Impact CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan. Prior to implementation of the Project, the Project contractor shall develop a comprehensive Cultural Resources Management and Treatment Plan (CRMTP) for review and concurrence by CSLC staff and the consulting Tribe(s). The purpose of the CRMTP is to describe the procedures and requirements for protection and treatment of both non-Native American archaeological or historic resources and tribal cultural resources in the event that they are discovered during Project implementation. The CRMTP shall be provided to representatives from the consulting Tribe(s) for review and concurrence at least 45 days before the start of construction. CSLC shall fully carry out, implement, and comply with the CRMTP throughout decommissioning activities within the SCC Parcel, OPC, and Onshore Facility areas.

The CRMTP shall include at a minimum:

- A description of the roles and responsibilities of cultural resources personnel, including CSLC, Project archaeologist, and Tribal Representatives, and the reporting relationships with Project construction management, including lines of communication and notification procedures
- Description of what resources may be inadvertently encountered
- Description of procedures for halting work on the site, establishment of buffer zones around potential finds, and notification procedures
- Description of the respective authorities of CSLC, the Project archaeologist, and Tribal Representative(s) to evaluate and determine significance of discoveries, and authority to determine appropriate treatment, depending on whether the discovery is Native American in nature
- In the event of a discovery, a description of when monitoring is needed, the frequency of monitoring, and how the monitoring shall occur, consistent with the recommendations submitted by the consulting Tribe during consultation on the Project (pursuant to Public Resources Code Sections 21080.3.2 and 21082.3) and reflected in the criteria listed in these measures
- Provisions for the treatment of tribal cultural resources and the recommended treatment protocols submitted by the consulting Tribe during consultation on the Project (pursuant to Public Resources Code Sections 21080.3.2 and 21082.3)
- Provisions for the culturally appropriate handling of tribal cultural resources, if avoidance is infeasible, including procedures for temporary custody, processing materials for reburial, minimizing handling of cultural materials, and development of a reburial plan and agreement for returning materials to a suitable location in the Project site where they would not be subject to future disturbance
- Procedures for the appropriate treatment of human remains, pursuant to California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98, which include procedures for determination of a most likely descendant by the Native American Heritage Commission (NAHC)
- A description of reporting procedures including the requirement that reports resulting from the Project be filed with the South Central Coastal Information Center and copies provided to CSLC and the consulting Tribe(s) within 1 year of Project completion

Monitoring/Reporting Action: Development and approval of Plan

Effectiveness Criteria: Avoidance of impacts to Cultural/Tribal Cultural Resources

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation
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MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring. CSLC shall provide monitoring during implementation of the Project at the ~~SCC Parcel, OPC,~~ and Onshore Facility as specified in the CRMTP required by **MM CUL-1/TCR-1**. CSLC shall also retain a Tribal Representative, if one is available, who shall monitor all Project construction areas. The Tribal Representative(s) and archaeologist shall each have the authority to temporarily halt or redirect construction in the event that potentially significant cultural resources or tribal cultural resources are discovered during Project related activities. The work stoppage or redirection shall occur to an extent sufficient to ensure that the resource is protected from further impacts. Detailed monitoring procedures, including criteria for increasing or decreasing monitoring and the location and scope of monitoring activities agreed to by both the ~~Applicant designated~~ onsite archaeologist and Tribal Representative, shall be outlined in the CRMTP identified in **MM CUL-1/TCR-1**. CSLC shall provide a minimum 2-week notice to the onsite archaeologist and designated Tribal Representative from the consulting Tribes prior to all activities requiring monitoring and shall provide safe and reasonable access to the Project site. The onsite archaeologist and designated Tribal Representative(s) shall work in collaboration with the Project managers, and other consultants hired/employed by CSLC or their contractor.

Monitoring/Reporting Action: Monitoring contract and presence onsite

Effectiveness Criteria: Minimization of impacts to cultural resources

Responsible Party: CSLC, contractors

Timing: Throughout decommissioning activities at Onshore Facility

Potential Impact CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness

Training. Prior to Project implementation, a construction-worker cultural and tribal cultural resources awareness training program for all personnel involved in Project implementation shall be developed in coordination with the Project archaeologist and consulting Native American Tribes. The training shall be conducted by the Project archaeologist and Tribal Representative(s) and must be provided to all Project employees, contractors, subcontractors, and other workers prior to their involvement in any ground-disturbing activities, with subsequent training sessions to accommodate new personnel becoming involved in the Project. Evidence of compliance with this mitigation measure shall be documented within pre-Project compliance documentation materials and submitted to CSLC prior to Project mobilization.

The purpose of the training shall be to educate onsite construction personnel as to the sensitivity of archaeological and tribal cultural resources within the Project sites, including understanding the difference between non-Native American archaeological resources (cultural resources) and resources that are Native American in nature (tribal cultural resources). The training shall also cover the requirements of the CRMP including the possibility of exposing cultural or tribal cultural resources, guidance on recognizing such resources, and direction on procedures if a potential resource is encountered. CSLC and the Project contractor shall instruct all Project personnel that touching, collecting, or removing cultural materials from the property is strictly prohibited. The program shall also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans, consistent with Native American tribal values and customs.

The training shall include, at a minimum:

- A brief overview of the cultural sensitivity of the Project site and surrounding area
- What resources could potentially be identified during ground disturbance

- The protocols that apply in the event unanticipated cultural or tribal cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated
- Consequences in the event of noncompliance
- Safety procedures when working with the onsite archaeologist and designated Tribal Representative(s)

Monitoring/Reporting Action: Documentation of training

Effectiveness Criteria: Avoidance of cultural resources

Responsible Party: CSLC, contractors

Timing: Prior to Project implementation

Potential Impact CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation
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MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal

Cultural Resources. If any potential tribal cultural resources, archaeological resources, other cultural resources, or articulated or disarticulated human remains are discovered by Project personnel during construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the Project sites and nature of the find. The work stoppage shall remain in place until CSLC, the Project archaeologist, and Tribal Representative(s) have jointly determined the nature of the discovery, and the significance of the discovery has been determined by either the Project archaeologist and CSLC (for cultural resources) or the Tribal Representative(s) (for tribal cultural resources), as detailed in the CRMTP. Tribal cultural resources shall not be photographed nor be subjected to any studies beyond such inspection as may be necessary to determine the nature and significance of the discovery. If the discovery is confirmed as potentially significant or a tribal cultural resource, an Environmentally Sensitive Area (ESA) shall be established using fencing or other suitable material to protect the discovery during subsequent investigation. No ground-disturbing activities shall be permitted within the ESA until the area has been cleared for construction by CSLC, Project archeologist, and Tribal Representative(s). The exact location of the resources within the ESA

must be kept confidential and measures shall be taken to secure the area from site disturbance and potential vandalism.

Impacts to previously unknown significant cultural and tribal cultural resources shall be avoided through preservation in place if feasible. If the Project archaeologist or Tribal Representative(s), as appropriate, determines that damaging effects on the cultural or tribal cultural resource can be avoided in place, then work in the area may resume provided the area of the discovery remains clearly marked for no disturbance.

Title to all archaeological sites, historic or cultural resources, and tribal cultural resources on or in the tide and submerged lands of California is vested in the State and under CSLC jurisdiction. The final disposition of archaeological, historical, and tribal cultural resources recovered on State lands under CSLC jurisdiction must be approved by CSLC.

Monitoring/Reporting Action: Documentation of Notifications and Treatment Plan (if applicable)

Effectiveness Criteria: Minimization of impact to discovered resources

Responsible Party: CSLC, contractors

Timing: Throughout decommissioning activities

Potential Impact CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation
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MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains. If human remains or associated grave goods (e.g., non-human funerary objects, artifacts, animals, ash or other remnants of burning ceremonies) are encountered, all ground disturbing activities shall halt within 100 feet of the discovery or other agreed upon distance based on the Project sites and nature of the find; the remains shall be treated with respect and dignity and in keeping with all applicable laws including California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98. If representatives are not already on site when a discovery is made, the Project Archaeologist, Tribal Representative(s), and CSLC shall be notified immediately. The Project archaeologist shall contact the County Coroner within 24 hours. If human remains are determined by the County Coroner to be of Native American origin, the County Coroner shall notify the NAHC within 24 hours of this

determination, and the NAHC shall identify a Most Likely Descendent. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented. Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code §~~6250~~ 7920 et seq. The reburial agreement described in the CRMP shall include specific details about temporary custody of remains, reburial location, confidentiality, and recordation in the California Historic Resources Inventory System.

Monitoring/Reporting Action: Documentation of Notifications

Effectiveness Criteria: Minimization of impacts to human remains

Responsible Party: CSLC, contractors

Timing: Throughout decommissioning activities

Potential Impact CR-3. Cumulative Impacts to Cultural Resources
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Implement MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan (see above)

Implement MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring (see above)

Implement MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training (see above)

Implement MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources (see above)

Implement MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains (see above)

1.5.5 CULTURAL RESOURCES – TRIBAL

Potential Impact TCR-1. Substantial Adverse Change to Previously Undiscovered Tribal Cultural Resources During Project Implementation
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Implement MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan (see above)

Implement MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring (see above)

Implement MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training (see above)

Implement MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources (see above)

Implement MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains (see above)

Potential Impact TCR-2. Cumulative Impacts to Tribal Cultural Resources

Implement MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan (see above)

Implement MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring (see above)

Implement MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training (see above)

Implement MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources (see above)

Implement MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains (see above)

1.5.6 GEOLOGY AND COASTAL PROCESSES

Potential Impact GEO-1. Temporary Increase in Surface Erosion During Decommissioning and Soil Remediation Activities

MM GEO-1: Grading and Erosion Control Plan. CSLC and the Project contractor shall develop a Grading and Erosion Control Plan that shall include measures intended to reduce the potential for surface erosion to occur. These measures shall be consistent with those outlined in **MM AQ-1** regarding fugitive dust control and may also include, but not be limited to best management practices (BMPs) such as installation of silt barriers at the perimeter of the Project work area and rumble strips at worksite entrances to reduce tracking of loose soils onto adjacent roadways. The Grading and Erosion Control Plan shall be submitted to

the Ventura County Building and Safety and Planning Divisions for review and approval at least 60 days prior to Project implementation.

Monitoring/Reporting Action: Submittal and approval of Grading and Erosion Control Plan, Documentation on compliance sheets

Effectiveness Criteria: Minimization of surface erosion

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact GEO-1. Temporary Increase in Surface Erosion During Decommissioning and Soil Remediation Activities

MM AQ-1: Standard VCAPCD Construction Emissions Reduction Measures (Fugitive Dust Control) (see above)

MM HWQ-1: Storm Water Pollution Prevention Plan (see below)

Potential Impact GEO-2. Paleontological Resources

MM GEO-2: Paleontological Monitoring and Mitigation Plan. Prior to issuance of grading permits for the Project from the County of Ventura, CSLC shall prepare a Paleontological Monitoring and Mitigation Plan to preserve and protect any fossil resources that may be uncovered during deep excavations at the Onshore Facility. The Plan shall be prepared by a paleontologist who meets professional qualification standards. The Plan shall include, at a minimum:

- A worker education program that shall be provided to all Project personnel who may encounter paleontological resources, including construction supervisors and field personnel
- Provisions for paleontological monitoring during all excavation greater than 5 feet deep
- Specifications for stop work and proposed buffers in the event that fossils are encountered
- Descriptions of how salvage and preservation will be conducted if fossils are encountered

- Standards for recording fossil localities in the field, analyzing and preparing recovered remains in the laboratory, and reporting results
- Health and safety procedures to be implemented by monitors during work at the Project sites
- A curation agreement with qualified repositories for scientific research and public education

Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected, if appropriate. Monitoring efforts may be reduced or eliminated at the discretion of the onsite paleontologist if, after 50 percent of the excavations are completed, no fossil resources are encountered.

Monitoring/Reporting Action: Paleontological Monitoring and Mitigation Plan, Documentation of implementation within field compliance sheets

Effectiveness Criteria: Minimization of impacts to paleontological resources

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact GEO-5. Cumulative Impacts to Geology and Coastal Resources

MM GEO-1: Grading and Erosion Control Plan (see above)

MM AQ-1: Standard Ventura County Air Pollution Control District Construction Emissions Reduction Measures (Fugitive Dust Control) (see above)

MM HWQ-1: Storm Water Pollution Prevention Plan (see below)

1.5.7 HAZARDS AND HAZARDOUS MATERIALS

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities

MM HAZ-1a: Remedial Action Plan (RAP) Implementation. The RAP shall be submitted to, and approved by, the VCEHD and LARWQCB prior to Project decommissioning activities. The RAP shall also be shared with

CalGEM for review prior to final approval. Final approval of the RAP shall include the level of remediation to be implemented. Upon approval, contaminated materials shall be removed and disposed of in accordance with procedures described in the RAP. All soil sampling results shall be provided to the VCEHD immediately upon receiving results.

Monitoring/Reporting Action: Remedial Action Plan Approvals

Effectiveness Criteria: Minimization of hazardous materials exposure

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities
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MM HAZ-1b: Hydrocarbon Contaminated Soil Notification(s) and BMPs. Prior to Project activities related to removal of contaminated soil, the VCAPCD must be notified as an Air Pollution Control District Permit would be required. In addition, the following measures shall be implemented:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal
- Contaminated soil that is stockpiled or containerized shall be covered with at least 6 inches of packed uncontaminated soil or another TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted.
- The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated through onsite monitoring during removal and mitigated through modification of activities (i.e., reduction of activity or equipment idling or watering of soil to minimize dust) if total emissions exceed the VCAPCD's construction phase thresholds
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance
- Clean soil must be segregated from contaminated soil

Monitoring/Reporting Action: Notification to VCAPCD. Compliance documentation during construction

Effectiveness Criteria: Minimization of Air Quality impacts

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities

MM HAZ-1c: Oil Spill Contingency Plan Implementation. A Project-specific Oil Spill Contingency Plan (OSCP) shall be developed and implemented during all Project activities in the event of a release of oil or contaminants. The OSCP shall delineate prevention measures including daily inspection of equipment, refueling at designated stations, and secondary containment for equipment to prevent spills. Additionally, the onshore work sites shall maintain onsite response equipment to clean up minor spills. In the event of a major spill, the OSCP requires utilization of an independent oil spill response contractor (i.e., Marine Spill Response Corporation) to provide secondary cleanup. Additionally, the Governor's Office of Emergency Services (OES) shall be notified immediately in the event of a reportable quantity (as defined by OES) accidental spill to ensure proper notification, clean up, and disposal of waste.

Monitoring/Reporting Action: Copy of Oil Spill Contingency Plan

Effectiveness Criteria: Spill avoidance and response (if required)

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities

MM HAZ-1d: Hazardous Materials Management and Contingency Plan. A Hazardous Materials Management and Contingency Plan shall be developed prior to Project implementation. Measures shall include, but not be limited to:

- o Identification of appropriate fueling and maintenance areas for equipment

- Daily equipment inspection schedule
- Reference to spill response supplies to be maintained onsite
- Weather and timing contingencies/restrictions
- Truck speeds no greater than 5 mph on the Rincon Island Causeway and no greater than 15 mph in the Mussel Shoals residential community
- Covered truck loads
- Reference to Recreational Site Access and Traffic Management Plan measures

Monitoring/Reporting Action: Copy of Hazardous Materials Management and Contingency Plan. Compliance documentation during construction

Effectiveness Criteria: Avoidance of hazardous materials exposure to the environment

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities
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MM HAZ-1e: Asbestos Abatement Workplan. Approximately 60 days prior to work at Rincon Island, an Asbestos Abatement Workplan will be prepared by a Cal/OSHA-Certified Asbestos Consultant for review and approval by Ventura County. The workplan shall include procedures for removal and handling of ACM, waste labeling and waste manifest requirements, transportation requirements, and acceptable disposal facilities prior to removal of these materials.

Monitoring/Reporting Action: Copy of Asbestos Abatement Workplan. Compliance documentation during construction

Effectiveness Criteria: Avoidance of hazardous materials exposure to people or the environment

Responsible Party: CSLC, contractors

Timing: Prior to Project activities

Potential Impact HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities

Implement MM HWQ-1: Storm Water Pollution Prevention Plan (see below)

Potential Impact HAZ-2. Release of Hazardous Materials from Project Equipment and Machinery During Decommissioning Activities

Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation (see above)

Implement MM HAZ-1d: Hazardous Materials Management and Contingency Plan (see above)

Potential Impact HAZ-3. Potential Cumulative Hazardous Materials Impacts

Implement MM HAZ-1a: Remedial Action Plan Implementation (see above)

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

Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation (see above)

Implement MM HAZ-1d: Hazardous Materials Management and Contingency Plan (see above)

Implement MM HAZ-1e: Asbestos Abatement Workplan (see above)

Implement MM HWQ-1: Storm Water Pollution Prevention Plan (see below)

1.5.8 HYDROLOGY AND WATER QUALITY

Potential Impact HWQ-1. Construction-related Erosion and Sedimentation Impacts to Marine and Onshore Water Quality

MM HWQ-1: Storm Water Pollution Prevention Plan. CSLC shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), including:

- All fueling and maintenance of vehicles and heavy equipment shall occur in designated areas at least 50 feet from waterways. Designated areas shall include spill containment devices (e.g., drain pans) and absorbent materials to clean up spills
- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids

- Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose. The Governor's Office of Emergency Services shall be notified immediately in the event of a reportable quantity accidental spill to ensure proper notification, clean up, and disposal of waste
- Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly
- Storm water pollution prevention best management practices such as installation of rumble strips at entrances and exits to remove tracked dirt and placement of sandbags to direct runoff around any established drainages shall be used around the construction area perimeters during construction and around any construction operations that could potentially degrade water quality
- Erosion and sedimentation best management practices (e.g., silt fences straw wattles, mulching, and hydroseeding) shall be installed properly and maintained regularly. Other best management practices will be implemented as necessary and as required by Project permits
- Runoff shall be conveyed to prevent erosion from slopes and channels and directed to engineered drainage facilities
- Disturbed slopes shall be re-vegetated with appropriate native vegetation, when feasible

Monitoring/Reporting Action: Contractor submittal of SWPPP to CSLC, observation reports

Effectiveness Criteria: Minimize erosion, siltation, and turbidity

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact HWQ-4. Potential for Cumulative Water Quality Impacts

Implement MM HWQ-1: Storm Water Pollution Prevention Plan (see above)

1.5.9 LAND USE

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

Implement MM AES-1a: Overnight Storage of Equipment (see above)

Implement MM AES-1b: Material Removal at Construction Completion (see above)

Implement MM AES-1c: Minimize Night Lighting (see above)

Implement MM AQ-1: Standard Ventura County Air Pollution Control District Construction Emissions Reduction Measures (see above)

Implement MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys (see above)

Implement MM BIO 1b: Environmental Awareness Training (see above)

Implement MM BIO-3: Monarch Butterfly Avoidance (see above)

Implement MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan (see above)

Implement MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring (see above)

Implement MM CUL-3/TCR-3: Cultural and Tribal Resources Awareness Training (see above)

Implement MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources (see above)

Implement MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains (see above)

Implement MM GEO-1: Grading and Erosion Control Plan (see above)

Implement MM GEO-2: Paleontological Monitoring and Mitigation Plan (see above)

Implement MM HAZ-1a: Remedial Action Plan Implementation (see above)

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

Implement MM HAZ-1c: Oil Spill Contingency Plan Implementation (see above)

Implement MM HAZ-1d: Hazardous Materials Management and Contingency Plan (see above)

Implement MM HAZ-1e: Asbestos Abatement Workplan (see above)

Implement MM HWQ-1: Storm Water Pollution Prevention Plan (see above)

Implement MM REC-1: Recreational Site Access and Traffic Management Plan (see below)

Implement MM WIL-1a: Fire Management and Prevention Plan (see below)

Implement MM WIL-1b: Ventura County Noticing Requirements (see below)

Potential Impact LU-2. Cumulative Impacts of Project Construction

Same as above

1.5.10 NOISE

Potential Impact N-1. Noise Impacts to Sensitive Receptors

Implement MM REC-1: Recreational Site Access and Traffic Management Plan (see below)

1.5.11 RECREATION

Potential Impact REC-2. Temporary Interference with Recreational Traffic on Ventura Coastal Trail

MM REC-1: Recreational Site Access and Traffic Management Plan. A Recreational Site Access and Traffic Management Plan shall be prepared prior to commencement of Project activities. The Recreational Site Access and Traffic Management Plan shall specify that carpooling will be encouraged to limit the volume of traffic to the extent feasible. It shall include measures such as appropriate signage, flagging personnel, detour routes, and lane closure to reduce potential hazards to public trail users, motorists, and workers during the Project. In

addition, the Recreational Site Access and Traffic Management Plan shall include measures to allow emergency vehicle access, reduce impacts to circulation, and address potential hazards to motorists, bicyclists, pedestrians, and workers during the Project. Measures intended to reduce unnecessary idling time and stacking of transport vehicles shall also be included.

Monitoring/Reporting Action: Copy of Recreational Site Access and Traffic Management Plan

Effectiveness Criteria: Minimize impacts to Ventura Coastal Trail during construction

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact REC-4. Cumulative Recreational Impacts

Implement MM REC-1: Recreational Site Access and Traffic Management Plan (see above)

1.5.12 TRANSPORTATION AND TRAFFIC

Potential Impact T-1. Decommissioning Vehicle Trip Generation and VMT

Implement MM REC-1: Recreational Site Access and Traffic Management Plan (see above)

1.5.13 WILDFIRE

Potential Impact WF-1. Temporary Increase in Risk to Wildfire During Decommissioning Activities Within an Area Designated as Very High Fire Hazard Severity Zone by CAL FIRE

MM WIL-1a: Fire Management and Prevention Plan. CSLC (and its subcontractor) shall develop a Fire Management and Prevention Plan prior to implementation of decommissioning activities at the Onshore Facility and OPC work sites. The Plan shall include, but not be limited to, the following practices:

- All trucks and equipment shall have a fire extinguisher present during use

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions
- Daily monitoring of weather conditions and implementing work restrictions during Red Flag Warnings and High to Extreme Fire Danger days

Monitoring/Reporting Action: Fire Management and Prevention Plan

Effectiveness Criteria: Minimize potential for wildfire to occur

Responsible Party: CSLC, contractors

Timing: Prior to and throughout decommissioning activities

Potential Impact WF-1. Temporary Increase in Risk to Wildfire During Decommissioning Activities Within an Area Designated as Very High Fire Hazard Severity Zone by CAL FIRE

MM WIL-1b: Ventura County Noticing Requirements. In accordance with Ventura County Policy HAZ-1.4, CSLC shall file a Notice of Fire Hazard with the County Recorder prior to Project implementation. This is required for Projects requiring discretionary permits within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection (CAL FIRE).

Monitoring/Reporting Action: Copy of notice

Effectiveness Criteria: Coordination with responsible agencies for prevention of wildfire

Responsible Party: CSLC, contractors

Timing: Prior to decommissioning activities

1.6 LIST OF ABBREVIATIONS AND ACRONYMS

ACM	Asbestos-Containing Materials
BMPs	Best Management Practices
CalGEM	California Geologic and Energy Management Division
Cal/OSHA	California Division of Occupational Safety and Health
CAL FIRE	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CSLC	California State Lands Commission
CRMTP	Cultural Resources Management and Treatment Plan
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Area
MM-	Mitigation Measure
MMP	Mitigation and Monitoring Program
NAHC	Native American Heritage Commission
OES	Governor's Office of Emergency Services
OPC	Onshore Pipeline Connections Project Site
OSCP	Oil Spill Contingency Plan
RAP	Remedial Action Plan
LARWQCB	Regional Water Quality Control Board – Los Angeles Region
SWPPP	Storm Water Pollution Prevention Plan
TPH	Total Petroleum Hydrocarbons
VCAPCD	Ventura County Air Pollution Control District
VCEHD	Ventura County Environmental Health Division

EXHIBIT B – RINCON PHASE 2 DECOMMISSIONING PROJECT
CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a lead agency under the California Environmental Quality Act (CEQA), makes these Findings to comply with CEQA as part of its discretionary approval to authorize implementation of the Rincon Island decommissioning, Onshore Facility (Option 2), and Onshore Pipeline Connections (OPC) components of the Rincon Phase 2 Decommissioning Project (Project). The Commission is making these Findings pursuant to Public Resources Code section 21081 and the State CEQA Guidelines¹ (Cal. Code Regs., tit. 14, § 15091, subd. (a)), which states in part:

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

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

The Commission is the lead agency under CEQA for the Project because the Commission has the principal responsibility for taking action on the Project. The Commission analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2022100043).²

The Project components approved by the Commission for implementation

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

² The Final EIR was published on July 16, 2024, and is available on the Commission website at: www.slc.ca.gov (under the “Information” tab and “CEQA Updates” link).

include removal of Rincon Island's remaining surface structures and remediation of the Island's contaminated soil and interstitial water; remediation of the Onshore Facility utilizing Option 2; and decommissioning of onshore pipeline connections from the causeway abutment to the vault box.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the Final EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Science, Planning, and Management.

3.0 FINDINGS

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

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

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

A discussion of supporting facts follows each Finding.

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

All environmental impacts of the components of the Project identified in the Final EIR and approved by the Commission are listed below; the significance of each impact is classified as follows.

Definition	Findings Required
Significant and Unavoidable (SU). Significant adverse impact that remains significant after mitigation	Yes
Less than Significant with Mitigation (LTSM). Significant adverse impact that can be eliminated or reduced below an issue's significance criteria	Yes
Less than Significant (LTS). Adverse impact that does not meet or exceed the identified significance criteria	No
No Impact (NI)	No

A. SUMMARY OF FINDINGS

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

- Agricultural and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services

The Final EIR subsequently identified the impacts to the following resource areas as Less Than Significant:

- Air Quality
- Greenhouse Gas Emissions
- Noise

- Transportation and Traffic
- Utilities and Service Systems

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

- Organized by significant impacts within the following Final EIR resource areas (see Table B-1 below).
- Numbered in the order that the impact appears in the Final EIR (Impacts may not be numbered sequentially, since Findings are not required when impacts are Less than Significant or there is No Impact); and
- Followed by an explanation of the rationale for each Finding.

B. POTENTIALLY SIGNIFICANT IMPACTS

In certifying the Final EIR and approving the Rincon Island, Onshore Facility (Option 2), and OPC components of the Project, the Commission imposed various mitigation measures (MMs) for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures. Impacts determined to be Less Than Significant with Mitigation are shown in Table B-1.

Table B-1. Significant Impacts by Resource Area

Environmental Resource Area	Impact Nos. (LTSM)
Aesthetics	AES-1, AES-3
Biological Resources	BIO-1, BIO-3, BIO-6
Cultural Resources	CR-2, CR-3
Tribal Cultural Resources	TCR-1, TCR-2
Geology and Coastal Processes	GEO-1, GEO-2, GEO-5
Hazards and Hazardous Materials	HAZ-1, HAZ-2, HAZ-3
Hydrology and Water Quality	HWQ-1, HWQ-4
Land Use	LU-1, LU-2
Recreation	REC-2, REC-4
Wildfire	WF-1, WF-2

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

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

1. AESTHETICS

CEQA FINDING NO. 1

Impact: **AES-1. Temporary Effects on Public Views from Decommissioning Activities.**

Decommissioning would have temporary impacts on public views.

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

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in temporary effects on public views during decommissioning activities, due to the temporary use of equipment and equipment storage, and may necessitate work activities during evening/nighttime hours to accommodate tidal cycles.

MMs AES-1a, AES-1b, and AES-1c require the storage of equipment for both public safety and aesthetic considerations during decommissioning, removal of equipment and debris post-decommissioning, and the modification of night lighting to minimize impacts to sensitive receptors. Implementation of **MM AES-1a, MM AES-1b, and MM AES-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

MM AES-1a: Overnight Storage of Equipment

MM AES-1b: Material Removal at Construction Completion

MM AES-1c: Minimize Night Lighting

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

CEQA FINDING NO. 2

Impact: **AES-3. Potential for Cumulative Aesthetic Impacts to Public Views.**

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

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

FACTS SUPPORTING THE FINDING(S)

The Project may incrementally contribute to cumulative aesthetics impacts associated with other projects that affect public views.

MMs AES-1a, AES-1b, and AES-1c require the storage of equipment for both public safety and aesthetic considerations during decommissioning, removal of equipment and debris post-decommissioning, and the modification of night lighting to minimize impacts to sensitive receptors. Implementation of **MM AES-1a, MM AES-1b, and MM AES-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

MM AES-1a: Overnight Storage of Equipment

MM AES-1b: Material Removal at Construction Completion

MM AES-1c: Minimize Night Lighting

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

2. BIOLOGICAL RESOURCES

CEQA FINDING NO. 3

Impact: **BIO-1. Temporary Disturbance to Roosting, Foraging, and Nesting Birds, Including California Brown Pelican, Osprey, and Double-Crested Cormorant.**

Decommissioning Project activities would temporarily impact roosting habitat or disturb bird nesting or breeding.

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

FACTS SUPPORTING THE FINDING(S)

The proposed use of excavators and vibratory hammers at the Onshore Facility may temporarily create noise that may disturb foraging, roosting, or nesting birds.

MM BIO-1a and **MM BIO-1b** require pre-construction surveys for nesting birds or nesting season avoidance and environmental awareness training to familiarize workers with potential special status species and their habitat, applicable regulatory requirements, and measures that must be implemented to avoid or minimize potential impacts to sensitive habitat. With the implementation of **MM BIO-1a** and **MM BIO-1b**, the impact would be less than significant.

MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys

MM BIO-1b: Environmental Awareness Training

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

CEQA FINDING NO. 4

Impact: **BIO-3. Temporary Impacts to Monarch Butterflies at the Onshore Facility.**

Soil remediation activities at the Onshore Facility may disturb roosting monarch butterflies and could result in mortality.

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

FACTS SUPPORTING THE FINDING(S)

Roosting monarch butterflies have been observed within tree stands at the Onshore Facility. Equipment associated with installation of the sheet pile wall, groundwater bioremediation, and trucking of additional material may result in disturbance of the monarch butterfly roost or avoidance of the roosting tree stand habitat.

MM BIO-1b requires environmental awareness training, and **MM BIO-3** requires pre-construction surveys and buffers to protect the species. Implementation of **MM BIO-1b** and **MM BIO-3** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1b: Environmental Awareness Training

MM BIO-3: Monarch Butterfly Avoidance

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

CEQA FINDING NO. 6

Impact: **BIO-6. Cumulative Impacts to Biological Resources.**

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

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

FACTS SUPPORTING THE FINDING(S)

Impacts from cumulative projects would contribute to habitat removal and short-term habitat disturbance potentially affecting the same wildlife as the Project.

MM BIO-1a and **MM BIO-1b** require pre-construction surveys for nesting birds or nesting season avoidance and environmental awareness training to familiarize workers with potential special status species and their habitat, applicable regulatory requirements, and measures that must be implemented to avoid or minimize potential impacts to sensitive habitat. **MM BIO-3** requires pre-construction surveys and buffers to protect the monarch butterfly species. Implementation of **MM BIO-1a**, **MM BIO-1b**, and **MM BIO-3** has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-Construction Surveys

MM BIO-1b: Environmental Awareness Training

MM BIO-3: Monarch Butterfly Avoidance

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

3. CULTURAL RESOURCES

CEQA FINDING NO. 7

Impact: **CR-2. Substantial Adverse Change to Previously Undiscovered Cultural Resources During Project Implementation.**

Although there are three known cultural resources near the onshore Project sites, no cultural resources are known to be present within the Project footprint, and Project activities would generally occur in previously disturbed areas and in areas where the presence of cultural resources is not expected.

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

FACTS SUPPORTING THE FINDING(S)

Two previously recorded cultural resources, CA-VEN-141 and CA-VEN-644, are located 387 feet east and 185 feet northwest of the onshore pipeline connections (OPC) vault, respectively, and are, therefore, unlikely to be disturbed by Project activities. However, in order to remove the pipelines from the vault, minimal excavation within previously disturbed soils would be required. There is a low potential that Project-related ground disturbance would exceed previously disturbed depths during decommissioning and affect undiscovered cultural resources. One previously recorded cultural resource, CA-VEN-241, is also located 130 feet northeast of the Onshore Facility. Although these three resources have not been formally evaluated, under CEQA they are assumed eligible for listing on the California Register of Historical Resources. This resource would not be affected by Project activities; however, if excavation occurs within the Onshore Facility, there is a low potential that Project-related ground disturbance would exceed previously disturbed depths during remediation and affect undiscovered cultural resources.

MM CUL-1/TCR-1 requires the preparation of a cultural resources management and treatment plan (CRMTP) that includes tribal input for the handling of resources, **MM CUL-2/TCR-2** requires monitoring during decommissioning, **MM CUL-3/TCR-3** implements awareness training for decommissioning workers, **MM CUL-4/TCR-4** outlines steps to be taken if previously undiscovered resources are found, and **MM CUL-5/TCR-5** mandates what should be done if human remains are discovered during decommissioning activities. Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, **MM CUL-4/TCR-4** and **MM CUL-5/TCR-5** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan

MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources

MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains

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

CEQA FINDING NO. 8

Impact: **CR-3. Cumulative Impacts to Cultural Resources.**

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

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

FACTS SUPPORTING THE FINDING(S)

Cumulative projects in the area would involve ground disturbances that would potentially impact cultural resources in archaeologically sensitive areas.

MM CUL-1/TCR-1 requires the preparation of a CRMTP that includes tribal input for the handling of resources, **MM CUL-2/TCR-2** requires monitoring during decommissioning, **MM CUL-3/TCR-3** implements awareness training for decommissioning workers, **MM CUL-4/TCR-4** outlines steps to be taken if previously undiscovered resources are found, and **MM CUL-5/TCR-5** mandates what should be done if human remains are discovered during decommissioning activities. Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, **MM CUL-4/TCR-4** and **MM CUL-5/TCR-5** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan

MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources

MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains

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

4. CULTURAL RESOURCES - TRIBAL

CEQA FINDING NO. 9

Impact: **TCR-1. Substantial Adverse Change to Previously Undiscovered Tribal Cultural Resources During Project Implementation.**

Project activities would have the potential to affect tribal cultural resources, as there are three known cultural resources near the onshore Project sites.

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

FACTS SUPPORTING THE FINDING(S)

Two previously recorded tribal cultural resources, CA-VEN-141 and CA-VEN-644, are located 387 feet east and 185 feet northwest of the OPC vault, respectively, and are, therefore, unlikely to be disturbed by Project activities. However, Project activities include minimal excavation within previously disturbed soils, so there is a low potential that Project-related ground disturbance would exceed previously disturbed depths during decommissioning and affect undiscovered tribal cultural resources. One previously recorded tribal cultural resource, CA-VEN-241, is also located 130 feet northeast of the Onshore Facility. Although these three resources have not been formally evaluated, under CEQA, they are assumed eligible for listing on the California Register of Historical Resources and are assumed to be tribal cultural resources (as defined in Public Resources Code section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe). This resource is not likely to be disturbed by Project activities; however, if excavation occurs within the Onshore Facility there is a low potential that Project-related ground disturbance would exceed previously disturbed depths during remediation and affect undiscovered tribal cultural resources.

MM CUL-1/TCR-1 requires the preparation of a CRMTP that includes tribal input

for the handling of resources, **MM CUL-2/TCR-2** requires monitoring during decommissioning, **MM CUL-3/TCR-3** implements awareness training for decommissioning workers, **MM CUL-4/TCR-4** outlines steps to be taken if previously undiscovered resources are found, and **MM CUL-5/TCR-5** mandates what should be done if human remains are discovered during decommissioning activities. Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, **MM CUL-4/TCR-4** and **MM CUL-5/TCR-5** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan

MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources

MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains

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

CEQA FINDING NO. 10

Impact: **TCR-2. Cumulative Impacts to Tribal Cultural Resources.**

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

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

FACTS SUPPORTING THE FINDING(S)

Cumulative projects in the area would involve ground disturbances that would potentially impact tribal cultural resources in culturally sensitive areas. In many cases, site redesign or use of fill material could minimize potentially significant, adverse impacts. Total avoidance of tribal cultural resources would not be reasonably expected, however, and increased human activity in the vicinity of tribal cultural resources would lead to greater exposure, potential for unauthorized artifact collection, and inadvertent disturbance during construction. Therefore, cumulative impacts to tribal cultural resources caused

by past, present, and future probable projects in the undeveloped coastal areas in the vicinity of the Project site would be considered significant absent mitigation.

MM CUL-1/TCR-1 requires the preparation of a CRMTP that includes tribal input for the handling of resources, **MM CUL-2/TCR-2** requires monitoring during decommissioning, **MM CUL-3/TCR-3** implements awareness training for decommissioning workers, **MM CUL-4/TCR-4** outlines steps to be taken if previously undiscovered resources are found, and **MM CUL-5/TCR-5** mandates what should be done if human remains are discovered during decommissioning activities. Implementation of **MM CUL-1/TCR-1**, **MM CUL-2/TCR-2**, **MM CUL-3/TCR-3**, **MM CUL-4/TCR-4** and **MM CUL-5/TCR-5** has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and Treatment Plan

MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness Training

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources

MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains

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

5. GEOLOGY AND COASTAL PROCESSES

CEQA FINDING NO. 11

Impact: **GEO-1. Temporary Increase in Surface Erosion During Decommissioning and Soil Remediation Activities.**

Project decommissioning activities would require temporary disturbance to existing soils that would have the potential to result in a loss of soil stability and an increase in localized turbidity.

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

FACTS SUPPORTING THE FINDING(S)

Decommissioning activities at Rincon Island, including removal of structures, concrete and asphalt pavement removal, and excavation of contaminated soil and interstitial water, have the potential to temporarily increase surface erosion onsite. In addition, Onshore Facility remediation options with heavy equipment usage and excavation have the potential to contribute to surface erosion onsite.

MM GEO-1 requires the preparation of a grading and erosion control plan to reduce the potential for surface erosion to occur. **MM AQ-1** provides measures to reduce fugitive dust. **MM HWQ-1** requires preparation of a stormwater prevention plan, which would also prevent erosion and stormwater runoff. Implementation of **MM GEO-1**, **MM AQ-1**, and **MM HWQ-1** has been incorporated into the Project to reduce this impact to a less than significant level.

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)

MM HWQ-1: Storm Water Pollution Prevention Plan

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

CEQA FINDING NO. 12

Impact: **GEO-2. Paleontological Resources.**

Decommissioning activities at the Onshore Facility Project site would have the potential to disrupt native soils that are designated as moderate to high in terms of paleontological sensitivity.

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

FACTS SUPPORTING THE FINDING(S)

Although the Onshore Facility is located within an area that includes a large amount of fill, excavation of contaminated material may occur at depths that would have the potential to encounter native soils and related paleontological resources (if present).

Per **MM GEO-2**, a paleontological monitoring and mitigation plan would be prepared to preserve and protect any fossil resources that may be uncovered during deep excavations at the Onshore Facility. Implementation of **MM GEO-2** has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-2: Paleontological Monitoring and Mitigation Plan

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

CEQA FINDING NO. 13

Impact: **GEO-5. Cumulative Impacts to Geology and Coastal Processes.**

Project-related impacts to littoral transport may incrementally contribute to cumulative impacts to geology and coastal processes.

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

FACTS SUPPORTING THE FINDING(S)

The Project would include short-term construction activities that would have the potential for geologic impacts including erosion and sedimentation. These potential impacts would contribute to cumulative impacts from other construction projects along the coast and highway improvements ongoing within Ventura and Santa Barbara Counties that also have the potential to contribute to erosion and sedimentation impacts.

MM GEO-1 requires the preparation of a grading and erosion control plan to reduce the potential for surface erosion to occur. **MM AQ-1** provides measures to reduce fugitive dust, and **MM HWQ-1** requires preparation of a stormwater prevention plan, which would also prevent erosion and stormwater runoff. Implementation of **MM GEO-1**, **MM AQ-1**, and **MM HWQ-1** has been incorporated into the Project to reduce this impact to a less than significant level.

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)**

MM HWQ-1: Storm Water Pollution Prevention Plan

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

6. HAZARDS AND HAZARDOUS MATERIALS

CEQA FINDING NO. 14

Impact: **HAZ-1. Release of Hazardous Materials During or Following Decommissioning Activities.**

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

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

FACTS SUPPORTING THE FINDING(S)

A release of hazardous materials during decommissioning at Rincon Island could occur associated with removal of two of the remaining buildings, removal of contaminated sand and gravel from the core of the Island, including any remaining contamination in the well bay area (to be determined), and removal of contaminated interstitial water that would require handling of petroleum hydrocarbon-contaminated materials during excavation and disposal. The potential for release of asbestos on the Island is considered moderate based on the known presence of asbestos in the onsite building materials. In addition, petroleum hydrocarbon-contaminated soil and asphalt may be excavated from the Onshore Facility and hauled to an approved offsite disposal facility. Finally, the use of the equipment and machinery at Rincon Island, the Onshore Facility, and the OPC may result in the accidental release of hazardous materials, and subsequent environmental and human exposure, due to accidental spills of hydrocarbons (including diesel fuel) and lubricants.

MMs HAZ-1a through HAZ-1e and **MM HWQ-1**, require the preparation and submittal of a remedial action plan to Ventura County and the Los Angeles Regional Water Quality Control Board (LARWQCB); notifications and best management practices (BMPs) for hydrocarbon contaminated soil; and workplans to control hazardous materials, spills, asbestos, and stormwater pollution. The implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, **MM HAZ-1d**, **MM HAZ-1e**, and **MM HWQ-1** would reduce this impact to a less than significant level.

MM HAZ-1a: Remedial Action Plan Implementation

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

MM HAZ-1c: Oil Spill Contingency Plan Implementation

MM HAZ-1d: Hazardous Materials Management and Contingency Plan

MM HAZ-1e: Asbestos Abatement Workplan

MM HWQ-1: Storm Water Pollution Prevention Plan

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

CEQA FINDING NO. 15

Impact: **HAZ-2. Release of Hazardous Materials from Project Equipment and Machinery During Decommissioning Activities.**

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

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

FACTS SUPPORTING THE FINDING(S)

The use of Project equipment and machinery may result in the accidental release of hazardous materials, and subsequent environmental and human exposure, due to accidental spills of hydrocarbons (including diesel fuel) and lubricants.

MMs HAZ-1c and **HAZ-1d** require plans to address oil spills and hazardous materials. Implementation of **MM HAZ-1c** and **MM HAZ-1d** has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-1c: Oil Spill Contingency Plan Implementation

MM HAZ-1d: Hazardous Materials Management and Contingency Plan

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

CEQA FINDING NO. 16

Impact: **HAZ-3. Potential Cumulative Hazardous Materials Impacts.**

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

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

FACTS SUPPORTING THE FINDING(S)

Other projects may take place at the same time as the Project and would have a similar potential to increase risk related to hazards and hazardous materials in the vicinity of the Project sites. However, remediation of the Project sites would reduce the amount of contamination present in the long-term, which is a beneficial impact.

MMs HAZ-1a through HAZ-1e and **MM HWQ-1** require the preparation and submittal of a remedial action plan to Ventura County and the LARWQCB; notifications and BMPs for hydrocarbon contaminated soil; and workplans to control hazardous materials, spills, and asbestos, and stormwater pollution. The implementation of **MM HAZ-1a**, **MM HAZ-1b**, **MM HAZ-1c**, **MM HAZ-1d**, **MM HAZ-1e**, and **MM HWQ-1** would reduce this impact to a less than significant level.

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

MM HAZ-1a: Remedial Action Plan Implementation

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

MM HAZ-1c: Oil Spill Contingency Plan Implementation

MM HAZ-1d: Hazardous Materials Management and Contingency Plan

MM HAZ-1e: Asbestos Abatement Workplan

MM HWQ-1: Storm Water Pollution Prevention Plan

7. HYDROLOGY AND WATER QUALITY

CEQA FINDING NO. 17

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

Stormwater runoff from Project decommissioning areas may degrade surface water quality.

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

FACTS SUPPORTING THE FINDING(S)

Stormwater runoff from the Project sites during decommissioning activities may include sediment and hydrocarbon-contaminated soils and degrade ocean

and surface water quality.

MM HWQ-1 requires the preparation of a stormwater pollution prevention plan to control erosion and prevent impacts to water quality. Implementation of **MM HWQ-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM HWQ-1: Storm Water Pollution Prevention Plan

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

CEQA FINDING NO. 18

Impact: **HWQ-4. Potential for Cumulative Water Quality Impacts.**

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

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

FACTS SUPPORTING THE FINDING(S)

The Project may contribute to cumulative water quality impacts associated with stormwater runoff from other nearby construction sites.

MM HWQ-1 requires the preparation of a stormwater pollution prevention plan to control erosion and prevent impacts to water quality. Implementation of **MM HWQ-1**, as described above, has been incorporated into the Project to reduce this impact to a less than significant level.

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

8. LAND USE

CEQA FINDING NO. 19

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

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

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

FACTS SUPPORTING THE FINDING(S)

The Project sites are located within the coastal zone of unincorporated Ventura County in areas zoned onshore for land uses consistent with residential development and open space. The Project includes decommissioning of the subject facilities in accordance with existing federal, State, and local regulations. The Project activities would prepare Rincon Island and the Onshore Facility for new uses, including but not limited to co-management with sovereign tribal nations, consistent with the Public Trust. There are no proposed changes to land use at this time other than site improvements intended to remediate contaminated soil at Rincon Island and the Onshore Facility and remove unutilized equipment from Rincon Island and the OPC.

Implementation of the Project would return several areas to a more natural condition, and is therefore consistent with California Coastal Act (CCA) Section 30251 regarding scenic and visual qualities.

Regarding biological resources, short-term impacts to biological resources would have the potential to result due to use of construction equipment in proximity to sensitive biological habitat along the coastline at Mussel Shoals (Rincon Island and causeway) and near Los Sauces Creek (Onshore Facility). Additionally, offshore activities would include the use of heavy equipment and construction crews that would create noise and may disturb roosting birds. However, based on previous activities completed to remove equipment and plug and abandon wells onsite during Phase 1, it is anticipated that birds would continue to roost on the seaward tetrapods of the Island or temporarily utilize other nearby areas. With the incorporation of mitigation, the Project would be consistent with CCA Sections 30231, 30240, 30232, and 30253 regarding protection of biological resources.

There are no known archaeological sites located within the Project sites. If unanticipated findings are encountered, mitigation would be incorporated to reduce potential impacts, consistent with CCA Section 30244.

During decommissioning and remediation at Rincon Island, trucks would utilize the existing causeway structure and travel through the Mussel Shoals community to and from U.S. Highway 101 via paved local and private roadways. Although a temporary increase in traffic would result, use of established roadways would not inhibit access to the coastline in this area. Additionally, mitigation would be incorporated to maximize beach access. These activities are therefore consistent with CCA Sections 30210, 30211, 30252, 30221, and 30223 regarding preservation of public access to the coastline.

With respect to public access, the Project decommissioning activities would not inhibit public access to Mussel Shoals Beach. As there is currently no public access to Rincon Island or the Onshore Facility, no change would occur due to remediation activities.

There are no changes to offshore facilities proposed as part of the Project that would require the use of offshore vessels or preclude commercial or recreational fishing in this area. Therefore, no conflicts to commercial or recreational fishing would result; and the proposed Project is consistent with CCA Section 30220 and 30234.5 regarding water-oriented activities and the importance of fishing.

Construction equipment would be present for approximately 2 years at Project sites. Short-term construction disturbances such as noise, lighting, air quality impacts, potential disturbance to biological resources, and potential impacts to water quality resulting from sedimentation, pollution, or runoff could result during this time.

Based on the Project design and implementation of mitigation measures that have been incorporated into the Project (**MM AES-1a, MM AES-1b, MM AES-1c, MM AQ-1, MM BIO-1a, MM BIO-1b, MM BIO-3, MMs CUL-1/TCR-1 through CUL-5/TCR-5, MM GEO-1, MM GEO-2, MM HAZ-1a through MM HAZ-1e, MM HWQ-1, MM REC-1, MM WF-1a, and WF-1b**), the Project would remain consistent with applicable land use policies and this impact would be reduced to a less than significant level.

MM AES-1a: Overnight Storage of Equipment

MM AES-1b: Material Removal at Construction Completion

MM AES-1c: Minimize Night Lighting

MM AQ-1: Standard Ventura County Air Pollution Control District
Construction Emissions Reduction Measures

MM BIO-1a: Onshore Facility Nesting Season Avoidance or Pre-
Construction Surveys

MM BIO-1b: Environmental Awareness Training

MM BIO-3: Monarch Butterfly Avoidance

MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Management and
Treatment Plan

MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Monitoring

MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Awareness
Training

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources

MM CUL-5/TCR-5: Unanticipated Discovery of Human Remains

MM GEO-1: Grading and Erosion Control Plan

MM GEO-2: Paleontological Monitoring and Mitigation Plan

MM HAZ-1a: Remedial Action Plan Implementation

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

MM HAZ-1c: Oil Spill Contingency Plan Implementation

MM HAZ-1d: Hazardous Materials Management and Contingency Plan

MM HAZ-1e: Asbestos Abatement Workplan

MM HWQ-1: Storm Water Pollution Prevention Plan

MM REC-1: Recreational Site Access and Traffic Management Plan

MM WF-1a: Fire Management and Prevention Plan

MM WF-1b: Ventura County Noticing Requirements

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

CEQA FINDING NO. 20

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

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

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

FACTS SUPPORTING THE FINDING(S)

Cumulative impacts associated with the Project include the potential to create temporary impacts on similar resources or policy inconsistencies. Other projects are anticipated to occur within the region that could contribute to potential

coastal construction impacts in the area.

MMs proposed within the Aesthetics, Air Quality, Biological Resources, Cultural and Cultural-Tribal Resources, Geology and Coastal Processes, Hazards and Hazardous Materials, Hydrology and Water Quality, Recreation, and Wildfire sections of the Final EIR (as also shown under Impact LU-1) would reduce potential impacts of the Project to less than significant. As such, cumulative impacts due to inconsistencies with land use policies are not anticipated.

Implementation of **MM AES-1a, MM AES-1b, MM AES-1c, MM AQ-1, MM BIO-1a, MM BIO-1b, MM BIO-3, MMs CUL-1/TCR-1 through CUL-5/TCR-5, MM GEO-1, MM GEO-2, MM HAZ-1a through MM HAZ-1e, MM HWQ-1, MM REC-1, MM WF-1a,** and **WF-1b**, as described above, has been incorporated into the Project to reduce this impact to a less than significant level.

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

9. RECREATION

CEQA FINDING NO. 21

Impact: **REC-2. Temporary Interference with Recreational Traffic on Ventura Coastal Trail.**

The Project would temporarily interfere with recreational bicycle and pedestrian traffic on the Ventura North Coast Coastal Trail (Coastal Trail) during Rincon Island decommissioning activities. Recreational use of the trail may be temporarily affected during remediation activities at the Onshore Facility.

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

FACTS SUPPORTING THE FINDING(S)

Due to the narrow nature of the coastline, highway, and road corridors within the vicinity of the Project sites as well as the small number of roads large enough to support trucking, the Project sites have limited potential access routes. As such, during decommissioning activities, access to the Project sites would generate traffic and hauling activities that would create a temporary disturbance to recreational bicycle and pedestrian traffic on the Coastal Trail.

MM REC-1 requires the preparation of a recreational site access and traffic management plan that would detail procedures to ensure the safe passage of pedestrians, bicyclists, and motorists along the Coastal Trail routes. With implementation of **MM REC-1**, the impact would be less than significant.

MM REC-1: Recreational Site Access and Traffic Management Plan

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

CEQA FINDING NO. 22

Impact: **REC-4. Cumulative Recreational Impacts.**

The Project would incrementally contribute to cumulative recreational impacts.

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

FACTS SUPPORTING THE FINDING(S)

Cumulative projects that occur at the same time as the Project could affect recreational opportunities.

Implementation of the Project would only contribute to short-term impacts to recreational use. These impacts would be mitigated through implementation of **MM REC-1**, which would ensure the safe passage of pedestrians, bicyclists, and motorists along the Coastal Trail routes. Implementation of **MM REC-1** has been incorporated into the Project to reduce this impact to a less than significant level.

MM REC-1: Recreational Site Access and Traffic Management Plan

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

10. WILDFIRE

CEQA FINDING NO. 23

Impact: **WF-1. Temporary Increase in Risk to Wildfire During Decommissioning Activities Within an Area Designated as Very High Fire Hazard Severity Zone by CAL FIRE.**

Project decommissioning activities would utilize construction equipment and fuels within an area designated as a very high fire hazard severity zone.

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

FACTS SUPPORTING THE FINDING(S)

Decommissioning activities would require the temporary introduction of

construction equipment that would utilize flammable fuels, such as diesel and gasoline. Additionally, operation of this equipment would generate heat and potential spark from their hot tailpipes and exhaust, which could lead to wildfire. The onshore Project sites are located within an area designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a very high fire hazard severity zone, although the actual sites themselves are limited in this capacity based on their location and current idle status.

The OPC is located within a concrete vault between the shoulder of the existing roadway and an access road where some degree of low-lying grasses and vegetation exists, but which is regularly maintained in proximity to the roadway and railroad right-of-way; however, there exists a small potential for construction equipment to ignite dry vegetation in proximity to this area.

In accordance with **MM WF-1a**, procedures for minimizing potential ignition would be included in a fire management and prevention plan (FMPP). The FMPP would specify procedures for minimizing potential ignition, including but not limited to: vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions. Additionally, in accordance with Ventura County's Policy HAZ-1.4, **MM WF-1b** requires that Ventura County be notified of the Project activities through a recordation of a notice of fire hazard for the timeframe of the temporary decommissioning activities. With implementation of **MM WF-1a** and **MM WF-1b**, the impact would be less than significant.

MM WF-1a: Fire Management and Prevention Plan

MM WF-1b: Ventura County Noticing Requirements

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

CEQA FINDING NO. 24

Impact: **WF-2. Cumulative Impacts to Potential Wildfire.**

The Project would have the potential to cumulatively contribute to potential sources of wildfire during decommissioning activities.

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

FACTS SUPPORTING THE FINDING(S)

There are no cumulative Projects within the vicinity of the Project sites that would have the potential to contribute to wildfire risks in the same area as the Project.

Nevertheless, **MM WF-1a** and **MM WF-1b** would be implemented, as outlined in Impact WF-1, to ensure the impact would be less than significant.

MM WF-1a: Fire Management and Prevention Plan

MM WF-1b: Ventura County Noticing Requirements

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

D. FINDINGS ON ALTERNATIVES

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

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

Two CEQA alternatives proposed and evaluated in the Feasibility Study were rejected from further consideration in the Final EIR for the following reasons:

1) Full Removal of Rincon Island

Full Removal of Rincon Island was eliminated from further consideration based on the preliminary assessment within the Project Feasibility Study (<https://slc.ca.gov/oil-and-gas/rincon-phase-2-decommissioning-feasibility-study/>), which confirmed Rincon Island as a unique marine habitat in this area and concluded that removing Rincon Island would be unfavorable and have greater impacts than any of the other options or Alternatives considered. Additionally, both the general public and regulatory agencies submitted comments during the Feasibility Study and Notice of Preparation regarding interest in retaining Rincon Island in support of potential future reuse, including recreational, tribal cultural, and commercial activities.

2) Rincon Island Surface Structure Removal and Foundation Replacement (Component Plan 2A from the Feasibility Study)

Component Plan 2A from the Feasibility Study was based on removal of

the three remaining surface structures on Rincon Island, including their foundations. The remaining foundation footprints would be paved to match the surrounding paving. The existing island pavement would be left in place. Under Component Plan 2A, the residual hydrocarbon contamination in the soil and interstitial water would remain encapsulated under the existing pavement. This alternative would significantly lessen impacts related to waste transport and disposal but would not meet the Project objective of remediating contamination on Rincon Island.

Prior to preparing the EIR, the Commission prepared a Feasibility Study (<https://slc.ca.gov/oil-and-gas/rincon-phase-2-decommissioning-feasibility-study/>), completed in July 2022, that provided information from technical studies and public input to inform staff's recommendations to the Commission for a proposed Project to be evaluated in an EIR ([Item 47, August 23, 2022](#)). The Feasibility 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 Feasibility Study Reuse Alternative was chosen by the Commission ([Item 47, August 23, 2022](#)) to be further refined into the proposed Project being evaluated in the EIR.

Because the Project analyzed in the EIR was selected as a result of the Feasibility Study findings, which already included an alternatives analysis, there were no further reasonable alternatives available for consideration in the EIR that would accomplish the basic objectives of the Project and avoid or substantially lessen any significant effects.

However, several different alternatives were included in the EIR analysis in order to present a full range of scenarios based on public and agency input received throughout the Feasibility Study and EIR scoping process. In some cases, these alternatives were included despite the potential for increased environmental impacts in order to provide the Commission, other responsible agencies, tribal nations, and the public with a thorough understanding of the tradeoffs of other alternatives that could be considered.

The five alternatives analyzed in the Final EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project or present a full range of scenarios based on public and agency input. These alternatives include:

- No Project Alternative

- Reefing Alternative
- Abutment and Revetment Retention Alternative
- Partial Causeway Removal Alternative
- Offshore Disposal Alternative (Rincon Island)

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

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

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the CSLC has determined that the Project should be approved, subject to such mitigation measures (Exhibit A, MMP).