

From: [Sam Cohen](#)
To: Public_DESPMChief@SLC; [CSLC CommissionMeetings](#)
Cc: [REDACTED] [Sam Cohen](#)
Subject: Rincon Decommissioning Phase I Archaeological Study request: Thursday 08-29-24 Goleta
Date: Friday, August 23, 2024 11:00:02 AM
Attachments: [image001.png](#)

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

The Santa Ynez Band of Chumash Indians as the only federally recognized Chumash tribe respectfully requests access to/a copy of the following Phase I Archaeological Study in support of the Final EIR Certification for Rincon decommissioning.

Many thanks,
Sam Cohen

[REDACTED]

<https://www.slc.ca.gov/ceqa/rincon-phase-2-decommissioning/>

https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2024/03/Rincon_AppF-Archaeological-Study.pdf

APPENDIX F Phase I Archaeological Study Confidential - Available to Qualified Recipients Padre, March 2023



Sam Cohen
Government Affairs & Legal Specialist
Santa Ynez Band of Chumash Indians

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From: [Sam Cohen](#)
To: [Tribal Liaison@SLC](#); [CSLC CommissionMeetings](#)
Cc: [Sam Cohen](#); [REDACTED]
Subject: FW: Co-Stewardship of Rincon Island by Coastal Band: items 47 and 72 August 29, 2024 Agenda
Date: Thursday, August 22, 2024 5:42:40 PM
Attachments: [image001.png](#)

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

To the Honorable Tribal Liaison:

It appears that both the Santa Ynez Band of Chumash Indians and the Coastal Band were at the Rincon site in 2022 per Item 47. Possibly other Chumash tribes were there also. We would be interested in learning about the tribal consultation that was conducted.

The SLC has correctly affiliated the Rincon site with the Chumash; we are interested in learning how the SLC selected only one of many Chumash tribes on the Native American Heritage Commission list for its Memorandum of Intent in 2024 in Item 72?

BUT A DIFFERENT ITEM ON THE SAME AGENDA HAS SANTA YNEZ CHUMASH ONSITE WITH COASTAL BAND:

https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2022/08/08-23-22_47.pdf

Staff Report 47 PARTY: California State Lands Commission (Commission) PROPOSED ACTION: Consider Feasibility Study findings and staff recommendation of Rincon Decommissioning Phase 2 Project and Alternatives to be analyzed in an Environmental Impact Report under the California Environmental Quality Act (CEQA).

Representatives from the Coastal Band of the Chumash Nation and the Santa Ynez Band of Chumash Indians attended a site tour of the Island that was open to the public on April 26, 2022, prior to the Commission's meeting in Goleta. Subsequent to that tour, the Chair of the Coastal Band of the Chumash Nation requested a tribal visit to both the Island and the onshore facility specifically for purposes of discussing the Tribe's ideas and recommendations for potential future use of these areas that could benefit California's Native American communities. Commission staff conducted this site visit with the Chair and other tribal representatives on June 22, 2022.

If this is Chumash land then it should be held for use by all Chumash tribes; if the SLC is now picking amongst Chumash tribes we would appreciate learning their methodology.

Sincerely,
Sam Cohen



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From: Sam Cohen <scohen@chumash.gov>

Sent: Thursday, August 22, 2024 4:28:17 PM

To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Cc: Sam Cohen <scohen@chumash.gov>; [REDACTED]

Subject: Co-Stewardship of Rincon Island by Coastal Band

https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2024/08/08-29-24_72.pdf

August 29, 2024 Memorandum of Intent Stewardship of Rincon Island and the Rincon Onshore Facility (Ventura County) in

Partnership with the Coastal Band of the Chumash Nation

- I. INTRODUCTION This Memorandum of Intent (MOI) is between the Coastal Band of the Chumash Nation (Coastal Band) and the California State Lands Commission (Commission) (collectively referred to as “Parties”). The purpose of this Memorandum of Intent is to memorialize the Parties’ commitment to partner on a framework and agreement to co-manage Rincon Island and the Rincon Onshore Facility. The Coastal Band of the Chumash Nation is a sovereign nation of Coastal Chumash Indigenous Peoples, whose ancestors lived in what is now known as the San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Kern Counties within central and southern California. The Coastal Band established their non-profit structure in 1981 to support the organization and facilitation of tribal programs, resource protection, and cultural sustainability infrastructure. The Chumash Peoples have lived in this area for tens of thousands of years and continue to do so. The Coastal Band is composed of over 2,000 individuals. They hold positions for their respective territories on the Native American Heritage Commission Contact List as a State Recognized tribe. The Coastal Band continues to partner with other California tribes, tribal organizations and affiliated groups, state, county and local agencies for the restoration and protection of their sacred lands and resources. In addition to maintaining their non-profit organization in the State of California, they incorporate their own Chumash social structures and governances to support their tribal sovereignty for future generations. Established in 1938, the California State Lands Commission is an independent body composed of the Lieutenant Governor, the state Controller, and the Governor’s Director of Finance. While the Commission has certain regulatory functions, it is mainly a land and resource management agency. The Commission’s sovereign lands jurisdiction includes roughly 120 rivers and sloughs, 40 lakes, and tide and submerged lands along more than 1,000 miles of coastline out to three miles. Altogether, the Commission’s jurisdiction encompasses roughly four million acres. The Commission stewards these lands, on behalf of the people of California, consistent with the Public Trust Doctrine and in the best interest of the state. The Public Trust Doctrine is a common law doctrine that ensures that public trust lands are protected for water-oriented public purposes, such as commerce, navigation, fishing, recreation, public access, and open space. As part of its stewardship responsibilities, the Commission enters into agreements for the use, protection, and enhancement of these lands and resources consistent with the Public Trust and in the state’s best interest.
 - II. BACKGROUND
 - a. Executive Orders and Policy Directives On September 19, 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11 (EO B-10-11) stating that every state agency and department subject to the Governor’s executive control shall encourage communication and consultation with California Native American tribes. EO B-10-11 also created the Office of the Tribal Advisor. In August 2016, the Commission adopted a Tribal Consultation Policy to provide guidance and consistency for its interactions with Native American Tribes. The Policy emphasizes that Tribes have stewarded many of the lands, waterways, and resources that may be affected by Commission actions to support their cultures and ways of life, for millennia and that Tribes and their members have unique and valuable knowledge and practices for conserving and using these resources sustainably. On June 18, 2019, Governor Gavin Newsom issued Executive Order N-15-19, addressing the administration’s policy on Native American Ancestral Lands. In addition to acknowledging and apologizing on behalf of the State for the historical “violence, exploitation, dispossession and the attempted destruction of tribal communities,” the Order encourages state agencies and entities to address the historical dislocation of California Native Americans from their ancestral land and sacred practices through opportunities for comanagement, land returns, and improved access to ancestral lands. The Administrative Policy encourages state agencies to work cooperatively with California Tribes that are interested in acquiring natural lands in excess of State needs. In October 2020, Governor Newsom issued the Nature-Based Solutions Executive Order N-82-20, advancing biodiversity conservation as an administrative priority and elevating the role of nature in the fight against climate change. As part of this Executive Order, California committed to the goal of conserving 30 percent of our lands and coastal waters by 2030 (30x30). One of 30x30’s core commitments is to strengthen tribal partnerships. One of many of the principles outlined in this commitment includes support of the return and ownership of ancestral lands to California Native American Tribes with traditional and cultural affiliation for conservation purposes. The Commission’s 2021-2025 Strategic Plan prioritizes partnering with sovereign tribal governments and communities to actively facilitate transactions resulting in co-management of traditional lands.
 - b. Rincon Island History and Decommissioning Status Rincon Island and the Onshore Facility were constructed in 1959 and used for oil and gas production. The Commission historically issued leases to oil production companies for this purpose. In December 2017, Rincon Island Limited Partnership, the most recent lessee of these lands, quitclaimed (transferred) its lease interests (including State Oil and Gas Lease Nos. PRC 145, PRC 410, and PRC 1466) to the Commission after becoming financially insolvent. Thereafter, the Commission pursued decommissioning of the oil and gas related facilities. Phase 1 of this process included the plugging and abandonment of all 75 oil and gas wells and 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.
- II. The first part of the Rincon Phase 2 Decommissioning Project was the development of the Rincon Phase 2 Decommissioning

Feasibility Study (Feasibility Study) that was completed in July 2022. The Feasibility Study provided information from technical studies and public input to inform staff's recommendations to the Commission for a proposed Project to be evaluated in compliance with the California Environmental Quality Act (CEQA) (Item 47, August 23, 2022). At the August 23, 2022, Commission meeting, staff received guidance from the Commission to formalize, either through a letter of interest or a letter of partnership, a potential co-management agreement with the Coastal Band of the Chumash Nation for Rincon Island and the Onshore Facility. Commissioners expressed their support for a reuse option for the Project sites partnering with the Tribe to explore mutual benefits including supporting the State's 30x30 conservation goals and shared stewardship of the land. On March 15, 2024, the Commission released the Draft Environmental Impact Report (DEIR) for the Rincon Phase 2 Decommissioning Project for a 60-day public review period. On August 29, 2024, the Commission certified the Final EIR for the Rincon Phase 2 Decommissioning Project.

III. PURPOSE AND COMMITMENT The Coastal Band of the Chumash Nation have been stewards of the land and natural resources in and along the Central Coast since time immemorial. The land and natural resources hold a rich and deep history of traditional and cultural practices for Tribal members. The Parties recognize and acknowledge that developing a comprehensive co-management agreement takes time and resources. Importantly, it will require thoughtful consideration of the types of activities and uses envisioned and planned for, funding options and opportunities and requirements, operation and maintenance responsibilities, and liability protection. The purpose of this Memorandum of Intent is to establish and formalize the intent of the Parties to collaboratively explore developing a co-management framework and agreement to facilitate the use and management of Rincon Island and the Onshore Facility by the Coastal Band following implementation of the decommissioning project approved in accordance with the certified Final EIR for the Rincon Phase 2 Decommissioning Project and consistent with Executive Orders N-15-19 and N-82-20. Any agreement reached between the staffs of the Coastal Band and the Commission shall be formally considered and adopted by both the Commission, at a properly noticed, public meeting, and the Coastal Band prior to being effective. Any future use of these sites would require further analysis under CEQA. IV. GENERAL PROVISIONS a. Nothing in this MOI is intended to, or shall be construed to, limit or affect in any way the authority or legal responsibilities of the Coastal Band or the Commission. b. Nothing in this MOI binds the Parties to perform beyond their respective authorities. c. Nothing in this MOI binds the Coastal Band or the Commission to assume or expend any funds in excess of available appropriations authorized by law. d. This MOI is intended to facilitate cooperation among the Parties. It is not a contract for acquisition of supplies or services; it does not create any legal obligation of or between any of the Parties or create any private right or cause of action by any person or entity. e. Nothing in this MOI may be the basis of any third party challenges or appeals. Nothing in this MOI creates any rights or causes of action in persons not parties to this agreement. f. This MOI shall be in effect from the date of execution until terminated by one or both of the parties. If one of the Parties terminates the MOI, that Party shall give the other Party at least 30 days advance written notice of termination. At any time that the Parties determine that the purposes set forth in this MOI have been satisfied, the MOI may be terminated.

IV.

V. CONTACTS V. The primary points of contact for fulfilling this Memorandum of Intent are: Coastal Band of the Chumash Nation: California State Lands Commission: Yessica Ramirez

VI.

VII. APPROVALS

VIII. Coastal Band of the Chumash Nation _____ Chair, Gabriel Frausto

IX. California State Lands Commission _____ Chair, Malia M. Cohen



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Comments on Agenda Items
71-Final Environmental Impact Report for Rincon
72-Intent for Partnership with Coastal Band of Chumash
73-Memorandum with Dept. of Interior on Pipeline Inspections
For State Lands Commission (SLC) [meeting 8/29/2024](#)

8/25/2024, Paul Burke, naacp@yrr.info
Chair, Environment & Climate Justice Committee, NAACP of Ventura County

We support the staff’s recommendations on items 71-73.

Agenda #71-72 Keeping Rincon Island and Causeway

Thank you for planning to keep Rincon Island and the access causeway. Public access will be important in future decades to provide public experiences at the ocean, when sea level rise removes our beaches. We support the Coastal Band of Chumash goal of “creating an open space for the public to learn about their culture and traditional practices.”

Agenda #71 Road and Beach Erosion East of Rincon Causeway

Thank you for not approving any option for the State Conservation Commission parcel. As shown in our comments on the DEIR (reproduced on pp. II-43 to II-48 of Final EIR), none of the three options protects the access road from steady erosion. So the options do not protect long term access to Rincon island, which we all want. We appreciate the clarification in 2.2.3 that protecting private property is not in scope.

Agenda #71 Rincon Noise in the Ocean

We do not call for a change in the EIR to address marine mammals and sound in the ocean. Regardless of the EIR, relevant authorities will review “take” permits, as cited by CA Dept. of Fish & Wildlife (CDFW), App. A pp. 75, 86.

The response to our comments on noise is unsupported by evidence when it says fill and tetrapods will protect marine mammals by attenuating the noise of breaking the 3” concrete deck. The deck is only feet from the ocean. Attenuation of low frequency sounds in concrete and rocks is low, from 0.05 to 0.89dB, even if the distance is as much as 26 feet (16’ vertical and 20’ horizontal). Soils vary. For some soils, attenuation in 26 feet is only 6dB.

Attenuation	"Mortar blocks made of rapid setting cement"	Calcite rock	Granite rock	Smallest wet soil attenuation	Biggest wet soil attenuation
dB/m/MHz from sound to target	252	58.8	1129		
dB/cm/kHz roundtrip from sound to target and back				0.16	0.96
dB/cm/kHz one way from sound to target				0.08	0.48
dB/m at 100 Hz	0.025	0.006	0.113	0.80	4.80
dB/foot at 100 Hz	0.008	0.002	0.034	0.24	1.46
dB attenuation in 26 feet	0.20	0.05	0.89	6.34	38.05
Source	https://www.mdpi.com/2076-3417/10/7/2230			http://www.brl.uiuc.edu/Publications/2002/Oelze-SSAJ-7882002.pdf	
	Table 8			Table 6	
	2020			2002	

Agenda #71 Rincon Fossils & Greenhouse Gasses

Our comment on fossils is resolved, since the staff report says the timing of monitoring under GEO-2 is “throughout decommissioning activities”

https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2024/08/08-29-24_71.pdf. Our comment on greenhouse gasses is resolved, since, as our comment said, impacts are below the threshold of significance, even when suppliers’ impacts are included.

Agenda #73 Inspection MOU with Interior

Coordinating inspections and standards with the US Dept. of Interior will help us in Ventura County. There has been ambiguity.

- The staff report for agenda item 73 says, “Commission staff monitor these leases compliance as well as for regular inspections and testing to ensure pipeline integrity.”
- At the Commission’s June meeting, the Executive Director said staff inspection reports given to us for Ventura County underwater leases 735 & 3314, agenda item 72 were done for royalties, not lease compliance, though inspectors also report some other issues.

We need to know what inspections are done, what issues are covered, what issues are not, and how citizens can report lease compliance issues which are not covered, such as violations of local ordinances.

The agreement with the US Dept. of Interior acknowledges that many inspection documents are subject to public records requests. Protection of adjacent communities would be far stronger if SLC posted inspection reports and all non-confidential material shared with the US government online, without imposing the burdens of filing and filling public records requests every month. The people of Ventura County deserve to have as easy access to non-confidential information as the US government has.

At the Commission’s June meeting, Chair Cohen said she was embarrassed by lack of follow up on years of violations reported by inspectors on the Ventura County leases in that meeting’s item 72. She called for issuing non-compliance notices as provided in leases, and cancellation to follow, to show the Commission is “not to be toyed with.” She also asked for a tracking system for notices and cancellations. The Executive Director said,

- This “is already part of our practice.”
- SLC staff issue notices of violation only after another regulator has gone through notices, hearings and findings.
- Staff issue notices promptly, and if not fixed will put lease cancellation on the SLC’s agenda.

Since the tracking system is already part of SLC’s practice, posting status of notices and cancellations online, as well as inspection documents, would help us monitor local issues. We repeat the request we made 4/24/24 and 5/17/24 for “The Commission’s written policies or guidance on issuing such 30- and 90-day notices of non-compliance and on subsequent lease cancellation.” https://docs.google.com/document/d/1qG7MqminbjC_f-UrCI8K15VjAS2Q4ZPI9MqeV2flvD8/edit. If policies are not written, we ask for a deadline for writing them. Waiting for other regulators lets lessees toy with the Commission. Other regulators have different goals, and do not have the duty and privilege of protecting these assets for the people. Delays have been substantial:

- Rincon ceased oil and gas production in 2008. Staff found violations in 2014. It was put on the agenda for termination in August 2016. https://slcprdwordpressstorage.blob.core.windows.net/wordpressdata/2024/08/08-29-24_71.pdf
- Reports on Montalvo leases 735 & 3314 showed violations every month from October 2019 to February 2024, with no notices of violation. Notices would have revealed the inspection errors.
- According to a June 2019 staff report, Signal Hill broke its lease in 2013 by not renewing its bond, and it stopped paying rent in March 2016. It was terminated in June 2019. https://www.slc.ca.gov/wp-content/uploads/2019/06/06-28-19_99.pdf