

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