

**STAFF REPORT**

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**CONSIDER CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2016101008); ADOPTION OF FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING PROGRAM FOR THE BECKER AND LEGACY WELLS ABANDONMENT AND REMEDIATION PROJECT; CONSIDER DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO SOLICIT BIDS, AWARD AND EXECUTE AGREEMENTS FOR THE IMPLEMENTATION OF THE PROJECT, SANTA BARBARA COUNTY**

**PARTY:**

California State Lands Commission

**BACKGROUND:**

The Summerland Oil Field was developed in an area of naturally occurring oil and gas seeps in the late 1890s, first from onshore and then from piers that extended into the Pacific Ocean at Summerland in Santa Barbara County. The field was the first offshore oil development in the United States. Virtually no records exist regarding the drilling and abandonment of these wells. When production ceased to be economical in the early 1900s, operators left many of the wells and piers to deteriorate. To the extent operators performed well abandonments, they used procedures that do not meet current regulatory requirements. Due to both natural seeps and leaks from these improperly abandoned "Legacy" wells, oil sheens have been observed with increasing regularity on the beach and in the water near Summerland. For example, oil seepage occurring from the area around one particular well, the Becker onshore well, was visible approximately 10 days every year until recently. The Becker well has been very active this past year. Oil bubbling up on the beach from the Becker well is now seen and reported almost weekly. The Becker well site was excavated and the well casing uncovered in October 2015. The well casing located in the surfzone and is under two to six feet of sand cover depending on the time of year and level of storm activity.

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**COMMISSION INVOLVEMENT:**

The hundreds of oil wells drilled in the waters offshore Summerland in the late nineteenth and early twentieth centuries were drilled without State approval and constituted an illegal trespass on State property. Although the State received no revenues from the wells, the Commission has since spent significant time and resources to ameliorate legacy coastal hazards, including remnants of piers, oil wells and pilings, and old pipelines; see:

[www.slc.ca.gov/Programs/Coastal\\_Hazards.html](http://www.slc.ca.gov/Programs/Coastal_Hazards.html).

Staff has taken the following actions associated with historic Summerland oil development.

Late 1960s	Staff conducted a Summerland Beach Cleanup Project, which included the abandonment of 60 wells, including the Treadwell #10 well, with short (about 5 feet) cement plugs and cutting off of the casings.
1975	Because of oil seepage near the previously abandoned Treadwell #10 well, staff re-abandoned the well using a 6-foot-diameter concrete-filled tub to cap the well at the seafloor.
1993	Staff abandoned three wells on Summerland Beach as part of its Summerland Well Abandonment Project. The objective of the program was to properly abandon wells that were not properly abandoned in 1907. The three wells differed from the Treadwell #10 well because they were located on the Summerland Beach and were exposed at low tide and submerged about 3 feet at high tide. The wells were abandoned using a rig mounted on a 20-foot-high steel structure (Surf Sled Vehicle). The project was completed for approximately \$863,000. The oil seepage from natural seeps in the near shore waters continues at Summerland Beach.
1994	<p>The Commission, Office of Spill Prevention and Response (OSPR), and offices of U.S. Senator Dianne Feinstein and State Representative Jack O'Connell requested U.S. Coast Guard (USCG) Oil Spill Liability Trust Fund revenues to re-examine the area and determine if old abandoned wells in the area might be responsible for some of the continuing oil seepage. The USCG conducted a two-phase study of the Summerland area seeps.</p> <ul style="list-style-type: none"><li>• Phase 1 was a geophysical/ hydrographic sight survey that identified 43 potential targets for further investigation. A Summerland area map describing the oil well casings, oil seeps, and wharf and pier piling type hazards was developed from the survey.</li><li>• During Phase 2, seven sites were identified to require excavation to determine seep sources; the other sites were identified as a variety of metal wrapped piles from old piers and other remaining infrastructure that was either below the mudline or did not represent a threat. After spending</li></ul>

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	<p>about \$215,000 on the study, the USCG determined that only one well, called the Becker well, could positively be identified as an oil seep source (originally drilled from the long since removed Becker Pier) and which, when excavated, leaked approximately ½ barrel of oil. Additionally, prior surveys noted that the Becker well may leak up to ½ barrel of oil per day when actively seeping and the seepage becomes visible approximately 10 days every year.</p>
2011	<p>After oil was observed leaking on Summerland Beach at very low tide, Commission staff, along with staffs from the Santa Barbara County Office of Emergency Services and Planning and Development Department, Energy Division, visited the beach on the next low tide date (April 12, 2011). Oil was not present on this visit, but the location coincided with the onshore Becker well referenced in the 1994 USCG study.</p>
2013	<p>Commission staff met in August with staff from the offices of Senator Hannah-Beth Jackson and Assembly Member Das Williams, the Summerland Citizen's Association (mainly comprised of Summerland residents), and agency staffs (USCG, OSPR, Santa Barbara County, and University of California, Santa Barbara). A user-friendly, online incident reporting form for Summerland residents to report well leakage and seep activity was developed. (See Summerland Beach Seep/Sheen Report at <a href="http://www.slc.ca.gov/Forms/Coastal_Hazards/SummerlandSeepRptFrm.pdf">www.slc.ca.gov/Forms/Coastal_Hazards/SummerlandSeepRptFrm.pdf</a>). Residents were trained to collect Global Positioning System (GPS) measurements for site-specific incidents such as fresh oil on the beach from the Becker onshore well. Commission staff maintains this database, and 30 incident reports have been received in the last 2 years.</p>
2015	<p>The Commission awarded InterAct the contract to conduct Phase 1 of the project, which included the excavation of the Becker onshore well site and assessment of the exact location, pipe size, general condition of the casing, and suitability for conventional abandonment. An optional task to prepare an engineering study to define the optimum work plan and cost to abandon the Becker onshore well was later awarded.</p>
2017	<p>As a result of winter storms, the beach at Summerland severely eroded away exposing several legacy wells. On February 27, 2017, a surveying crew under contract to the Commission GPS surveyed these exposed wells.</p>

**PROJECT DESCRIPTION:**

The purpose of the Becker and Legacy Wells Abandonment and Remediation Project (Project) is to properly abandon and remediate these wells. When a well is no longer viable, generally due to economic reasons, the well is plugged and abandoned. Current Division of Oil, Gas, and Geothermal Resources (DOGGR)

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regulations require that a well be plugged by placing cement in the well bore or casing at specific intervals. The purpose of the cement is to seal the well bore and casing to prevent formation fluids from migrating between underground rock layers or to the surface through the drilled hole.

Cement plugs are required to be placed across the oil or gas reservoir (zone plug), across the base-of-fresh-water (BFW plug), and at the surface (surface plug). Under DOGGR abandonment regulations (Cal. Code Regs., tit. 14, §§ 1723 and 1745) the well casing must also be cut off 5 feet below the surface and, if onshore, a plate must be welded onto the top of the casing where it was cut off.

Coordination with DOGGR will occur during the abandonment process if issues with the well or access to the entire wellbore arise and the abandonment process has to deviate from DOGGR abandonment standards. When such cases arise on State lands, an abbreviated abandonment approved by Commission and DOGGR staffs will be implemented. This contingency is necessary since the downhole conditions of the Becker onshore well are unknown and any number of irregularities may exist for a well abandoned in the early 1900s that could prevent the wellbore from being cleaned out.

It is contemplated that a jack-up barge, approximately 80 feet by 100 feet in size, will provide access to the Project site from the ocean and will be used during all construction activities at this well, including well abandonment. In addition to staging and unstaging, Project construction activities would occur in three main phases: (1) construction of a double-walled cofferdam in the surf zone around the well to isolate it from ocean tides and provide access to the well; (2) well abandonment using the jack-up barge; and (3) cofferdam removal.

Three round trips between the Port of Long Beach (POLB) and Project site would be required to deliver and remove the cofferdam and abandonment equipment and materials. On each trip, the barge would be loaded at the POLB with the equipment and materials necessary for that phase of the operation. The barge would then be towed to the Project site and positioned and anchored with small tugboats during high tides. Work activities for the particular phase would then commence. Upon completion, the barge would be towed back to the POLB to prepare for the next Project phase. All construction activities are anticipated to take 3 weeks assuming no weather-related interruptions or delays due to unforeseen issues with the condition of the 100-year old well bore.

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**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6106, 6216, and 6301.

**Environmental Impact Report:**

Staff prepared an EIR for the proposed Project in compliance with the California Environmental Quality Act (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 May 19, 2017, staff filed a Notice of Availability with the State Clearinghouse and circulated a Draft EIR for a public review period of at least 45 days, from May 19, 2017 through July 5, 2017.

During the Draft EIR public review period staff received comments on the proposed Project from governmental agencies, tribes, organizations/groups, and individuals. During a public hearing held on the proposed Project at the Carpinteria City Hall, six individual speakers submitted oral comments. Staff received nine written sets of comments. Part II of the Final EIR provides responses to all comments received on the Draft EIR. The Final EIR was released and made available on July 28, 2017: (see: <http://www.slc.ca.gov/Info/CEQA/Becker.html>)

Summary of Environmental Impacts:

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

- Hazardous Materials and Risk of Upset
- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Cultural Resources – Tribal
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Noise
- Recreation
- Transportation (Marine)

With the implementation of mitigation measures and Applicant Proposed Measures specified in the Final EIR, nearly all of the impacts would be reduced to *Less than Significant*, except one impact under Air Quality that would remain *Significant and Unavoidable* even after all appropriate and feasible mitigation measures are applied. The *Significant and Unavoidable*

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impact is attributed to air emissions in the South Coast Air Quality Management District (SCAQMD) associated with the tug boat transiting through the South Coast Air Basin from POLB. Project emissions in the Ventura and Santa Barbara air basins are below the applicable thresholds.

**Public Trust and State's Best Interests Analysis:**

**Staff Analysis:**

The proposed Project seeks to properly abandon the Becker onshore well located on Summerland Beach to eliminate a consistent source of leaking crude oil and methane gas. The County of Santa Barbara has closed the beach on at least two occasions due to the health risks posed by the oil and gas, much of which appears to be coming from this well. Local residents frequently submit reports of noxious smells associated with hydrocarbons and with significant oil sheening on the water and the beach. The current condition of the beach is significantly degraded due to the oil and gas leaks from the Becker onshore well and these issues create negative impacts on the state's marine Public Trust resources and values, such as swimming, fishing, surfing, and other water-related recreational activities. Staff believes that the proposed Project is consistent with the Public Trust Doctrine because it would enhance the local coastal marine environment water-related recreational and public access opportunities for the public.

Furthermore, any project related impacts to existing Public Trust resources, such as restricting public access, would be for a very short duration (30 days or less) and would be entirely site specific. The environmental analysis provides mitigation measures to reduce all but one of the environmental effects to a less than significant level. The Mitigation Monitoring Program developed by staff and with stakeholder input is attached as in Exhibit B. Even if the proposed Project were not consistent with the Public Trust Doctrine, the limited impacts and limited duration of the Project would not substantially interfere with Public Trust needs and values at this location.

For these reasons, staff believes the approval of the Project is consistent with the common law Public Trust Doctrine, and will not interfere with Public Trust needs and values.

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### **Climate Change Analysis:**

A discussion of climate change and sea-level rise considerations is included in the EIR under Section 8, *Other Commission Considerations*. The analysis concluded that given the very short duration of the Project and because no permanent infrastructure is proposed for the Project, sea-level rise will not have any effect on the Project.

### **Conclusion:**

For all the reasons above, staff recommends that the Project to perform abandonment and remediation activities for the Becker onshore well and other Legacy Wells should be approved. Commission staff will continue its long-standing coordination with the Department of Conservation and the many stakeholders who have an interest in these issues. This Project will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. Funding: The Commission received a \$200,000 budget appropriation for fiscal year 2016-17 to conduct the environmental review, the EIR that is the subject of this staff report, and obtain the necessary permits in preparation for the abandonment of the well. As part of that budget bill, the Commission also received \$700,000 for fiscal year 2017-18 to conduct the actual abandonment activities. However, InterAct's March 2016 engineering study, which was prepared after their 2015 site excavation, identified a cost of \$1.4 million for the preferred abandonment method. The Commission then sought a \$700,000 budget augmentation to make up the difference in the abandonment cost. The additional \$700,000 was approved and included in the 2017-18 budget.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction; and Key Action 1.1.4, to identify and abate hazards and associated liability on sovereign and school lands.
3. 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. 792, State

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Clearinghouse No. 2016101008. 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 Exhibit B, attached hereto.

Findings and a Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091 and 15093) are contained in Exhibit C, attached hereto.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the Project, as proposed, is consistent with its use classification.

**APPROVALS REQUIRED:**

U.S. Army Corps of Engineers  
Central Coast Regional Water Quality Control Board  
California Coastal Commission  
Santa Barbara County

**EXHIBITS:**

- A. Becker onshore well location in the Summerland Oil Field
- B. Mitigation Monitoring Program
- C. Findings and Statement of Overriding Considerations

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDINGS:**

1. Certify that the EIR, CSLC EIR No.792, State Clearinghouse No. 2016101008, 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.
2. Adopt the Mitigation Monitoring Program, as contained in Exhibit B, attached hereto.

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3. Adopt the Findings, made in conformance with California Code of Regulations, title 14, section 15091, and the Statement of Overriding Considerations made in conformance with California Code of Regulations, title 14, section 15093, as contained in Exhibit C, attached hereto.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that this Project will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, 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 solicit bids, award, and execute all contracts, and take any other steps reasonably necessary to implement the Becker onshore well abandonment and remediation Project, and other similarly situated Legacy Wells, in accordance with competitive bidding requirements of the Public Contract Code and current State policies and procedures.



## **EXHIBIT B**

### **CALIFORNIA STATE LANDS COMMISSION MITIGATION MONITORING PROGRAM**

#### **BECKER AND LEGACY WELLS ABANDONMENT AND REMEDIATION PROJECT**

(W26911, W30214, State Clearinghouse No. 2016101008)

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As the lead agency under the California Environmental Quality Act (CEQA), the California State Lands Commission (CSLC) is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures. As proponent for the Becker and Legacy Wells Abandonment and Remediation Project (Project), the CSLC will also ensure the implementation of the adopted mitigation measures defined in this 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).

#### **MONITORING AUTHORITY**

The purpose of a Mitigation Monitoring Program (MMP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. A MMP can be a working guide to facilitate the implementation of the mitigation measures 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.

#### **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.

## **MITIGATION COMPLIANCE RESPONSIBILITY**

The CSLC is responsible for successfully implementing all the mitigation measures 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 mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely. Other mitigation measures 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 mitigation measures.

## **GENERAL MONITORING PROCEDURES**

### **Environmental Monitors**

Many of the monitoring procedures will be conducted prior to or during the construction phase of the Project. The CSLC staff and its environmental monitor(s) are responsible for integrating the mitigation monitoring procedures into the construction process in coordination with the contractor. To oversee the monitoring procedures and to ensure success, the environmental monitor must be on site during that portion of construction that has the potential to create a significant environmental impact or other impact for which mitigation is required. The environmental monitor is responsible for ensuring that all procedures specified in the monitoring program are followed.

### **General Reporting Procedures**

Site visits and specified monitoring procedures performed by other individuals will be reported to the environmental monitor. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the environmental monitor to track all procedures required for each mitigation measure and to ensure that the timing specified for the procedures is adhered to. The environmental monitor will note any problems that may occur and take appropriate action to rectify the problems.

### **Public Access to Records**

The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available for public inspection by the CSLC or its designee on request.

## **MITIGATION MONITORING TABLE**

This section presents the mitigation monitoring table (Table B) for each environmental discipline that requires mitigation measures. The table lists the following information, by column:

- Impact (impact number, title, and impact class);
- Mitigation Measure (full text of the measure);
- Location (where the impact occurs and the mitigation measure should be applied);
- Monitoring/reporting action (the action to be taken by the monitor or lead agency);
- Effectiveness criteria (how the agency can know if the measure is effective);
- Responsible agency; and
- Timing (before, during, or after construction; during operation, etc.).

Applicant Proposed Measures (APMs) are presented at the end of the table.

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<b>HAZARDOUS MATERIALS AND RISK OF UPSET</b>						
<p><b>Impact HAZ-1: Project Impacts to Public Health and Environment</b></p> <p>Project activities could increase risk above existing baseline operations and could produce a significant hazard to the public through the use or disposal of hazardous materials (Less than Significant with Mitigation).</p>	<p><b>MM HAZ-1. Construction Zone Restricted Area.</b></p> <p>Before commencement of construction or abandonment activities, the construction contractor shall ensure that all areas within 300 feet of the construction and abandonment activities are marked as closed to the public with appropriate fencing or “no entry” barrier tape or equivalent. Personnel shall be stationed to prevent entrance by members of the public into the restricted area. The CSLC staff shall provide noticing to Summerland residences at least 2 weeks prior to the beginning of beach closure. The notice shall indicate the location of the beach closure, the estimated timeline of Project activities and the estimated dates of beach closure, as well as contact information for the public to request additional information. Posting of beach closures shall also be installed at least 2 weeks prior to activities at major beach access point locations, including Lookout Park, Wallace Avenue and Loon Point. A notice shall also be provided in a local newspaper, such as the Coastal View, describing the beach access interruptions, closures, safety concerns and Project duration.</p>	Project Site	Project monitor confirms fencing is installed and personal stationed at appropriate beach areas to prevent public exposure	Personal will ensure the public is prevented access to the restricted area	Contractor and CSLC	Project construction
<p><b>Impact HAZ-2: Construction-Related Oil Spill Risks of Impacts to the Environment</b></p> <p>Project activities could temporarily increase</p>	<p><b>MM HAZ-2a. Removal of Contaminated Sands.</b></p> <p>All contaminated sands and/or soils encountered during the excavation around the well shall be removed from the site and disposed of at an appropriate facility.</p>	Project Site	Project monitor confirms any contaminated material is removed and disposed of properly	Implementing MM will reduce construction-related contaminated soils and oil spill impacts to	Contractor and CSLC	Project construction

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
spill volumes of crude oil given a release during the construction or well abandonment activities (Less than Significant with Mitigation).	<p><b>MM HAZ-2b. Water Handling.</b>                      All contaminated water encountered during the construction and abandonment shall be removed from the site and disposed of at an appropriate facility. Either tanks shall be used, which could be hauled away by supply boats or stored on the barge, or, if larger volumes of contaminated water are anticipated, the use of oil-water separation equipment, such as separation tanks or skimmers, or equivalent, shall be used before discharging the water to the marine environment. Use of a sheet pile sealant system such as Decaseal, as approved by the California State Lands Commission (CSLC), shall be utilized during the installation of the cofferdam walls to minimize the water intrusion and/or contaminated water releases to the marine environment.</p>	Project Site	Project monitor confirms all contaminated water is removed and disposed of properly	the environment  Implementing MM will reduce construction-related oil spill impacts to the environment	Contractor and CSLC	Project construction
<b>AESTHETICS</b>						
<p><b>Impact AES-2: Visual Impacts from Accidental Oil Spills during Abandonment Activities</b>                      A spill of crude oil during construction or well abandonment activities could cause temporary adverse visual impacts from the oil spill and cleanup efforts (Less than</p>	<p><b>Implementation of MM HAZ-1, HAZ-2a, HAZ-2b, and APM-1 though APM-3.</b></p>	See specific MMs and APMs in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing				

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Significant with Mitigation).						
<b>Impact AES-4: Visual Impacts from Nighttime Illumination during Abandonment Activities</b> Nighttime illumination could cause temporary adverse visual impacts (Less than Significant with Mitigation).	<b>MM AES-4. Nighttime Illumination Shielding.</b> Project lighting shall be as low an intensity as allowed by safety requirements and located, designed and equipped so as to provide shielding and minimize glare from light sources and diffusers, and to minimize halo and spillover effects.	Project Site	Project monitor confirms lighting is shielded as specified and observes level of shielding at site and at area residences	Implementing MM will reduce the potential for halo and spillover light effects	Contractor and CSLC	Project construction
<b>AIR QUALITY</b>						
<b>Impact AQ-1: Air Emissions from Construction</b> Construction would increase emissions in offshore areas, and from onshore vehicular traffic (Less than Significant in Santa Barbara and Ventura Counties and Significant and Unavoidable in the SCAQMD).	<b>MM AQ-1a. Prohibit Unnecessary Truck Idling.</b> The construction contractor should limit unnecessary truck idling on site in excess of 5 minutes.	Project Site	Project monitor confirms that unnecessary truck idling is prohibited	Implementing MM will reduce emissions from truck idling	Contractor, CSLC, and in coordination with APCD	Project construction
	<b>MM AQ-1b. Use of Emission Reduction Measures.</b> The construction contractor shall implement the following measures, unless determined to be infeasible by California State Lands Commission (CSLC) staff in consultation with the applicable Air Pollution Control District. <ul style="list-style-type: none"> <li>• Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 3 or the CARB Commercial Harbor Craft Tier 3 (17 CCR § 93118.5) emission standards shall be used.</li> <li>• Diesel powered equipment shall be replaced by electric equipment whenever feasible.</li> <li>• If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation</li> </ul>	Project Site	Project monitor confirms that all equipment meets the emission standards and carpooling is utilized Submit Form-38M to APCD for marine engine exemption	Implementing MM will reduce emissions from construction equipment and vehicles	Contractor, CSLC, and in coordination with APCD	Project construction

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>catalysts and diesel particulate filters as certified or verified by the U.S. Environmental Protection Agency or CARB.</p> <ul style="list-style-type: none"> <li>• Catalytic converters shall be installed on gasoline-powered equipment, if feasible.</li> <li>• All construction equipment shall be maintained in tune per the manufacturer's specifications.</li> <li>• The engine size of construction equipment shall be the minimum practical size.</li> <li>• The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.</li> <li>• Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.</li> <li>• Tanks used to store hydrocarbon contaminated water shall be vented through carbon canister or other equivalent odor reduction devices.</li> <li>• Drilling muds potentially contaminated with hydrocarbons shall be passed through degassing or other equivalent odor control mechanisms.</li> <li>• Containers used to store contaminated sands/soils shall be covered when not in use.</li> <li>• All applicable provisions of SBCAPCD Regulation III shall be implemented to the extent feasible.</li> </ul>					
	<p><b>MM AQ-1c. Compliance with State Portable Air Toxics Control Measure.</b></p>	Project Site	Project monitor confirms contractors use	Implementing MM will reduce	Contractor, CSLC, and in	Project construction

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	Any portable diesel engines greater than 50 horsepower used in construction shall comply with the State Portable Air Toxics Control Measure and be certified to CARB Tier 3 non-road engine standards or higher to the maximum extent feasible.		ultra-low sulfur fuel as specified	the equipment emissions	coordination with APCD	
	<b>MM AQ-1d. Establish On-Site Equipment Staging Area and Worker Parking Lots.</b> The staging area and worker parking lots shall be restricted to either paved surfaces or soil stabilized unpaved surfaces only.	Project Site	Project monitor to confirm parking lot use at ports	Implementing MM will reduce fugitive dust	Contractor, CSLC, and in coordination with APCD	Project construction
<b>BIOLOGICAL RESOURCES</b>						
<b>Impact BIO-1: Impact of Temporary Construction-Related Oil Spill Impacts to Biological Resources</b> Inadvertent discharge of petroleum hydrocarbons into marine waters would adversely affect marine biological resources (Less than Significant with Mitigation).	<b>Implementation of MM HAZ-2a, HAZ-2b, APM-1, APM-2, and APM-3.</b>	See specific MMs and APMs in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing				
<b>Impact BIO-3: Collision-Related Vessel Traffic Impacts on Marine Mammals and Turtles</b> Construction-related vessel interactions with marine mammals and turtles may occur (Less than Significant with Mitigation).	<b>MM BIO-3. Marine Mammal Avoidance and Response Training.</b> Vessel operators shall develop, submit for approval, and implement a contingency and training plan that focuses on avoidance and response procedures when marine mammals and sea turtles are encountered at sea by crew or supply boats at the Project site. All boat crew members shall be provided training prior to the onset of construction activities that focuses on the identification of marine	NA	Completion of training for all boat crew members; incident reporting to Fish and Wildlife Service Monitor to confirm that vessels crew members onsite	Implementing MM will reduce the potential for impacts to marine mammals	Contractor and CSLC	Prior to starting Project construction activities and during all marine vessel use

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>mammal and sea turtle species and the specific behavior of species common to the Project area, including when species can be expected to occur in the Project area. New crew members shall receive such training upon hire. All crew members shall serve as lookouts during boat trips so that collisions with marine mammals and sea turtles can be avoided. Minimum components of the training plan include:</p> <ul style="list-style-type: none"> <li>• Vessel operators shall make every effort to maintain a distance of 1,000 feet from sighted whales and federally threatened or endangered or otherwise protected marine mammals or sea turtles.</li> <li>• Supply vessels shall not cross directly in front of migrating whales or any other threatened or endangered marine mammals or sea turtles.</li> <li>• When paralleling whales, support vessels shall operate at a constant speed that is not faster than the whales.</li> <li>• Female whales shall not be separated from their calves.</li> <li>• Vessel operators shall not herd or drive whales.</li> <li>• If a whale engages in evasive or defensive action, support vessels shall drop back until the animal moves out of the area.</li> <li>• Any collisions with marine wildlife shall be reported promptly to the Federal and State agencies listed below pursuant to each agency's reporting procedures.</li> </ul>		have completed training			
<b>Impact BIO-4: Noise Impacts on Marine</b>	<b>Implementation of APM-4.</b>	See specific APM in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing				

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>Mammals, Sea Turtles, Birds, and Fish</b> Noise from sheet pile installation, drilling, excavation, vessel support, and transit activities may potentially disturb marine mammals, sea turtles, birds and fish in the Project area (Less than Significant with Mitigation).</p>	<p><b>MM BIO-4a. Marine Resources Noise Reduction.</b> Installation of sheet pile shall utilize H-type, or equivalent, and smaller sized sheet piles to the extent feasible, and shall be scheduled to concur with the ocean-facing sheet piles installed at the lowest tides feasible during the construction phase to reduce the potential for behavioral impacts on marine mammals, sea turtles, and nearshore fish species.</p>	Project Site	Project monitor to confirm type of sheet pile use	Implementing MM will reduce Project noise impacts to marine resources	Contractor and CSLC	Project construction
	<p><b>MM BIO-4b. Soft Start.</b> A “soft start” shall be used during vibratory pile driving to give marine mammals, sea turtles, birds and nearshore fish species an opportunity to move out of the area away from the sound source. Soft starts would be implemented at the start of each day’s pile driving and at any time following the cessation of pile driving for a period of 30 minutes or longer. For vibratory pile drivers, the sound shall be initiated for 15 seconds at reduced energy followed by a 30-second waiting period; this procedure shall then be repeated two additional times.</p>	Project Site	Project monitor to confirm written soft start procedures and use of soft start during driving activities	Implementing MM will reduce Project noise impacts to marine resources	Contractor and CSLC	Project construction
	<p><b>MM BIO-4c. Marine Mammal/Sea Turtle Monitoring.</b> To ensure that no harassment occurs during vibratory pile driving activities, site-specific marine mammal/sea turtle observations shall be conducted using qualified marine wildlife monitors (MWMs) stationed on the existing response boats (no additional boats should be used for marine observers) and approved by California State Lands Commission (CSLC) staff, in consultation with National Marine Fisheries Service (NMFS) and California</p>	Project Site	Project monitor to confirm presence of marine monitor and recording of information and availability of communication methods to alert construction crew of biological resources spotting	Implementing MM will reduce Project noise impacts to marine resources	Contractor and CSLC Submit copies of the Marine Wildlife Monitoring Report to CDFW-OSPR	Project construction

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>Department of Fish and Wildlife (CDFW) staffs. Such monitoring shall include at least the following elements.</p> <ul style="list-style-type: none"> <li>• The MWMs shall monitor an area within 150 meters (exclusion/shutdown zone) of the construction area for the presence of marine mammal species.</li> <li>• Prior to the start of pile driving operations, if a marine mammal or sea turtle is sighted within or approaching the exclusion/shutdown zone, MWMs shall notify the on-site construction lead (or other authorized individual) to delay pile driving until the animal has moved out of the exclusion/shutdown zone or the animal has not been re-sighted within 15 minutes (for pinnipeds and small cetaceans) or 30 minutes (for large cetaceans).</li> <li>• If a marine mammal or sea turtle is sighted within or on a path toward the exclusion/shutdown zone during pile driving activities, pile driving shall cease until that animal has moved out of the exclusion/shutdown zone or 15 minutes (pinnipeds and small cetaceans)/30 minutes (for large cetaceans) has lapsed since the last sighting.</li> <li>• MWMs shall have authority to temporarily halt in-water project activities if those activities pose a threat to individuals of a special-status species, and to suspend project activities until the animals have left the area. If due to fog, rain, or other periods of limited visibility the exclusion/shutdown zone cannot be monitored, MWMs have the authority to direct cessation (or</li> </ul>					

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>continuation) of construction activities based on observed abundance of marine mammals and sea turtles and their ability to view the exclusion/shutdown zone. Periodic reevaluation of weather conditions and reassessment of the continuation/cessation recommendation shall be completed by the MWMs.</p> <ul style="list-style-type: none"> <li>• MWMs shall record sightings and animal behavior within the zone during pile driving activities. At a minimum, MWMs shall collect the following information daily: (1) general location(s) of MWMs and marine wildlife observations; (2) date/time monitoring begins/ends; (3) activities occurring during each observation period; (4) weather parameters (e.g., percent cover, visibility) and conditions (e.g., sea state); (5) species observed and number of individuals; (6) description of any marine wildlife behavior patterns, including bearing and direction of travel and distance from pile driving activities; (7) other human activity in the area. MWMs shall keep a log book of notes about sightings of marine mammals, special-status birds or sea turtles. Entries in the log shall be made at least hourly, even if the entry is "None observed." Reports shall be emailed to CSLC staff daily.</li> <li>• Within 30 days of completion of pile driving, the MWMs shall submit to CSLC staff for approval a Final Marine Wildlife Monitoring Report and copies of log books prepared by the qualified MWMs that include at a minimum:</li> </ul>					

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<ul style="list-style-type: none"> <li>○ an evaluation of the effectiveness of monitoring protocols/procedures</li> <li>○ reporting of all marine mammal, sea turtle, and other wildlife sightings (including species and numbers)</li> <li>○ any wildlife behavioral changes that may be attributed to project construction or operations</li> <li>○ all project changes (e.g., delays, work stoppages, etc.) due to the presence in the area of marine wildlife species.</li> </ul>					
<p><b>Impact BIO-5: Construction and Lighting Impacts on Kelp, Birds, Fish, and Plankton.</b> Construction and lighting associated with from sheet piling, re-drilling activities and vessel support and transit activities may potentially disturb kelp, marine birds, fish, and zooplankton in the Project area (Less than Significant Impact with Mitigation).</p>	<p><b>MM BIO-5a. Project Lighting.</b> All lighting associated with the Project, as well as any additional light required for the existing parking area and adjacent roads, drilling rig, barge, and sheet pile driver rig, shall be directed and shielded in such a way as to eliminate any direct light towards the ocean and immediate nearshore waters, as well as to minimize reflection and glare from such light in the same areas. As much as is allowable under Federal Aviation Administration (FAA) regulations, the red flashing light at the top of the drilling rig shall also be shielded from view from the immediate nearshore waters.</p>	Project Site	Project monitor to confirm lighting per specified criteria	Implementing MM will reduce lighting impacts to birds, fish, and plankton	Contractor and CSLC	Project construction
	<p><b>MM BIO-5b. Kelp Avoidance.</b> Support vessel pilots shall avoid kelp forest areas to the extent feasible and shall utilize a similar corridor in repeat visits to the Project site.</p>	Project Site and Vessel Approach Area	Project monitor to confirm vessel approach and location of kelp, and to report on the effectiveness of kelp avoidance activities	Implementing MM will reduce impacts to kelp with minimal kelp dislocation	Contractor and CSLC	Project construction
<b>CULTURAL RESOURCES</b>						

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>Impact CR-1: Impacts to Onshore or Offshore Archaeological Resources from Well Abandonment and Remediation Activities</b></p> <p>The proposed Becker well abandonment and remediation activities would not directly affect any known or suspected onshore or offshore archaeological resources. However, similar activities for other legacy wells along Summerland Beach could impact archaeological resources during construction (Less than Significant with Mitigation).</p>	<p><b>MM CR-1. Pre-Construction Review of Legacy Well Abandonment and Remediation Plans.</b></p> <p>Prior to abandonment and remediation activities at legacy wells along Summerland Beach, the California State Lands Commission (CSLC) will review and approve all construction plans to ensure that staging and offshore activities will avoid previously identified and unidentified archaeological resources.</p> <ul style="list-style-type: none"> <li>• If a staging area is located in a developed area (e.g., parking lot), then no impacts would occur.</li> <li>• If a staging area is located on an undeveloped and undisturbed area, then CSLC staff will ensure that location has been adequately surveyed for archaeological resources and that all staging activities will avoid impacts.</li> <li>• For offshore activities, a qualified maritime archaeologist will analyze remote sensing survey data (from side-scan sonar, sub-bottom profiler, or magnetometer as appropriate), or video from a remotely (or autonomous) operated vehicle, or conduct a diver inspection to locate previously unidentified cultural resources in areas of proposed ground disturbance to ensure avoidance. In addition, CSLC staff will ensure offshore ground disturbance will avoid known shipwrecks and other known submerged cultural resources.</li> <li>• All construction plans shall have measures and protocols in place in the event of an inadvertent find, along with notification</li> </ul>	<p>NA</p>	<p>Approval of remediation plans</p>	<p>Implementing MM will reduce the potential for impacts to archaeological resources</p>	<p>Contractor and CSLC</p>	<p>Prior to starting Project construction activities</p>

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	requirements for Tribal leadership or their designees, and appropriate experts, and shall include stop-work requirements until appropriate assessments are completed.					
<b>Impact CR-2: Impacts to Cultural Resources Due to Construction-Related Oil Spill Risks</b> Well remediation and abandonment activities could result in a temporary release of crude oil that could impact onshore or offshore archaeological resources (Less than Significant with Mitigation).	<b>MM CR-2. Prepare a Spill Response Plan for Archaeological Resources.</b> Prior to issuance of permits for the Project, an oil spill response plan for onshore and offshore archaeological resources shall be prepared. The plan's response measures shall contain protocols for the identification, protection, and mitigation of impacts on cultural resources in the event of any increase in seepage from well abandonment and remediation activities. The plan shall provide for collection, analysis, reporting, and curation of significant surface or subsurface archaeological deposits at risk of damage or destruction due to a spill and/or subsequent clean-up efforts. The plan shall be prepared by a qualified archaeologist who has prior experience with spill-related emergency response procedures and shall be reviewed and approved by CSLC staff and the County prior to approval of permits. These measures could be added to the Project's oil spill contingency plan or could reside in a stand-alone document.	NA	Approval of Spill Response Plan	Implementing MM will reduce the potential for impacts to cultural archaeological resources	Contractor and CSLC	Prior to starting Project construction activities
<b>Impact CR-3: Disturb Unidentified Human Remains</b> Human remains have not been identified within the Proposed Project area; however, ground disturbing	<b>MM CR-3: Appropriate Treatment of Human Remains.</b> In accordance with Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, if human remains are found, all ground disturbing activities shall halt within 165 feet (50 meters) of the discovery. The County Coroner will be notified within 24	Project Site	Project monitor oversees site excavation Construction contracts and plans to include appropriate treatment of	Implementing MM will reduce the potential for impacts to cultural archaeological resources	Contractor and CSLC	Project construction

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>activities could adversely impact presently unidentified human remains, including those interred outside of dedicated cemeteries (Less than Significant with Mitigation).</p>	<p>hours of the discovery. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined whether the remains are subject to his or her authority. The County Coroner must make this determination within 2 working days of notification of the discovery pursuant to Health and Safety Code section 7050.5 subdivision (b). If the County Coroner determines that the remains do not require an assessment of cause of death and that the remains are, or are believed to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) by telephone within 24 hours. In accordance with Public Resources Code section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD shall complete their inspection and make recommendations within 48 hours of being granted access to the site. The MLD may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. CSLC staff will discuss and confer with the MLD regarding their recommendations pursuant to Public Resources Code section 5097.98 subdivisions (b) and (c).</p>		<p>human remains notes</p>			
<b>CULTURAL RESOURCES – TRIBAL</b>						
<p><b>Impact TCR-1: Impacts to Previously Identified or Unidentified Tribal Cultural Resources</b></p>	<p><b>Implementation of MM CR-1.</b></p>	<p>See specific MM in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing</p>				

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>from Project Implementation</b> The proposed well remediation and abandonment activities would not directly affect any known or suspected Tribal cultural resources (Less than Significant with Mitigation).</p>						
<p><b>Impact TCR-2: Impacts to Tribal Cultural Resources Due to Construction-Related Oil Spill Risks</b> Well remediation and abandonment activities could result in a temporary release of crude oil that could impact Tribal cultural resources (Less than Significant with Mitigation).</p>	<p><b>Implementation of MM CR-2.</b>  <b>MM TCR-2. Incorporate Coordination with Native American Tribes into the Spill Response Plan for Archaeological Resources.</b> During development of the Spill Response Plan for Archaeological Resources (MM CR-2), a protocol shall be incorporated regarding coordination with Native American Tribes culturally affiliated with the Project area prior to the commencement of Project activities as well as a protocol to notify Tribal designees within 48 hours of a spill emergency, consistent with the California State Land Commission's (CSLC) Tribal Consultation Policy.</p>	<p>See specific MM in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing</p> <p>NA</p>	<p>Approval of Spill Response Plan</p>	<p>Implementing MM will reduce the potential for impacts to cultural archaeological resources</p>	<p>Contractor and CSLC</p>	<p>Prior to starting Project construction activities</p>
<b>HYDROLOGY AND WATER QUALITY</b>						
<p><b>Impact WQ-1: Impacts to Marine Water Quality from Inadvertent Oil Spill During Abandonment Operations</b></p>	<p><b>Implementation of MM HAZ-2a, MM HAZ-2b, APM-2, and APM-3.</b></p>	<p>See specific MMs and APMs in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing</p>				

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Accidental discharge of petroleum hydrocarbons into marine waters would adversely affect water quality (Less than Significant with Mitigation).						
<b>NOISE</b>						
<b>Impact NOI-1: Construction Impacts to Sensitive and Recreational Receptors.</b> Short-term noise levels would increase during Project construction potentially affecting sensitive and recreational receptors (Less than Significant with Mitigation).	<b>Implementation of APM-4.</b>  <b>MM NOI-1. Construction Time Limits.</b> Construction activities involving the installation of sheet pile shall be conducted only between the hours of 8 a.m. and 5 p.m. Monday through Friday.	See specific APM in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing				
		Project Site	Project monitor to confirm and observe sheet pile installation schedule	Implementing MM will reduce nighttime noise levels	Contractor and CSLC	Project construction
<b>RECREATION</b>						
<b>Impact REC-1: Impacts to Recreation and Recreational Access from Abandonment Activities</b> Use of a jack-up barge for abandonment activities and staging of equipment at Lookout Park would create temporary beach area closures and potential loss of parking spaces.	<b>MM REC-1. Repair of Damaged Infrastructure.</b> The contractor shall ensure that any damage inflicted on Lookout Park infrastructure and access road be repaired and returned to pre-Project status.	Project Site	Project monitor to review infrastructure and document condition prior to and after Project activities	Implementing MM will ensure infrastructure is not damaged by Project activities	Contractor, County Parks and CSLC	Notify County Parks at least 2 weeks prior to Project construction
	<b>Implementation of MM TRM-1 and MM HAZ-1.</b>	See specific MM in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing				

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
(Less than Significant with Mitigation).						
<p><b>Impact REC-2: Inadvertent Oil Releases Associated with Construction Activities would Impact Surrounding Recreational Resources</b></p> <p>Water and non-water recreation located in the Project area may be impacted by an accidental release related to the Project during short-term temporary construction activities. Shoreline and water-related uses would be disrupted by oil on the shoreline and in the water, which would impact recreational users, would be inconsistent with State and local policies, and would result in potentially significant impacts (Less than Significant with Mitigation).</p>	<p><b>Implementation of MM HAZ-2a, MM HAZ-2b, and APM-1 though APM-3.</b></p>	<p>See specific MMs and APMs in MMP for details on Location, Monitoring/Reporting, Action, Effectiveness Criteria, Responsible Agency, and Timing</p>				
<p><b>TRANSPORTATION (MARINE)</b></p>						

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p><b>Impact TRM-1: Marine Vessel Safety</b> Project activities have the potential to reduce the existing level of safety for marine vessels (Less than Significant with Mitigation).</p>	<p><b>MM TRM-1. Publication of U.S. Coast Guard (USCG) Local Notice to Mariners.</b> The CSLC shall ensure that its contractor submits to the USCG District 11 (as stated at <a href="http://www.uscg.mil/D11/DP/LnmRequest.asp">www.uscg.mil/D11/DP/LnmRequest.asp</a>), a request to publish a Local Notice to Mariners, at least 14 days prior to operation, that includes the following information:</p> <ul style="list-style-type: none"> <li>• Type of operation (i.e., dredging, diving operations, construction);</li> <li>• Location of operation including Latitude and Longitude and geographical position if applicable;</li> <li>• Duration of operation including start and completion dates (if these dates change, the Coast Guard needs to be notified);</li> <li>• Vessels involved in the operation</li> <li>• VHF-FM Radio Frequencies monitored by vessels on scene;</li> <li>• Point of Contact and 24-hour phone number; and</li> <li>• Chart Number for the area of the operation.</li> </ul> <p>The above information shall also be provided to the Santa Barbara Harbormaster and USCG Marine Safety Detachment in Santa Barbara.</p>	<p>Area harbors and vessel routes</p>	<p>Project monitor to confirm notification to area harbors and Coast Guard</p>	<p>Implementing MM will ensure effective coordination and response</p>	<p>Contractor and CSLC</p>	<p>Project construction</p>

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<b>APPLICANT PROPOSED MEASURES</b>						
	<p><b>APM-1. Abandonment and Contingency Plan.</b>                      Before the commencement of construction activities, the CSLC staff shall prepare, or shall write into any contracts that the contractor shall prepare, a plan detailing the abandonment procedures, including: 1) the use of appropriate circulation fluids and/or drilling muds; 2) the type and sizing of circulation fluid pumps; 3) details of all abandonment contingencies, including contingencies for the failure to meet Division of Oil, Gas, and Geothermal Resources (DOGGR) abandonment standards, such as not reaching the DOGGR prescribed depth, failure to circulate to the surface, and including procedures such as removing of casing, variation in perforation depths, cement top caps, etc. The plan shall be designed to ensure that the abandonment operations would be capable of handling any loss of well control or change in abandonment procedures encountered during the abandonment activities. The Plan shall include equipment requirements, equipment availability and procedures for delivering the equipment associated with all contingency scenarios.</p>	N/A	Approval of Abandonment Contingency Plan	Implementing APM will reduce construction impacts	Contractor and CSLC	Prior to starting Project construction activities
	<p><b>APM-2. Barge System Engineering.</b>                      Before the commencement of construction activities, the CSLC staff shall prepare, or shall write into any contracts that the contractor shall prepare, a plan detailing measures to reduce the potential for releases to the environment, and to ensure that the shortest scheduling associated with the Project is achieved. An engineering study shall be conducted prior to mobilization, which shall address at least 1) Barge configuration and optimization with regards to tides and scheduling, including the use of supply boats and additional barges if needed and the use of offloading of equipment (including pumps, tanks, materials, etc.) to reduce the barge draft, allow for removal of the barge at lower high tides, and thereby reduce the potential for an extended schedule. This analysis shall be coordinated with the bathymetric survey to determine barge scheduling under different scenarios, including an extended schedule due to well abandonment complications; 2) Equipment needs for the barge, including the need for pier equipment, sheet pile installation materials and equipment, and installation capabilities; 3) Fluids containment and handling, including oil-water</p>	N/A	Approval of the Barge System Engineering Study	Implementing APM will reduce the potential for releases to the environment	Contractor and CSLC	Prior to starting Project construction activities

**Table B. Mitigation Monitoring Program**

Impact (Class)	Mitigation Measure (MMs)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	separation requirements, oily water storage and transport, and barge containment of spilled construction materials or storm water through the use of a barge sump and barge-edge spill containment walls, with the containment volume being greater than the largest tank on the barge; 4) Barge weight and draft fully loaded as well as the capacity for fluids handling and storage, and a determination along with the bathymetric study, of the scheduling for tides; 5) Equipment arrangement on the barge to allow for equipment movement and use between tasks; 6) Refueling procedures and spill containment measures and equipment to prevent spills of fuel from reaching the marine environment.					
<p><b>APM-3. Emergency Response Equipment Availability.</b></p>	<p>During the installation of the cofferdam and the well abandonment activities, a tender boat with sufficient boom shall be placed immediately offshore of the operations to ensure that any spills which occur and enter the marine environment are immediately contained. Contracting with Clean Seas, or another equivalent organization experienced in on-sea oil spill containment and recovery operations, shall be established before construction commences. In addition, the barge shall be equipped with, and deploy in advance within or around the cofferdam area as feasible, sufficient sorbent pads and booms, or snare or pom-pom fencing or other effective strategies, to provide immediate containment of oil released into the cofferdam areas. These would be in addition to the response trailer located at Lookout Park.</p>	Project Site	Project monitor confirms contract with Clean Seas or equivalent organization is in place and emergency response equipment is onsite and on a response vessel offshore	Implementing APM will reduce the potential for releases to the environment	Contractor and CSLC Submit copies of the Spill Contingency Plan to CDFW-OSPR	Prior to starting Project construction activities
<p><b>APM-4. Use of Vibratory Pile Driver.</b></p>	<p>Preliminary information obtained from contractors indicated that the use of a vibratory pile driver would be feasible, but that it was not proposed by all of the contractors contacted. Generally, a geotechnical assessment is needed in order to ensure that high-force methods (impact pile drivers) are not needed. However, due to the beach location and the presence of sand, a geotechnical analysis is not considered necessary. The use of a vibratory pile driver would substantially lower the noise levels, both in-air and in-water, and would reduce impacts, both to humans and to biological resources.</p>	Project Site	Project monitor to confirm sheet pile installation method and equipment onsite and in construction contracts	Implementing APM will reduce noise levels	Contractor and CSLC	Project construction and deconstruction

## **EXHIBIT C – Becker and Legacy Wells Abandonment and Remediation Project**

### **CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS**

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#### **1.0 INTRODUCTION**

The California State Lands Commission (CSLC), acting as a lead agency under the California Environmental Quality Act (CEQA), makes these Findings and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize implementation of the proposed Becker and Legacy Wells Abandonment and Remediation Project (Project). The CSLC is making these Findings pursuant to Public Resources Code section 21081 and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091, subd. (a)),<sup>1</sup> 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 CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC 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 CSLC is the lead agency under CEQA for the Project because the CSLC has the principal responsibility for taking action on the Project. The CSLC analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2016101008).<sup>2</sup>

The Project involves abandoning historical wells on the beach in Summerland that have been leaking. Due to natural seeps or leaks from improperly abandoned legacy wells, oil sheens are intermittently observed in the water and on the sand at Summerland Beach. Oil seepage from the area around the Becker well has historically been reported to become visible approximately 10 days every year. Recently, anecdotal evidence indicates that leaks in and around the Becker onshore well have increased in regularity. After conducting an assessment of the Becker well in 2015 (Phase 1), the CSLC is now

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<sup>1</sup> 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.

<sup>2</sup> The Final EIR was published in July 2017 and is available on the CSLC website at: [www.slc.ca.gov](http://www.slc.ca.gov) (under the “Information” tab and “CEQA Updates” link).

seeking to conduct Phase 2 abandonment activities, which include the following objectives:

- Abandon and seal the Becker well to current Division of Oil, Gas, and Geothermal Resources (DOGGR) standards to alleviate oil leaking into the environment with minimum impacts to the beach and recreational resources
- Abandon and seal other legacy wells, as appropriate, in the surrounding area of the Becker well in the Summerland Beach area

While the detailed Becker well approach and equipment arrangements have been identified and included in the EIR, the identification and prioritization of other legacy wells have not been conducted at this time. As abandonment of legacy wells, both on the beach and nearshore, would entail similar equipment arrangements and activities as those described in detail for the Becker well, this EIR is also applicable to the legacy well projects once those legacy wells have been identified and prioritized.

Becker well abandonment is planned for the fourth quarter of 2017. Planning for abandonment of legacy wells has not been completed at this time. In addition to staging and unstaging, construction associated with Becker well abandonment would occur in three main phases:

1. Construction of a double-walled cofferdam in the surf zone around the well to isolate it from ocean tides and provide access to the well
2. Well abandonment using a jack-up barge, 80 feet by 100 feet in size, to provide access to the Becker well site from the ocean
3. Cofferdam removal

Staging and unstaging would require round trips by sea between the Port of Long Beach (POLB) and the Project site to deliver and remove the Project's abandonment equipment and materials. A jack-up barge would be used during all construction activities at the well, including well abandonment.

## **2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS**

These Findings are based on the information contained in the EIR for the Project, as well as information provided by the CSLC and gathered through the public involvement process, all of which is contained in the administrative record. References cited in these Findings can be found in the Final EIR, Section 9, *References*. The administrative record is located in the Sacramento office of the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

## **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 EIR, the CSLC adopt one or more of the following, 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 CSLC. 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 CSLC 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 CSLC'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.
- Wherever Finding (3) is made, the CSLC has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the Final EIR, discussed in the Responses to Comments, and explained below. Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the CSLC finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

All environmental impacts of the Project identified in the EIR are listed below; the significance of each impact is classified as follows.

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

**A. SUMMARY OF FINDINGS**

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

- Agricultural Resources and Forestry Resources
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities and Public Service Systems

The EIR subsequently identified the following impacts as Less Than Significant:

- Geology and Soils
- Greenhouse Gas Emissions

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

- Organized by significant impacts within the following EIR issue areas

○ Hazardous Materials and Risk of Upset (HAZ)
○ Aesthetics (AES)
○ Air Quality (AQ)
○ Biological Resources (BIO)
○ Cultural Resources (CR)
○ Cultural Resources – Tribal (TCR)
○ Hydrology and Water Quality (WQ)
○ Noise (NOI)
○ Recreation (REC)
○ Transportation (Marine) (TRM)

- Numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program (MMP) in the EIR (see Section 7 of the EIR) (Findings may not be numbered sequentially, since Findings are not required when impacts are Less than Significant or there is No Impact)
- Followed by an explanation of the rationale for each Finding

**B. POTENTIALLY SIGNIFICANT IMPACTS**

In certifying the EIR and approving the Project, the CSLC identified several Applicant Proposed Measures (APMs) and mitigation measures 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 APMs and mitigation measures. Impacts determined to be Less Than Significant with Mitigation are shown in Table 1.

However, even with the integration of all feasible mitigation, the CSLC concluded in the EIR that the other identified potentially significant impacts will remain significant. Table 1 identifies those impacts that the CSLC determined would be, after mitigation, Significant and Unavoidable. As a result, the CSLC adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impact.

**Table 1 Significant Impacts by Issue Area**

Environmental Issue Area	Impact Nos.	
	LTSM	SU
Hazardous Materials and Risk of Upset (HAZ)	HAZ-1, HAZ-2	
Aesthetics (AES)	AES-2, AES-4	
Air Quality (AQ)	AQ-1 (in Santa Barbara and Ventura Counties)	AQ-1 (in the SCAQMD)
Biological Resources (BIO)	BIO-1, BIO-3, BIO-4, BIO-5	
Cultural Resources (CR)	CR-1, CR-2, CR-3	
Cultural Resources – Tribal (TCR)	TCR-1, TCR-2	
Hydrology and Water Quality (WQ)	WQ-1	
Noise (NOI)	NOI-1	
Recreation (REC)	REC-1, REC-2	
Transportation Marine (TRM)	TRM-1	

**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. HAZARDOUS MATERIALS AND RISK OF UPSET

### CEQA FINDING NO. HAZ-1

**Impact:** **Impact HAZ-1. Project Impacts to Public Health and Environment.**  
Project activities could increase risk above existing baseline operations and could produce a significant hazard to the public through the use or disposal of hazardous materials.

**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 EIR.

### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in impacts to the public from releases of hazardous materials, including explosions of accidental releases of produced gas, if encountered during well abandonment.

Implementation of **APM-1 and Mitigation Measure HAZ-1** would reduce this impact to a less than significant level by limiting public access to an area far enough away from construction activities to ensure safety in the event of a worst-case release and ensuring that appropriate materials and contingencies are available to address any abandonment irregularities. The Measures are listed below.

**APM-1: Abandonment and Contingency Plan.** Before the commencement of construction activities, the CSLC staff shall prepare, or shall write into any contracts that the contractor shall prepare, a plan detailing the abandonment procedures, including: 1) the use of appropriate circulation fluids and/or drilling muds; 2) the type and sizing of circulation fluid pumps; 3) details of all abandonment contingencies, including contingencies for the failure to meet Division of Oil, Gas, and Geothermal Resources (DOGGR) abandonment standards, such as not reaching the DOGGR prescribed depth, failure to circulate to the surface, and including procedures such as removing of casing, variation in perforation depths, cement top caps, etc. The plan shall be designed to ensure that the abandonment operations would be capable of handling any loss of well control or change in abandonment procedures encountered during the abandonment activities. The Plan shall include equipment requirements, equipment availability and procedures for delivering the equipment associated with all contingency scenarios.

**Mitigation Measure HAZ-1: Construction Zone Restricted Area.** Before commencement of construction or abandonment activities, the construction contractor shall ensure that all areas within 300 feet of the construction and abandonment activities are marked as closed to the public with appropriate fencing or “no entry” barrier tape or equivalent. Personnel shall be stationed to prevent entrance by members of the public into the restricted area.

The CSLC staff shall provide noticing to Summerland residences at least 2 weeks prior to the beginning of beach closure. The notice shall indicate the location of the beach closure, the estimated timeline of Project activities and the estimated dates of beach closure, as well as contact information for the public to request additional information. Posting of beach closures shall also be installed at least 2 weeks prior to activities at major beach access point locations, including Lookout Park, Wallace Avenue and Loon Point. A notice shall also be provided in a local newspaper, such as the Coastal View, describing the beach access interruptions, closures, safety concerns and Project duration.

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

**CEQA FINDING NO. HAZ-2**

Impact: **Impact HAZ-2. Construction-Related Oil Spill Risks of Impacts to the Environment.** Project activities could temporarily increase spill volumes of crude oil given a release during the construction or well abandonment 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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Project activities could temporarily increase spill volumes (over the current leakage rates) of crude oil given a release during the construction or well abandonment activities. These spills could be due to spills of crude oil from well abandonment activities, or spills of construction related materials such as drilling muds, concrete wastes, hydraulic oils or other construction materials that could impact the environment.

Implementation of **APM-1 through APM-3 and Mitigation Measures HAZ-1, HAZ-2a and HAZ-2b** would reduce this impact to a less than significant level by ensuring that appropriate materials and contingencies are available to address any abandonment irregularities; ensuring the barge is well engineered and equipped to prevent against spills to the environment; ensuring that spill response equipment is on-site and immediately available to aid in response to any spills; and reducing the potential for spills due to contaminated sands or oily water by requiring the use of tanks and prohibiting discharges to the marine environment. The measures are listed below.

**APM-1: Abandonment and Contingency Plan.** See description above.

**APM-2: Barge System Engineering.** Before the commencement of construction activities, the CSLC staff shall prepare, or shall write into any contracts that the contractor shall prepare, a plan detailing measures to reduce the potential for releases to the environment, and to ensure that the shortest scheduling associated with the Project is achieved. An engineering study shall be conducted

prior to mobilization, which shall address at least 1) Barge configuration and optimization with regards to tides and scheduling, including the use of supply boats and additional barges if needed and the use of offloading of equipment (including pumps, tanks, materials, etc.) to reduce the barge draft, allow for removal of the barge at lower high tides, and thereby reduce the potential for an extended schedule. This analysis shall be coordinated with the bathymetric survey to determine barge scheduling under different scenarios, including an extended schedule due to well abandonment complications; 2) Equipment needs for the barge, including the need for pier equipment, sheet pile installation materials and equipment, and installation capabilities; 3) Fluids containment and handling, including oil-water separation requirements, oily water storage and transport, and barge containment of spilled construction materials through the use of a barge sump and barge-edge spill and storm water containment walls, with the containment volume being greater than the largest tank on the barge; 4) Barge weight and draft fully loaded as well as the capacity for fluids handling and storage, and a determination along with the bathymetric study, of the scheduling for tides; 5) Equipment arrangement on the barge to allow for equipment movement and use between tasks; 6) Refueling procedures and spill containment measures and equipment to prevent spills of fuel from reaching the marine environment.

**APM-3: Emergency Response Equipment Availability.** During the installation of the cofferdam and the well abandonment activities, a tender boat with sufficient boom shall be placed immediately offshore of the operations to ensure that any spills which occur and enter the marine environment are immediately contained. Contracting with Clean Seas, or another equivalent organization experienced in on-sea oil spill containment and recovery operations, shall be established before construction commences. In addition, the barge shall be equipped with, and deploy in advance within or around the cofferdam area as feasible, sufficient sorbent pads and booms, or snare or pom-pom fencing or other effective strategies, to provide immediate containment of oil released into the cofferdam areas. These would be in addition to the response trailer located at Lookout Park.

**Mitigation Measure HAZ-2a: Removal of Contaminated Sands.** All contaminated sands and/or soils encountered during the excavation around the well shall be removed from the site and disposed of at an appropriate facility.

**Mitigation Measure HAZ-2b: Water Handling.** All contaminated water encountered during the construction and abandonment shall be removed from the site and disposed of at an appropriate facility. Either tanks shall be used, which could be hauled away by supply boats or stored on the barge, or, if larger volumes of contaminated water are anticipated, the use of oil-water separation equipment, such as separation tanks or skimmers, or equivalent, shall be used before discharging the water to the marine environment. Use of a sheet pile sealant system such as Decaseal, as approved by the California State Lands Commission (CSLC), shall be utilized during the installation of the cofferdam

walls to minimize the water intrusion and/or contaminated water releases to the marine environment.

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

## 2. AESTHETICS

### CEQA FINDING NO. AES-2

Impact: **AES-2. Visual Impacts from Accidental Oil Spills during Abandonment Activities.** A spill of crude oil during construction or well abandonment activities could cause temporary adverse visual impacts from the oil spill and cleanup efforts.

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 EIR.

### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in accidental crude oil spills or accidental spills of construction-related materials that could adversely impact visual resources associated with the spill and cleanup efforts.

Implementation of **APM-1 through APM-3 and Mitigation Measures HAZ-1, HAZ-2a and HAZ-2b** would reduce this impact to a less than significant level by ensuring that appropriate materials and contingencies are available to address any abandonment irregularities; ensuring the barge is well engineered and equipped to prevent against spills to the environment; ensuring that spill response equipment is on-site and immediately available to aid in response to any spills; and reducing the potential for spills due to contaminated sands or oily water by requiring the use of tanks and prohibiting discharges to the marine environment; and limiting public access to the construction area. The measures are listed below.

Implementation of the following Mitigation Measures (see descriptions above):

**APM-1: Abandonment and Contingency Plan**

**APM-2: Barge System Engineering**

**APM-3: Emergency Response Equipment Availability**

**HAZ-1: Construction Zone Restricted Area**

**HAZ-2a: Removal of Contaminated Sands**

**HAZ-2b: Water Handling**

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

**CEQA FINDING NO. AES-4**

Impact: **AES-4. Visual Impacts from Nighttime Illumination during Abandonment Activities.** Nighttime illumination could cause temporary adverse visual 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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of the Project have the potential to result in glare and lighting impacts on nearby residential locations during nighttime construction activities.

Implementation of **Mitigation Measure AES-4** would reduce this impact to a less than significant level by ensuring that all construction lighting is shielded and glare and spillover lighting effects are minimized. The measure is listed below.

**Mitigation Measure AES-4: Nighttime Illumination Shielding.** Project lighting shall be as low an intensity as allowed by safety requirements and located, designed and equipped so as to provide shielding and minimize glare from light sources and diffusers, and to minimize halo and spillover effects.

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

**3. BIOLOGICAL RESOURCES**

**CEQA FINDING NO. BIO-1**

Impact: **BIO-1. Impact of Temporary Construction-Related Oil Spill Impacts to Biological Resources.** Inadvertent discharge of petroleum hydrocarbons into marine waters would adversely affect marine 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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of the Project have the potential to result in accidental crude oil spills or accidental spills of other construction-related materials that could adversely impact biological resources associated with the spill and cleanup efforts.

Implementation of **APM-1 through APM-3 and Mitigation Measures HAZ-2a and HAZ-2b** would reduce this impact to a less than significant level by ensuring that appropriate materials and contingencies are available to address any abandonment irregularities; ensuring the barge is well engineered and equipped to prevent against spills to the environment; ensuring that spill response equipment is on-site and

immediately available to aid in response to any spills; and reducing the potential for spills due to contaminated sands or oily water by requiring the use of tanks and prohibiting discharges to the marine environment. The measures are listed below.

Implementation of the following Mitigation Measures (see descriptions above):

**APM-1: Abandonment and Contingency Plan**

**APM-2: Barge System Engineering**

**APM-3: Emergency Response Equipment Availability**

**HAZ-2a: Removal of Contaminated Sands**

**HAZ-2b: Water Handling**

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

**CEQA FINDING NO. BIO-3**

Impact: **BIO-3. Collision-Related Vessel Traffic Impacts on Marine Mammals and Turtles** Construction-related vessel interactions with marine mammals and turtles may occur.

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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of the Project have the potential to result in accidental collisions with marine mammals and turtles that could adversely impact biological resources.

Implementation of **Mitigation Measure BIO-3** would reduce this impact to a less than significant level by ensuring that appropriate training of vessel pilots is conducted to ensure proper marine species identification and avoidance measures associated with vessel transit are incorporated into the Project. The measure is listed below.

**Mitigation Measure BIO-3: Marine Mammal Avoidance and Response Training.**

Vessel operators shall develop, submit for approval, and implement a contingency and training plan that focuses on avoidance and response procedures when marine mammals and sea turtles are encountered at sea by crew or supply boats at the Project site. All boat crew members shall be provided training prior to the onset of construction activities that focuses on the identification of marine mammal and sea turtle species and the specific behavior of species common to the Project area, including when species can be expected to occur in the Project area. New crew members shall receive such training upon hire. All crew members shall serve as lookouts during boat trips so that collisions

with marine mammals and sea turtles can be avoided. Minimum components of the training plan include:

- Vessel operators shall make every effort to maintain a distance of 1,000 feet from sighted whales and federally threatened or endangered or otherwise protected marine mammals or sea turtles.
- Supply vessels shall not cross directly in front of migrating whales or any other threatened or endangered marine mammals or sea turtles.
- When paralleling whales, support vessels shall operate at a constant speed that is not faster than the whales.
- Female whales shall not be separated from their calves.
- Vessel operators shall not herd or drive whales.
- If a whale engages in evasive or defensive action, support vessels shall drop back until the animal moves out of the area.
- Any collisions with marine wildlife shall be reported promptly to the Federal and State agencies listed below pursuant to each agency's reporting procedures.

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

**CEQA FINDING NO. BIO-4**

Impact: **BIO-4. Noise Impacts on Marine Mammals, Sea Turtles, Birds, and Fish.** Noise from sheet pile installation, drilling, excavation, vessel support, and transit activities may potentially disturb marine mammals, sea turtles, birds and fish in the Project area.

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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of the Project have the potential to result in temporary increases in noise levels near the construction area that could cause impacts to marine species.

Implementation of **APM-4 and Mitigation Measures BIO-4a through BIO-4c** would reduce this impact to a less than significant level by utilizing noise minimizing equipment, design and construction practices and providing for monitors during the noisiest activities (installation of sheet piles) to watch for the presence of marine species in the area with limits on the construction activities if marine species are within a set distance. The measures are listed below.

**APM-4: Use of Vibratory Pile Driver.** Preliminary information obtained from contractors indicated that the use of a vibratory pile driver would be feasible, but that it was not proposed by all of the contractors contacted. Generally, a geotechnical assessment is needed in order to ensure that high-force methods (impact pile drivers) are not needed. However, due to the beach location and the presence of sand, a geotechnical analysis is not considered necessary. The use of a vibratory pile driver would substantially lower the noise levels, both in-air and in-water, and would reduce impacts, both to humans and to biological resources.

**Mitigation Measure BIO-4a: Marine Resources Noise Reduction.** Installation of sheet pile shall utilize H-type, or equivalent, and smaller sized sheet piles to the extent feasible, and shall be scheduled to concur with the ocean-facing sheet piles installed at the lowest tides feasible during the construction phase to reduce the potential for behavioral impacts on marine mammals, sea turtles, and nearshore fish species.

**Mitigation Measure BIO-4b: Soft Start.** A “soft start” shall be used during vibratory pile driving to give marine mammals, sea turtles, birds and nearshore fish species an opportunity to move out of the area away from the sound source. Soft starts would be implemented at the start of each day's pile driving and at any time following the cessation of pile driving for a period of 30 minutes or longer. For vibratory pile drivers, the sound shall be initiated for 15 seconds at reduced energy followed by a 30-second waiting period; this procedure shall then be repeated two additional times.

**Mitigation Measure BIO-4c: Marine Mammal/Sea Turtle Monitoring.** To ensure that no harassment occurs during vibratory pile driving activities, site-specific marine mammal/sea turtle observations shall be conducted using qualified marine wildlife monitors (MWMs) stationed on the existing response boats (no additional boats should be used for marine observers) and approved by California State Lands Commission (CSLC) staff, in consultation with National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) staffs. Such monitoring shall include at least the following elements.

- The MWMs shall monitor an area within 150 meters (exclusion/shutdown zone) of the construction area for the presence of marine mammal species.
- Prior to the start of pile driving operations, if a marine mammal or sea turtle is sighted within or approaching the exclusion/shutdown zone, MWMs shall notify the on-site construction lead (or other authorized individual) to delay pile driving until the animal has moved out of the exclusion/shutdown zone or the animal has not been re-sighted within 15 minutes (for pinnipeds and small cetaceans) or 30 minutes (for large cetaceans).
- If a marine mammal or sea turtle is sighted within or on a path toward the exclusion/shutdown zone during pile driving activities, pile driving shall

cease until that animal has moved out of the exclusion/shutdown zone or 15 minutes (pinnipeds and small cetaceans)/30 minutes (for large cetaceans) has lapsed since the last sighting.

- MWMs shall have authority to temporarily halt in-water project activities if those activities pose a threat to individuals of a special-status species, and to suspend project activities until the animals have left the area. If due to fog, rain, or other periods of limited visibility the exclusion/shutdown zone cannot be monitored, MWMs have the authority to direct cessation (or continuation) of construction activities based on observed abundance of marine mammals and sea turtles and their ability to view the exclusion/shutdown zone. Periodic reevaluation of weather conditions and reassessment of the continuation/cessation recommendation shall be completed by the MWMs.
- MWMs shall record sightings and animal behavior within the zone during pile driving activities. At a minimum, MWMs shall collect the following information daily: (1) general location(s) of MWMs and marine wildlife observations; (2) date/time monitoring begins/ends; (3) activities occurring during each observation period; (4) weather parameters (e.g., percent cover, visibility) and conditions (e.g., sea state); (5) species observed and number of individuals; (6) description of any marine wildlife behavior patterns, including bearing and direction of travel and distance from pile driving activities; (7) other human activity in the area. MWMs shall keep a log book of notes about sightings of marine mammals, special-status birds or sea turtles. Entries in the log shall be made at least hourly, even if the entry is "None observed." Reports shall be emailed to CSLC staff daily.
- Within 30 days of completion of pile driving, the MWMs shall submit to CSLC staff for approval a Final Marine Wildlife Monitoring Report and copies of log books prepared by the qualified MWMs that include at a minimum: 1) an evaluation of the effectiveness of monitoring protocols/procedures; 2) reporting of all marine mammal, sea turtle, and other wildlife sightings (including species and numbers); 3) any wildlife behavioral changes that may be attributed to project construction or operations; 4) all project changes (e.g., delays, work stoppages, etc.) due to the presence in the area of marine wildlife species.

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

**CEQA FINDING NO. BIO-5**

Impact: **BIO-5. Construction and Lighting Impacts on Kelp, Birds, Fish, and Plankton.** Construction and lighting from sheet piling, re-drilling activities and vessel support and transit activities may potentially disturb kelp, marine birds, fish, and zooplankton in the Project area.

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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in temporary increases in construction disturbance and lighting levels near the construction area that could cause impacts to marine species.

Implementation of **Mitigation Measures BIO-5a and BIO-5b** would reduce this impact to a less than significant level by utilizing shielded lighting to minimize reflection and glare and requiring support vessel pilots to avoid kelp forests to the extent feasible. The measures are listed below.

**Mitigation Measure BIO-5a: Project Lighting.** All lighting associated with the Project, as well as any additional light required for the existing parking area and adjacent roads, drilling rig, barge, and sheet pile driver rig, shall be directed and shielded in such a way as to eliminate any direct light towards the ocean and immediate nearshore waters, as well as to minimize reflection and glare from such light in the same areas. As much as is allowable under Federal Aviation Administration (FAA) regulations, the red flashing light at the top of the drilling rig shall also be shielded from view from the immediate nearshore waters.

**Mitigation Measure BIO-5b. Kelp Avoidance.** Support vessel pilots shall avoid kelp forest areas to the extent feasible and shall utilize a similar corridor in repeat visits to the project site.

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

#### 4. CULTURAL RESOURCES

##### CEQA FINDING NO. CR-1

Impact: **CR-1. Impacts to Onshore or Offshore Archaeological Resources from Well Abandonment and Remediation Activities.** The proposed Becker well abandonment and remediation activities would not directly affect any known or suspected onshore or offshore archaeological resources. However, similar activities for other legacy wells along Summerland Beach could impact archaeological resources during construction.

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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the future Project legacy well abandonments have the potential to result in disturbances to suspected onshore or offshore archaeological resources.

Implementation of **Mitigation Measure CR-1** would reduce this impact to a less than significant level by ensuring that, for construction related to other legacy wells, all construction plans are reviewed for potential impacts to archaeological sites with additional measures in place to ensure proper protocols for the disturbance of unknown archaeological sites. The measure is listed below.

**Mitigation Measure CR-1: Pre-Construction Review of Legacy Well**

**Abandonment and Remediation Plans.** Prior to abandonment and remediation activities at legacy wells along Summerland Beach, the California State Lands Commission (CSLC) will review and approve all construction plans to ensure that staging and offshore activities will avoid previously identified and unidentified archaeological resources.

- If a staging area is located in a developed area (e.g., parking lot), then no impacts would occur.
- If a staging area is located on an undeveloped and undisturbed area, then CSLC staff will ensure that location has been adequately surveyed for archaeological resources and that all staging activities will avoid impacts.
- For offshore activities, a qualified maritime archaeologist will analyze remote sensing survey data (from side-scan sonar, sub-bottom profiler, or magnetometer as appropriate), or video from a remotely (or autonomous) operated vehicle, or conduct a diver inspection to locate previously unidentified cultural resources in areas of proposed ground disturbance to ensure avoidance. In addition, CSLC staff will ensure offshore ground disturbance will avoid known shipwrecks and other known submerged cultural resources.
- All construction plans shall have measures and protocols in place in the event of an inadvertent find, along with notification requirements for Tribal leadership or their designees, and appropriate experts, and shall include stop-work requirements until appropriate assessments are completed.

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

**CEQA FINDING NO. CR-2**

Impact: **CR-2. Impacts to Cultural Resources Due to Construction-Related Oil Spill Risks.** Well remediation and abandonment activities could result in a temporary release of crude oil that could impact onshore or offshore archaeological 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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in accidental crude oil spills or accidental spills of other construction-related materials that could adversely impact cultural resources associated with the spill and cleanup efforts.

APM-1-3, HAZ-2a and HAZ-2b related to an oil release would apply in addition to Mitigation Measure CR-2.

Implementation of **Mitigation Measure CR-2** would reduce this impact to a less than significant level by ensuring that spill response plans include measures and protocols to address potential impacts to archaeological sites. The measure is listed below.

**Mitigation Measure CR-2: Prepare a Spill Response Plan for Archaeological Resources.** Prior to issuance of permits for the Project, an oil spill response plan for onshore and offshore archaeological resources shall be prepared. The plan's response measures shall contain protocols for the identification, protection, and mitigation of impacts on cultural resources in the event of any increase in seepage from well abandonment and remediation activities. The plan shall provide for collection, analysis, reporting, and curation of significant surface or subsurface archaeological deposits at risk of damage or destruction due to a spill and/or subsequent clean-up efforts. The plan shall be prepared by a qualified archaeologist who has prior experience with spill-related emergency response procedures and shall be reviewed and approved by CSLC staff and the County prior to approval of permits. These measures could be added to the Project's oil spill contingency plan or could reside in a stand-alone document.

Implementation of the following Mitigation Measures (see descriptions above):

**APM-1: Abandonment & Contingency Plan**

**APM-2: Barge System Engineering**

**APM-3: Emergency Response Equipment Availability**

**HAZ 2-a: Removal of Contaminated Sands**

**HAZ 2-b: Water Handling**

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

**CEQA FINDING NO. CR-3**

Impact: **CR-3. Disturb Unidentified Human Remains.** Human remains have not been identified within the Proposed Project area; however, ground disturbing activities could adversely impact presently unidentified human remains, including those interred outside of dedicated cemeteries.

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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of the Project have the potential to result in disturbances to unidentified human remains.

Implementation of **Mitigation Measure CR-3** would reduce this impact to a less than significant level by ensuring that construction contracts and plans include measures and protocols to address potential impacts to human remains. The measure is listed below.

**Mitigation Measure CR-3: Appropriate Treatment of Human Remains.** In accordance with Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, if human remains are found, all ground disturbing activities shall halt within 165 feet (50 meters) of the discovery. The County Coroner will be notified within 24 hours of the discovery. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined whether the remains are subject to his or her authority. The County Coroner must make this determination within 2 working days of notification of the discovery pursuant to Health and Safety Code section 7050.5 subdivision (b). If the County Coroner determines that the remains do not require an assessment of cause of death and that the remains are, or are believed to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) by telephone within 24 hours. In accordance with Public Resources Code section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD shall complete their inspection and make recommendations within 48 hours of being granted access to the site. The MLD may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. CSLC staff will discuss and confer with the MLD regarding their recommendations pursuant to Public Resources Code section 5097.98 subdivisions (b) and (c).

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

## 5. CULTURAL RESOURCES - TRIBAL

### CEQA FINDING NO. TCR-1

Impact: **TCR-1. Impacts to Previously Identified or Unidentified Tribal Cultural Resources from Project Implementation.** The proposed well remediation and abandonment activities would not directly affect any known or suspected 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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project has the potential to result in disturbances to suspected onshore or offshore tribal cultural resources.

Implementation of **Mitigation Measure CR-1** would reduce this impact to a less than significant level by ensuring that all construction plans are reviewed for potential impacts to tribal cultural sites with additional measures in place to ensure proper protocols for the disturbance of unknown tribal cultural sites.

The measure is listed below.

**Mitigation Measure CR-1:** Pre-Construction Review of Legacy Well Abandonment and Remediation Plans. See description above.

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

### CEQA FINDING NO. TCR-2

Impact: **TCR-2. Impacts to Tribal Cultural Resources Due to Construction-Related Oil Spill Risks.** Well remediation and abandonment activities could result in a temporary release of crude oil that could impact 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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in accidental crude oil spills or accidental spills of other construction-related materials that could adversely impact tribal cultural resources associated with the spill and cleanup efforts.

Implementation of **Mitigation Measures CR-2 and TCR-2** would reduce this impact to a less than significant level by ensuring that spill response plans include measures and

protocols to address potential impacts to tribal cultural sites. The measures are listed below.

**Mitigation Measure CR-2: Prepare a Spill Response Plan for Archaeological Resources.** See description above.

**Mitigation Measure TCR-2: Incorporate Coordination with Native American Tribes into the Spill Response Plan for Archaeological Resources.** During development of the Spill Response Plan for Archaeological Resources (MM CR-2), a protocol shall be incorporated regarding coordination with Native American Tribes culturally affiliated with the Project area prior to the commencement of Project activities as well as a protocol to notify Tribal designees within 48 hours of a spill emergency, consistent with the California State Land Commission's (CSLC) Tribal Consultation Policy.

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

## 6. HYDROLOGY AND WATER QUALITY

### CEQA FINDING NO. WQ-1

Impact: **WQ-1. Impacts to Marine Water Quality from Inadvertent Oil Spill during Abandonment Operations.** Accidental discharge of petroleum hydrocarbons into marine waters would adversely affect 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 EIR.

### FACTS SUPPORTING THE FINDING(S)

Project activities could temporarily increase spill volumes (over the current leakage rates) of crude oil given a release during the construction or well abandonment activities. These spills could be due to spills of crude oil from well abandonment activities, or spills of construction related materials such as drilling muds, concrete wastes, hydraulic oils or other construction materials that could impact the environment.

Implementation of **APM-2 through APM-3 and Mitigation Measures HAZ-2a and HAZ-2b** would reduce this impact to a less than significant level by ensuring the barge is well engineered and equipped to prevent against spills to the environment; ensuring that spill response equipment is on-site and immediately available to aid in response to any spills; and reducing the potential for spills due to contaminated sands or oily water by requiring the use of tanks and prohibiting discharges to the marine environment. The measures are listed below.

Implementation of the following Mitigation Measures (see descriptions above):

**APM-2: Barge System Engineering.**

**APM-3: Emergency Response Equipment Availability.**

**HAZ-2a: Removal of Contaminated Sands.**

**HAZ-2b: Water Handling.**

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

**7. NOISE**

**CEQA FINDING NO. NOI-1**

Impact: **NOI-1. Construction Impacts to Sensitive and Recreational Receptors.** Short-term noise levels would increase during Project construction potentially affecting sensitive and recreational receptors

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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Project activities could temporarily increase noise levels during both daytime and nighttime construction activities, with nighttime construction noise exceeding acceptability criteria at the closest residence.

Implementation of **APM-4 and Mitigation Measure NOI-1** would reduce this impact to a less than significant level by utilizing equipment that will minimize noise levels and prohibiting the noisiest construction activities (sheet pile installation) to daytime periods only. The measures are listed below.

**APM-4: Use of Vibratory Pile Driver.** See description above.

**Mitigation Measure NOI-1: Construction Time Limits.** Construction activities involving the installation of sheet pile shall be conducted only between the hours of 8 a.m. and 5 p.m. Monday through Friday.

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

**8. RECREATION**

**CEQA FINDING NO. REC-1**

Impact: **REC-1. Impacts to Recreation and Recreational Access from Abandonment Activities.** Use of a jack-up barge for abandonment activities and staging of equipment at Lookout Park would create temporary beach area closures and potential loss of parking spaces.

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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Project activities could temporarily cause a loss of recreational opportunities due to beach closures, conflicts with recreational or commercial marine vessels, damage to recreational infrastructure or loss of parking spaces in Lookout Park.

Implementation of **Mitigation Measures TRM-1, HAZ-1 and REC-1** would reduce this impact to a less than significant level by ensuring that mariners are aware of the construction activities and vessel movements, posting of beach closures and requiring repair of any damaged infrastructure. The measures are listed below.

**Mitigation Measure TRM-1: Publication of U.S. Coast Guard (USCG) Local Notice to Mariners.** The CSLC shall ensure that its contractor submits to the USCG District 11 (as stated at [www.uscg.mil/D11/DP/LnmRequest.asp](http://www.uscg.mil/D11/DP/LnmRequest.asp)), a request to publish a Local Notice to Mariners, at least 14 days prior to operation, that includes the following information:

- Type of operation (i.e., dredging, diving operations, construction);
- Location of operation including Latitude and Longitude and geographical position if applicable;
- Duration of operation including start and completion dates (if these dates change, the Coast Guard needs to be notified);
- Vessels involved in the operation;
- VHF-FM Radio Frequencies monitored by vessels on scene;
- Point of Contact and 24-hour phone number; and
- Chart Number for the area of the operation.

The above information shall also be provided to the Santa Barbara Harbormaster and USCG Marine Safety Detachment in Santa Barbara.

**Mitigation Measure HAZ-1: Construction Zone Restricted Area.** See description above.

**Mitigation Measure REC-1: Repair of Damaged Infrastructure.** The contractor shall ensure that any damage inflicted on Lookout Park infrastructure and access road be repaired and returned to pre-Project status.

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

**CEQA FINDING NO. REC-2**

**Impact:** **REC-2. Inadvertent Oil Releases Associated with Construction Activities would Impact Surrounding Recreational Resources.** Water and non-water recreation located in the Project area may be impacted by an accidental release related to the Project during short-term temporary construction activities. Shoreline and water-related uses would be disrupted by oil on the shoreline and in the water, which would impact recreational users, would be inconsistent with State and local policies, and would result in potentially significant 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 EIR.

**FACTS SUPPORTING THE FINDING(S)**

Project activities could temporarily increase spill volumes (over the current leakage rates) of crude oil given a release during the construction or well abandonment activities. These spills could be due to spills of crude oil from well abandonment activities, or spills of construction related materials such as drilling muds, concrete wastes, hydraulic oils or other construction materials that could impact recreational resources.

Implementation of **APM-1 through APM-3 and Mitigation Measures HAZ-2a and HAZ-2b** would reduce this impact to a less than significant level by ensuring that appropriate materials and contingencies are available to address any abandonment irregularities; ensuring the barge is well engineered and equipped to prevent against spills to the environment; ensuring that spill response equipment is on-site and immediately available to aid in response to any spills; and reducing the potential for spills due to contaminated sands or oily water by requiring the use of tanks and prohibiting discharges to the marine environment. The measures are listed below

Implementation of the following Mitigation Measures (see descriptions above):

**APM-1: Abandonment and Contingency Plan**

**APM-2: Barge System Engineering**

**APM-3: Emergency Response Equipment Availability**

**HAZ-2a: Removal of Contaminated Sands**

**HAZ-2b: Water Handling**

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

## 9. TRANSPORTATION MARINE

### CEQA FINDING NO. TRM-1

Impact: **TRM-1. Marine Vessel Safety.** Project activities have the potential to reduce the existing level of safety for marine vessels.

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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Project activities could temporarily cause an impact to marine vessel safety due to the increased vessel traffic caused by the Project construction activities.

Implementation of **Mitigation Measure TRM-1** would reduce this impact to a less than significant level by ensuring that mariners are aware of the construction activities and vessel movements through postings to local mariners. The measure is listed below.

**Mitigation Measure TRM-1: Publication of U.S. Coast Guard (USCG) Local Notice to Mariners.** See description above.

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

### D. SIGNIFICANT AND UNAVOIDABLE IMPACTS (SU)

The following impacts were determined in the Final EIR to be significant and unavoidable. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

#### 1. AIR QUALITY

### CEQA FINDING NO. AQ-1

Impact: **AQ-1. Air Emissions from Construction.** Construction would increase emissions in offshore areas, and from onshore vehicular traffic

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 EIR.

#### FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project that have the potential to result in increased air emissions in the South Coast Air Quality Management District (SCAQMD) that would exceed the SCAQMD thresholds of significance on a peak day basis.

Implementation of **Mitigation Measures AQ-1a and AQ-1b** would minimize this impact by requiring the use of cleaner tug boat engines on tug boats used to transport the barge from the POLB to the Project site.

**Mitigation Measure AQ-1a: Prohibit Unnecessary Truck Idling.** The construction contractor should limit unnecessary truck idling on site in excess of 5 minutes.

**Mitigation Measure AQ-1b: Use of Emission Reduction Measures.** The construction contractor shall implement the following measures, unless determined to be infeasible by California State Lands Commission (CSLC) staff in consultation with the applicable Air Pollution Control District.

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 3 or the CARB Commercial Harbor Craft Tier 3 (17 CCR § 93118.5) emission standards shall be used.
- Diesel powered equipment shall be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified or verified by the U.S. Environmental Protection Agency or CARB.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite.
- Tanks used to store hydrocarbon contaminated water shall be vented through carbon canister or other equivalent odor reduction devices.
- Drilling muds potentially contaminated with hydrocarbons shall be passed through degassing or other equivalent odor control mechanisms.
- Containers used to store contaminated sands/soils shall be covered when not in use.
- All applicable provisions of SBCAPCD Regulation III shall be implemented to the extent feasible.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

## 4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

### A. INTRODUCTION

The Final EIR prepared by the CSLC as lead agency under CEQA for the Becker and Legacy Wells Abandonment and Remediation Project (SCH No. 2016101008) identifies significant impacts of the proposed Project that cannot feasibly be mitigated to below a level of significance. Pursuant to Public Resources Code section 21081 and section 15043 of the State CEQA Guidelines, the CSLC may approve a project even though it will cause a significant effect on the environment, if the CSLC makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effect, and specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

State CEQA Guidelines section 15093 states in part:

- (a) *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
- (b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*

This Statement of Overriding Considerations presents a list of (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the CSLC has imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under the Air Quality resource area (see Tables 1 and 2). This impact is specifically identified and discussed in more detail in the CSLC's CEQA Findings and Final EIR. The CSLC finds that all mitigation measures identified in the Final EIR have been imposed to avoid or lessen impacts to the maximum extent feasible. (Impacts and mitigation measures are identified and discussed throughout Section 4.3, *Air Quality*, of the Final EIR. A summary of all

impacts and mitigation measures is provided in the Mitigation Monitoring Program, adopted as part of this Project approval, as set forth in Exhibit B). While the CSLC has imposed all feasible mitigation measures, the following impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

**Table 2. Significant and Unavoidable Impacts Identified for the Approved Project**

Impact	Impact Description
<b>Air Quality</b>	
<b>AQ-1. Air Emissions From Construction</b> [in the SCAQMD only]	The Project would result in significant unavoidable construction-related adverse air quality impacts of oxides of nitrogen (NO <sub>x</sub> ) (which is a precursor to ozone [O <sub>3</sub> ]) emissions, even after the implementation of feasible standard conditions and mitigation measures. While the adherence to South Coast Air Quality Mangement District (SCAQMD) rules and regulations and identified mitigation measures would reduce this impact, it would remain significant and adverse because the SCAQMD daily threshold for NO <sub>x</sub> would be exceeded. There are no other feasible mitigation measures that are available to offset this significant impact.  Construction activities for the Project would also contribute to construction-related adverse cumulative air quality impacts because the SCAQMD is presently in nonattainment for O <sub>3</sub> , and the Project, in conjunction with other planned Projects, would contribute to the existing nonattainment status for O <sub>3</sub> . Therefore, the cumulative construction air quality impacts of the proposed Project would remain significant.

**B. 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 decision-making 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 decision making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].

The six alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project. These alternatives include:

- 1) No Project Alternative

- 2) Enhanced barge and materials transport
- 3) Small Cofferdam, Pier
- 4) Large Cofferdam, Platform
- 5) Enhanced Barge and Pier
- 6) Small Cofferdam, Barge

As presented in the 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. As detailed in the Final EIR, the use of an Enhanced Barge Alternative or the Enhanced Barge Alternative with Pier would be the environmentally superior alternative. The Enhanced Barge Alternative would be used for the Becker well or other wells located in sufficient water depth to allow the use of a barge directly. The Enhanced Barge with Pier Alternative would be used for legacy wells that are located higher on the beach, and, therefore, a pier structure would need to be built from the barge to access the well.

The Enhanced Barge Alternative (with or without a pier extended from the barge), which is similar to the Project in that it would use a barge system to access the wells, would incorporate several additional features, including increased transportation of materials by supply boats and use of a different barge configuration to reduce the number of barge trips to and from the POLB. This would reduce the impacts from air emissions associated with the Project and likely reduce scheduling conflicts with tides and other elements of the marine environment, since the barge can only be brought into the beach during specific high tide periods and under calm wave conditions.

The alternatives that approach the wells from the beach (Small Cofferdam and Large Cofferdam Alternatives) would increase the construction air quality impacts in the Summerland area, as well as cause significant recreational and social impacts associated with the complete closure of Lookout Park, increased noise impacts and increased traffic congestion in the Summerland area.

The Enhanced Barge Alternative would reduce the severity of the significant and adverse impacts of the proposed Project. The Enhanced Barge Alternative with Pier would also reduce the severity of the significant and adverse impacts of the Project for accessing the legacy wells.

The other four CEQA alternatives proposed and evaluated in the EIR were rejected for the following reasons:

**1) No Project Alternative**

Under the No Project Alternative, no activities would take place, and the Becker and legacy wells would continue to leak crude oil and gases into the environment. As the Project would not take place, the significant air quality

impact in the SCAQMD would not occur. However, under the No Project Alternative, the long-term beneficial impacts of the Project would not be realized in a number of issue areas, including aesthetics, air quality, biological resources, cultural and tribal resources and hydrology and water resources. Therefore, the No Project Alternative was eliminated from further consideration in the Final EIR.

## **2) Onshore Access Alternatives: Small Cofferdam and Pier; Large Cofferdam and Platform**

Under these alternatives, the abandonment rig and all construction equipment would access the Becker well from onshore along a new, temporary access road and pier/platform. These alternatives would have a larger footprint, potentially greater biological resources impacts to Summerland Beach, and would have a longer period of construction and closer proximity of construction activities to public areas, which would increase the potential for impacts to recreational resources and noise to the community from extended use of the access road, the beach and Lookout Park. Therefore, the Small Cofferdam and Pier Alternative and the Large Cofferdam and Platform Alternative were eliminated from further consideration in the Final EIR.

## **3) Small Cofferdam and Barge**

This alternative would be similar to the Project in that a jack-up barge would be used for well abandonment, but dissimilar in that the cofferdam would be constructed from the beach. As a barge would still be used, this alternative would have similar impacts to the Project, but would increase impacts to recreational resources and noise to the community from extended use of the access road, the beach and Lookout Park (similar to the Small Cofferdam and Pier, and Large Cofferdam and Platform Alternatives above). Therefore, the Small Cofferdam and Barge Alternative was eliminated from further consideration in the Final EIR.

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 B, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations.

## **C. BENEFICIAL IMPACTS OF THE PROJECT**

State CEQA Guidelines section 15093, subdivision (a), requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

The Project is located on Summerland Beach in the unincorporated community of Summerland, Santa Barbara County, approximately 6 miles east of the City of Santa Barbara and 5 miles west of the City of Carpinteria. Lookout Park, operated by Santa

Barbara County Parks, sits atop bluffs above the beach. Within the Project area is the inactive Summerland Oil Field, an area of naturally occurring oil and gas seeps, where wells were drilled first from onshore and then from piers that extended into the Pacific Ocean. First developed in the 1890s, the Summerland Oil Field produced 3.18 million barrels of oil during its 50-year lifespan, with the last wells produced in 1939-40.

Few records exist regarding the original wells drilled into the Summerland Oil Field. When production became less economical in the early 1900s, many oil wells and piers were left to deteriorate. To the extent operators performed well abandonments, during that time they used procedures that do not meet current regulatory requirements. The CSLC refers to abandoned wells with no clear ownership history or responsible party designation as “legacy” wells. Although the State received no revenues from legacy wells, which were drilled without State authority and while trespassing on State property, CSLC staff spends significant time and resources to ameliorate legacy coastal hazards, including remnants of piers, oil wells, pilings, and old pipelines. This Project is intended to address oil releases from one or more legacy Summerland area oil wells.

Due to natural seeps or leaks from improperly abandoned legacy wells, oil sheens are intermittently observed in the water and on the sand at Summerland Beach. Oil seepage from the area around the Becker onshore well (Project) has historically been reported to become visible approximately 10 days every year. After conducting an assessment of the Becker well in 2015 (Phase 1), the CSLC is now seeking to conduct Phase 2 abandonment activities.

Multiple benefits of the Approved Project would be associated with the elimination or substantial reduction of leakage of crude oil into the beach environment. These benefits include eliminating or substantially reducing the following:

- Releases of hazardous materials into the environment
- Aesthetic impacts of crude oil on are beaches
- Air Quality odors associated with crude oil on the beaches
- Impacts to Biological resources on the beach and nearshore environment
- Impacts to hydrological and water quality resources on the beach and nearshore environment
- Recreation impacts to beach users due to crude oil contamination of sand and air quality odors
- Socioeconomic impacts from loss of tourist activity due to beach fouling and beach closures

The Final EIR identified six beneficial impacts associated with the Project. In addition, as documented through numerous letters and communications with the public, socioeconomic benefits would result from increased enjoyment by the public and tourists of the Summerland beaches.

## **D. CSLC ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS**

As noted above, under Public Resources Code section 21081, subdivisions (a)(3) and (b) and State CEQA Guidelines section 15093, subdivision (a), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve a project.

For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, the decision-making agency may approve the underlying project. CEQA, in this respect, does not prohibit the CSLC from approving the Project, even if the activities authorized by that approval may cause significant and unavoidable environmental effects. This balancing is particularly difficult given the significant and unavoidable impacts on the resources discussed in the EIR and these Findings. Nevertheless, the CSLC finds, as set forth below, that the benefits anticipated by implementing the Project outweigh and override the expected significant effects.

The CLSC has balanced the benefits of the Project against the significant unavoidable impact that will remain after selection of the Approved Project and with implementation of all feasible mitigation in the EIR that is adopted as enforceable conditions of the CSLC's approval of the Project. Based on all available information, the CSLC finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects, and considers such effects acceptable. The CSLC adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above or described below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every significant unavoidable impact.

## **E. CONCLUSION**

The CSLC has considered the Final EIR and all of the environmental impacts described therein including those that cannot be mitigated to a less than significant level and those that may affect Public Trust uses of State sovereign lands. The CSLC has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's significant and unavoidable adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093, the CSLC finds that the remaining significant unavoidable impacts of the Project are acceptable in light of the economic, fiscal, social, environmental, and public health and safety benefits of the Project. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the substantive and legal basis for this Statement of Overriding Considerations.

The CSLC finds that to the extent that any impacts identified in the Final EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

Based on the above discussion, the CSLC finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable.