

**CALENDAR ITEM
C97**

A 76
S 36

12/18/15
PRC 791.1
A. Scott

**ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING PROGRAM; APPROVAL OF A GENERAL LEASE - INDUSTRIAL USE
AND AUTHORIZATION TO ACCEPT A QUITCLAIM DEED**

APPLICANT:

Cabrillo Power I, LLC
4600 Carlsbad Boulevard
Carlsbad, CA 92008

AREA, LAND TYPE, AND LOCATION:

76 acres, more or less, of sovereign land in the Pacific Ocean adjacent to Agua Hedionda Lagoon, Carlsbad, San Diego County.

AUTHORIZED USE:

Continued maintenance and removal of an out of service offshore marine terminal and appurtenant improvements.

LEASE TERM:

Five years, beginning March 24, 2015.

CONSIDERATION:

\$73,084 per year with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$5,000,000 per occurrence.

Surety Bond or Other Security: \$100,000.

REMOVAL PROJECT:

Lessee is authorized to proceed with the removal of the offshore marine terminal as described in the Mitigated Negative Declaration (CSLC MND No. 785), and the Mitigation Monitoring Program (MMP) as provided in Exhibit C.

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The Lessee must provide a post-Project written narrative report for staff review and approval, confirming Project completion, and provide a quitclaim deed for any interest in the lease premises. The lease shall terminate upon the written acceptance by Commission staff of the quitclaim deed.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The lease consists of an out of service offshore marine terminal that previously provided fuel oil to the upland Encina Power Plant. The Encina Power Plant converted to natural gas as a fuel source and the offshore terminal is no longer necessary.
3. On October 27, 2011, the Commission authorized Lease No. PRC 791.1, a General Lease – Industrial Use to Cabrillo Power I, LLC, for a 3-year term ending March 23, 2015, for the continued maintenance of a partially abandoned offshore marine terminal. The 3-year term was provided to allow the Applicant time to revise a decommissioning plan for the offshore terminal. Preparation of the revised decommissioning plan was completed and the Applicant is now applying for a new lease to allow for plan implementation.
4. The out of service marine terminal is currently in "caretaker status" as defined by U.S. Coast Guard regulations. The lease requires that the upland portions of the marine terminal be marked "Out of Service" and that no use of the terminal be made without the prior authorization of the Commission.
5. The Lessee's proposed Cabrillo Power I LLC Encina Marine Oil Terminal Decommissioning Project (Project) would completely remove all remaining improvements of the offshore marine terminal from the lease premises.
6. In addition to the removal of the remaining offshore marine terminal improvements, a small rock groin that protects the fuel oil pipeline where it transits offshore from the beach will be deconstructed to allow the nearshore portion of the pipeline to be excavated and removed. A portion of the groin extends into the lease premises. Following pipeline removal, the groin will be reconstructed in the same configuration and within the same footprint to provide sand retention and protection to the adjacent beach area, which includes a California Department of Parks and Recreation lifeguard station. As a provision of the lease, the Applicant will be submitting an application, independent of and subsequent to this action, to request an amendment to their existing Lease No. PRC 8727.1,

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a General Lease – Industrial Use for nearby rock groins that protect the seawater intake and outflow channels for the Encina Power Plant, to add the groin to that lease upon the termination of Lease No. PRC 791.1.

7. The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study identified several potential significant impacts to Aesthetics, Biological Resources, Cultural and Paleontological Resources, Hazards and Hazardous Materials, Hydrology and Water Resources, Noise, and Transportation/Traffic, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that “there is no substantial evidence, in the light of the whole record before the agency, that the Project as revised may have a significant effect on the environment” (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.
8. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), the staff prepared a MND identified as CSLC MND No. 785, State Clearinghouse No. 2015101064. The MND and Initial Study were circulated for a 30-day public review period from October 20, 2015, to November 20, 2015, and staff received three comment letters:
 - California State Parks San Diego Coast District (CSP) staff provided comments regarding pedestrian safety at the onshore worksite and maintenance of the rebuilt riprap groin. The CSP also provided a comment questioning whether the CSLC will prepare and permit a maintenance plan for the rebuilt groin, and if the CSLC would provide permits to allow CSP, who does not own or repair the groin now, to perform the work. Further, in the event of a significant archaeological discovery during the Project, CSP requested that the Principal Investigator notify CSP and provide Project-related cultural resource documents to the CSP Archaeologist.
 - Cabrillo Power I, LLC, provided a comment requesting that decommissioning element No. 11, as listed on page ES-5, line 15 of the MND, which states “Quitclaim of the remaining portions of the

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underpass to the City of Carlsbad” be redacted. Ownership of this portion of the Project property is being researched and proper title disposition will be determined following the December 18, 2015 Commission meeting. Further, Cabrillo Power I, LLC, noted that decommissioning element No. 3, as listed on page ES-5, line 6 of the MND, will not change.

- City of Carlsbad (City) staff provided comments regarding its recently adopted Climate Action Plan (CAP) in September 2015, which includes thresholds of significance for greenhouse gas emissions. In the CAP, the City determined that new development projects emitting less than 900 metric tons of carbon dioxide equivalent (MTCO₂e) annually would not contribute considerably to cumulative climate change impacts, and therefore do not need to demonstrate consistency with the CAP. The City also provided comments requesting that the MND change the number of major holidays from seven to ten to include the following: Martin Luther King’s Birthday, Presidents’ Day, and Columbus Day as it relates to Land Use and Noise impacts. The City also requested that a contact name and number be included on the advanced public notice sign, as described on page 3-117, Section 3.12.3, line no. 31 and page 3-119, Section 3.12.3, line no. 16 of the MND. Further, the City provided a comment requesting that the sand to be hauled to the Project site and used as backfill to comply with the City’s Opportunistic Beach Fill Program and reasonably match the color, texture, and grain size of the natural beach sand. Lastly, the City stated that it is proposing street improvements in the fall of 2016 in the vicinity of the proposed Project, and provided contact information for Project coordination.

In response to these comments, Commission staff revised the MND as follows:

- The comment letter from Cabrillo Power I, LLC, resulted in the removal of all references in the MND to quitclaiming the remaining portions of the underpass to the City of Carlsbad.
- The comment letter from the City of Carlsbad resulted in the following revisions to the MND: (1) information on the City’s recently adopted CAP and screening thresholds were included in Section 3.7, Greenhouse Gas Emissions, of the MND, which did not change the level of significance of any impacts previously identified; (2) the number of major holidays were revised from

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seven to ten to include Martin Luther King's Birthday, Presidents' Day, and Columbus Day; and (3) MM NOI-1, Advanced Noticing, and MM NOI-3, Advanced Notice to Swimmers and Divers, were revised to include that a contact name and phone number will be provided on advanced public notice signs.

The comment letter from CSP did not result in any revisions to the MND. Pedestrian safety at the onshore worksite is addressed in Mitigation Measure (MM) TRA-3, Construction Safety and Traffic Management/Control (CSTMC) Plan. Further, the request for notification in the event of a significant archaeological discovery is already addressed in MM CUL-3, Redirect Work if Previously Unknown Archaeological or Tribal Cultural Resources are Discovered. CSP concern over the maintenance of the groin is addressed under Other Pertinent Information item 6 above.

The City of Carlsbad provided a comment on the Project's need to use native sand and soil for backfill with a similar grain size and color as the sand and soil at the Project site. Page 2-13 already addresses this concern, and further explains that all backfill will be derived from approved and permitted sources; therefore, this comment did not result in any revisions to the MND. Further, the City mentioned that it is proposing street improvements in the fall of 2016 in the vicinity of the proposed Project, and provided contact information for Project coordination. This comment is considered informational and did not result in any revisions to the MND.

Staff determined that these changes do not constitute a "substantial revision," as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to in State CEQA Guidelines section 15073.5, subdivision (c).

9. Based upon the Initial Study, the MND and the comments received in response, there is no substantial evidence that the Project will have a significant effect on the environment; California Code of Regulations, Title 14, section 15074, subsection (b). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in Exhibit C, attached.
10. Acceptance of the quitclaim deed is not a project as defined by CEQA because it's an administrative action that will not result in direct or indirect physical changes in the environment.

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Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

11. 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 the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the Project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the MND, CSLC MND No. 785, State Clearinghouse No. 2015101064, 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 MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

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

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:

1. Authorize issuance of a General Lease - Industrial Use to Cabrillo Power I, LLC, beginning March 24, 2015, for a term of 5 years, for the continued maintenance and removal of an out of service offshore marine terminal and appurtenant improvements, located on lands described in Exhibit A and as shown on Exhibit B (for reference

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purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$73,084 with an annual Consumer Price Index adjustment, as provided in the lease; liability insurance in an amount no less than \$5,000,000 per occurrence; and a Surety Bond or Other Security of \$100,000.

2. Authorize Commission staff to accept a lease quitclaim deed when Lessee has demonstrated to the Executive Officer's or designee's satisfaction that the Lessee has successfully removed all improvements on the lease premises.

EXHIBIT A

LAND DESCRIPTION

PRC 791.1

PARCEL "A"

A strip of tide and submerged land 60.00 feet in width, extending into the Pacific Ocean, and located approximately one mile south of the City of Carlsbad, San Diego County, California, and lying 30.00 feet on each side of the following described line:

COMMENCING at Corner Number 1 of Rancho Agua Hedionda, according to Map 823, filed in the Office of the County Recorder of San Diego County, California, November 16, 1896; thence S 26° 07' 53" E, 3,450.26 feet to the centerline of the existing 60.00-foot wide pipeline right-of-way and the TRUE POINT OF BEGINNING of the centerline herein described; thence S 66° 57' 20" W, 2,622.43 feet to a point herein designated Point "A".

The side lines of the above-described strip of land, shall be extended and shortened so that said lines form a continuous strip terminating in the west in a line passing through said Point "A" with a bearing of S 32° 48' 40" E.

PARCEL "B"

A parcel of submerged land lying within the Pacific Ocean approximately one mile south of the City of Carlsbad, San Diego County, California, more particularly described as follows:

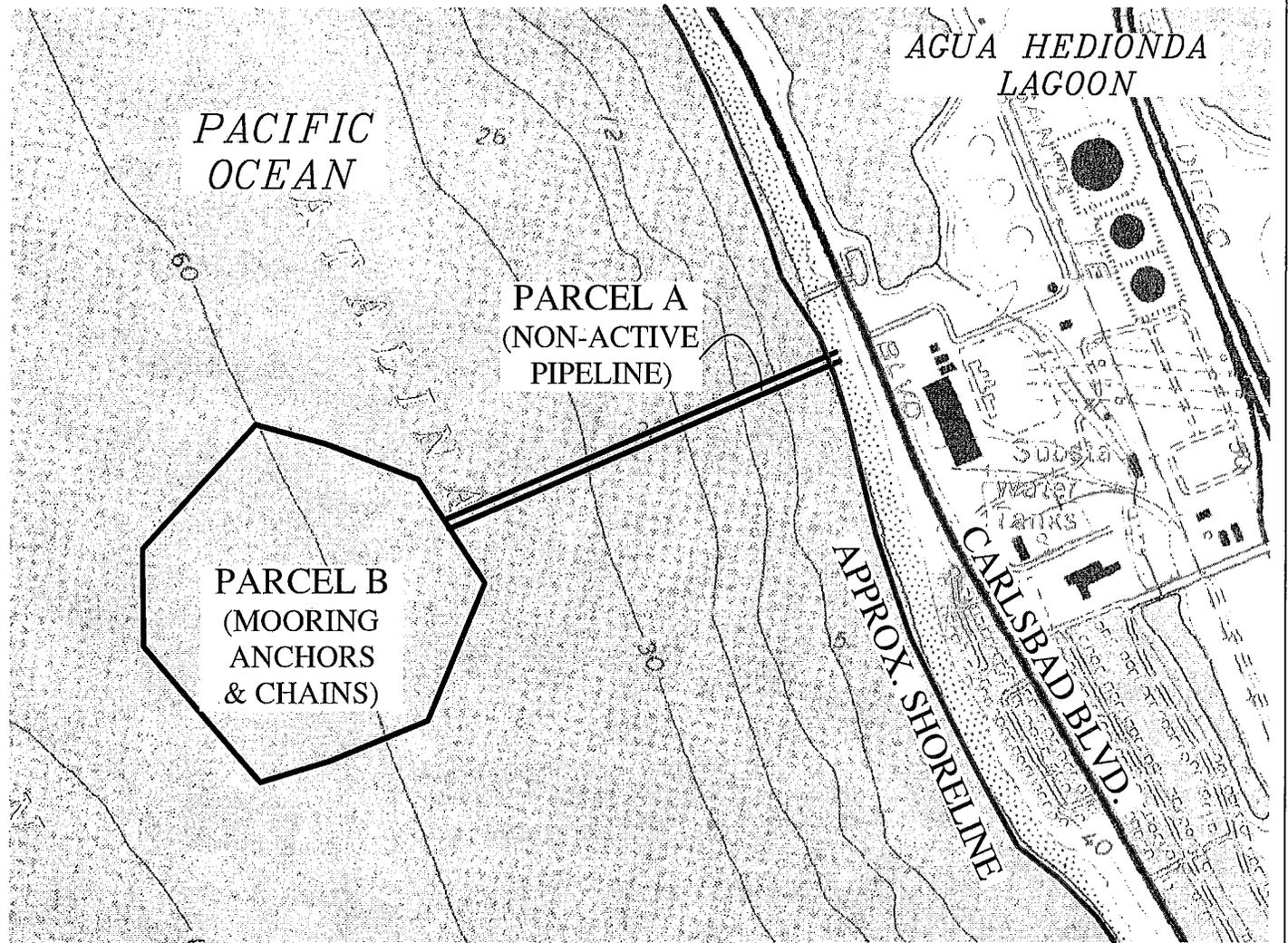
BEGINNING at the aforementioned Point "A" of Parcel "A", thence from said Point "A" the following 10 courses:

1. S 32° 48' 40" E 432.16 feet;
2. S 22° 22' 28" W 909.37 feet;
3. S 67° 45' 09" W 644.59 feet;
4. S 73° 09' 24" W 452.60 feet;
5. N 41° 00' 06" W 1099.62 feet;
6. N 00° 48' 40" W 600.00 feet;
7. N 42° 36' 15" E 1032.50 feet;
8. S 74° 46' 44" E 452.60 feet;
9. S 68° 52' 29" E 598.32 feet;
10. S 32° 48' 40" E 328.38 feet

to the point of beginning.

NO SCALE

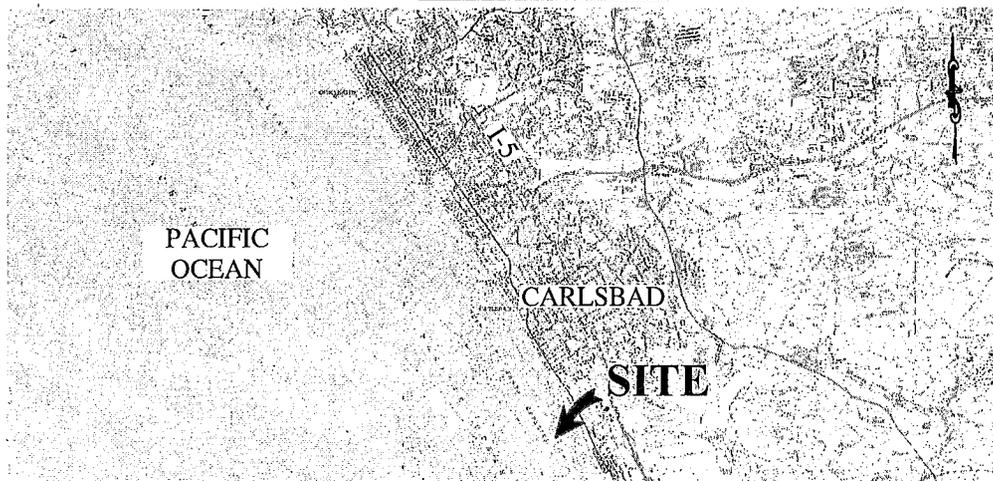
SITE



4600 Carlsbad Boulevard, Carlsbad near Agua Hedionda Lagoon - Pacific Ocean

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 791.1
CABRILLO POWER I, LLC
GENERAL LEASE -
INDUSTRIAL USE
SAN DIEGO COUNTY



MJF 3/11/15

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

**CABRILLO POWER I LLC ENCINA MARINE OIL TERMINAL DECOMMISSIONING
PROJECT**

(State Clearinghouse No.2015101064)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Cabrillo Power I LLC Marine Oil Terminal Decommissioning Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d) and 15097.

The Project authorizes Cabrillo Power I LLC (Applicant) to decommission the existing non-operational Encina Marine Oil Terminal (MOT), which is part of the Encina Power Station (EPS), in accordance with the terms and conditions of its existing CSLC Lease No. PRC 971.1.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the California Department of Fish and Wildlife (CDFW). The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

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

- Ensuring that the Applicant has obtained all applicable agency reviews and approvals;
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during the deconstruction phase); and
- Ensuring that the MMP is followed.

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

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following actions shall be taken to ensure successful implementation.

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.
- For this Project, a marine wildlife training seminar (under **MM BIO-1: Marine Wildlife Contingency Plan (MWCP)**) for all Project personnel working in the marine environment would be held as part of a Project kickoff meeting wherein Project mitigation would be discussed.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant, and once the Project is complete, a compilation of all the logs shall be submitted to the CSLC staff. The CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall ensure that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

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

MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table for the following environmental disciplines: Aesthetics, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic. All other environmental disciplines were found to have less than significant or no impacts and are, therefore, not included below. Additionally, Applicant-proposed measures (APMs) would be implemented, as feasible, to further minimize less than significant impacts for the following environmental disciplines: Air Quality, Biological Resources, Greenhouse Gas Emissions, and Utilities and Service Systems. These APMs are included here for the purpose of tracking. The table lists the following information by column:

- Potential Impact;

- Mitigation [or Applicant-Proposed] Measure (full text of the measure);
- Location (where impact occurs and mitigation measure should be applied);
- Monitoring/Reporting Action (action to be taken by monitor or Lead Agency);
- Timing (before, during, or after construction; during operation, etc.);
- Responsible Party; and
- Effectiveness Criteria (how the agency can know if the measure is effective).

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Aesthetics						
Scenic Vista View Impact	MM AES-1: Project Scheduling. Onshore Project decommissioning shall be conducted outside of the peak public beach/ocean-use periods (summer [May 31 to September 5] and weekends) in order to minimize the number of viewers affected by the Project to the extent feasible. Exceptions allowing weekend work may occur in certain limited cases such as when work requires an extreme low tide that only occurs on a weekend.	Onshore	Review Project schedule and observe Project implementation for consistency with approved schedule	Throughout Project	Applicant and CSLC	Peak beach-use periods avoided
Night-Lighting	MM AES-2: Night-Lighting Spillage Minimization. Night-lighting required for Project decommissioning activities shall be shielded and directed to the immediate work area to avoid light spillage onto private property.	Onshore/Offshore	Observe nighttime lighting positioning for compliance	During nighttime work	Applicant and CSLC	Off-site light spillage minimized
Air Quality						
Air Emissions and Greenhouse Gases	APM AIR-1: Air Emissions Compliance Program. The Project will incorporate an Air Emissions Compliance Program to ensure that Project emissions are in conformance with the approved Project. This Program will provide detailed information regarding the internal combustion engines used, the duration of use, the fuel consumed, and the calculated emissions.	Onshore/Offshore	Review Project elements for compliance with Program	Throughout Project	Applicant and CSLC	Program criteria met (e.g., limits on duration of engine use, engine types used, fuel consumed)
	APM AIR-2: Low-Emission Engines – Offshore. Use marine vessels and offshore equipment with low emissions engines, certified to meet Federal Tier III requirements, if available.	Offshore	Document engines used or attempts to obtain Tier 3 engines	Throughout offshore Project operations	Applicant and CSLC	Reduce Project emissions from offshore and onshore engines
	APM AIR-3: Low-Emission Engines – Onshore. Use heavy equipment onshore with the best available low emissions engines (Tier III or IV), if available.	Onshore				

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	APM AIR-4: Mobilize from Nearest Port. Mobilize marine vessels and equipment from the nearest port supporting these vessels.	Offshore	Document base port location	Throughout offshore Project operations	Applicant and CSLC	Minimize emissions associated with trips from base port to Project site
	APM AIR-5: Dispose Materials at Nearest Port. Dispose of recovered anchors and associated materials at the nearest port accepting these materials.	Offshore	Document recovered offshore material disposal sites	Throughout offshore Project operations	Applicant and CSLC	Minimize emissions associated with trips from the Project site to materials disposal site
	APM AIR-6: Low-Sulfur Fuel. All diesel-powered equipment used during the Project shall use diesel fuel with a sulfur content of 15 parts per million (ppm) or less.	Onshore/ Offshore	Document fuel source and type used	Throughout Project operations	Applicant and CSLC	Minimize emissions associated with fuel type used
Biological Resources						
Grunion Spawning	APM BIO-1a: Grunion Avoidance. Intertidal activities will be scheduled outside of the grunion spawning season, which is generally three or four nights after the highest tide associated with each full or new moon and then only for a 1- to 3-hour period each night following high tide from late February or early March to August or early September.	Beach/ Surf Zone	Retain final Project schedule and conduct site visits	February through September	Applicant and CSLC	Project operations on beach avoided during grunion spawning
	APM BIO-1b: Grunion Surveys and Avoidance. If scheduling is not possible under APM BIO-1a, intertidal grunion surveys will be conducted during grunion spawning tidal periods to document that grunion have not used the site. Intertidal activities shall not occur if grunion spawning is observed in the Project area.	Beach/ Surf Zone	Retain copy of grunion surveys	February through September	Applicant and CSLC	Project operations on beach avoided during grunion spawning
Spread of Non-Native	APM BIO-2: Prevent Introduction of Non-Native Aquatic Species (NAS). All Project vessels shall:	Hull cleaning/	Retain Biofouling	Biofouling removal	Applicant and CSLC	Introduction of NAS avoided

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Aquatic Species (NAS)	(1) originate from Oceanside Harbor, the Ports of Long Beach/Los Angeles, or San Diego Bay; (2) be continuously based out of Oceanside Harbor, the Ports of Long Beach/Los Angeles, or San Diego Bay since last dry docking; or (3) have underwater surfaces cleaned before entering southern California at vessel origination point and immediately prior to transiting to the Project site. Additionally, and regardless of vessel size, ballast water for all Project vessels must be managed consistent with California State Lands Commission (CSLC) ballast management regulations, and Biofouling Removal and Hull Husbandry Reporting Forms shall be submitted to CSLC staff. Project vessels shall also be available for inspection by CSLC staff for compliance. Further, as part of the Project kickoff meeting, a qualified marine biologist, approved by CSLC staff, shall provide information to all Project personnel about the spread of NAS in California waters and the programs (CSLC Ballast Water Management Program and Biofouling Removal and Hull Husbandry Reporting) that will be implemented to minimize this hazard.	biofouling removal to be conducted at vessel origination site ROV survey conducted at Project site At Project kickoff meeting site	Removal and Hull Husbandry Reporting Forms Conduct ROV survey for compliance with biofouling removal Retain Project kickoff meeting sign-in sheet	Prior to Project vessels transiting to Project site Submit Biofouling Removal and Hull Husbandry Reporting Forms prior to Project operations ROV survey conducted prior to Project operations During Project kickoff meeting		Vessel operators made aware of NAS regulations
Marine Vessel and Wildlife Interaction	MM BIO-1: Marine Wildlife Contingency Plan (MWCP). A MWCP shall be prepared for review and approval by California State Lands Commission staff prior to the commencement of decommissioning activities. The MWCP shall include, but not be limited to, the following elements: <ul style="list-style-type: none"> • Description of the pre-decommissioning training seminar that will be provided to educate Project personnel on identifying marine wildlife in the Project area and to 	Offshore	Retain MWCP and marine wildlife monitor notes	During all Project activities requiring the use of marine vessels and dynamic pipe ramming	Applicant and CSLC	Vessel- and noise-related impacts to marine wildlife avoided

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>provide an overview of the wildlife mitigation measures to be implemented;</p> <ul style="list-style-type: none"> • Qualifications, number, location, and authority of onboard Marine Wildlife Monitors (MWMs); • Acoustic safety zone radius that will be enforced by the MWMs during dynamic pipe ramming activities; • Distance, speed, and direction transiting vessels will maintain when in proximity to a marine mammal or reptile; • Discussion of how impacts associated with marine wildlife entanglement in Project vessel anchor lines will be minimized; and • Observation recording procedures and reporting requirements in the event of an observed impact to marine wildlife. 					
Underwater Noise Impact on Marine Wildlife	<p>MM BIO-2: Dynamic Pipe Ramming (DPR) Soft-Start and Ramp-Up Procedure. The contractor conducting DPR operations shall begin the procedure at a reduced level and repeat the sound producing activity, gradually increasing the intensity of the operation prior to initiating normal construction levels. The duration of the ramp-up during Project operations shall be determined by a qualified marine biologist and based upon the findings of a sound source characterization study for DPR. This procedure shall be used any time DPR operations are initiated.</p>	Surf Zone/ Offshore	On-site monitor to verify	During DPR	Applicant and CSLC	Soft-start of DPR alerts wildlife of DPR operations prior to full implementation
	<p>MM BIO-3: Dynamic Pipe Ramming (DPR) Sound Source Characterization. Prior to DPR operations, a marine acoustics specialist shall be retained to conduct underwater noise measurements during a trial operation of the equipment at the Project site. In coordination with the National Oceanic and Atmospheric</p>	Surf Zone/ Offshore	Retain copy of sound measurements from underwater acoustic specialist and resulting marine	Prior to DPR operations for removal of the surf zone segment of	Applicant and CSLC	Sound source characterization conducted and marine wildlife safety radii determined

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Administration (NOAA), the results of the underwater noise measurements shall be used to determine preclusion radii for marine wildlife (mammals and reptiles) safety during DPR operations based on NOAA’s acoustic thresholds in place at the time of Project operations for permanent and temporary threshold shifts. A copy of the sound source characterization shall be provided to California State Lands Commission staff and NOAA within 2 weeks of completion.		wildlife safety radii	the fuel oil submarine pipeline		
	MM BIO-4: Marine Wildlife Monitoring During Sound Source Characterization and Dynamic Pipe Ramming (DPR). Qualified marine wildlife monitors (MWMs) shall be onsite and present throughout sound source characterization and DPR operations. Once the marine wildlife preclusion radii (i.e., safety zone) have been determined, MWMs shall be located such that he/she has a clear view of the marine waters within the safety zone and beyond. The MWMs shall indicate that a designated safety zone is clear of marine wildlife (mammals and reptiles) prior to the start of DPR operations and shall have the authority to stop DPR operations if marine wildlife are observed at any time within the safety zone. The initial safety zone to be implemented during sound source characterization will be 1,000 feet. The initial safety zone will be revised to reflect new thresholds for permanent and temporary threshold shifts (PTS and TTS) should they be finalized by the National Oceanic and Atmospheric Administration prior to Project operations. The safety zone to be implemented during DPR will be modified as necessary based on the sound source characterization results and	Surf Zone/ Offshore	Retain copy of MWM report	Prior to DPR operations for removal of the surf zone segment of the fuel oil submarine pipeline	Applicant, CSLC, and NMFS	Marine wildlife protected during sound source characterization and DPR

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	will reflect the PTS and TTS thresholds in place at the time of Project operations.					
Sedimentary Habitat Alteration from Project-generated Debris	<p>MM BIO-5: Pre- and Post-Decommissioning Seafloor Debris Survey and Debris Removal.</p> <p>The offshore work shall begin and end with seafloor debris surveys. The Applicant’s contractor shall perform a side-scan sonar (with 400% coverage) and bathymetric survey, or multi-beam sonar survey, of the underwater worksite prior to the arrival of the contractor’s marine equipment spread at the worksite. The survey shall encompass the entire underwater worksite bordered by the contractor’s planned derrick barge anchorages plus an offset of approximately 500 feet. Derrick barge anchorages shall be positioned to avoid rock outcroppings and kelp beds. A map shall be produced by the surveyor and shall serve as the baseline for the seafloor conditions at the underwater worksite prior to the start of work.</p> <p>All surveys employing low-energy geophysical equipment, including remotely operated vehicle surveys, must be conducted by an entity holding a valid geophysical survey permit under the California State Lands Commission’s (CSLC) Low-Energy Offshore Geophysical Permit Program (see www.slc.ca.gov/Programs/OGPP.html). Therefore, the Applicant shall obtain a valid permit prior to initiating the surveys.</p> <p>After decommissioning work is complete, the contractor shall be required to perform a second side-scan sonar (with 400% coverage) and bathymetric survey in the same underwater work area. The surveyors shall again produce a map of the survey area and use it to identify any items of</p>	Offshore	<p>Obtain Offshore Geophysical Survey Permit from the CSLC</p> <p>Retain copies of survey data</p>	<p>Pre-decommissioning survey no more than 90 days prior to marine activities</p> <p>Post-decommissioning surveys and debris removal no more than 90 days after completion of Project activities in the marine environment</p>	Applicant and CSLC	Surveys conducted providing evidence that any Project debris on the ocean floor has been recovered

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	seafloor debris introduced into the underwater worksite by decommissioning operations. The contractor shall remove all items of debris, if any, related to the offshore tanker berth facilities and operations and the decommissioning work. The Applicant shall provide: (1) the pre-decommissioning survey map to CSLC staff and permitting agencies for approval at least 60 days prior to Project implementation; and (2) the post-decommissioning map to CSLC staff within 30 days of survey completion for agency sign-off.					
Impact of Anchor Placement on Rocky Habitat and Kelp Beds	MM BIO-6: Final Marine Safety and Anchoring Plan (MSAP). A final MSAP shall be developed following the analysis of seafloor habitat and bathymetric data to be collected during the pre-decommissioning survey. Additionally, a diver-biologist survey shall be conducted to ensure that all pre-determined vessel anchor locations are positioned in sedimentary habitats and avoid rocky substrate and kelp by at least 50 feet. The final plan shall be submitted to California State Lands Commission staff for review at least 2 weeks prior to the commencement of Project activities.	Offshore	Retain copy of the final MSAP and notes from diver biologist regarding anchor placement	At least 30 days prior to initiation of decommissioning requiring anchoring	Applicant and CSLC	Rocky substrate and kelp beds are avoided during anchor placement
Accidental Discharge of Petroleum Products into the Marine Environment	MM BIO-7: Oil Spill Response Plan (OSRP). An OSRP has been prepared for the Project. Each Project vessel shall have a copy of the plan and shall maintain the required onboard and subcontracted spill response equipment. Additional shore-based response equipment shall be onsite, which can be used for first-response containment and collection of petroleum that reaches the shoreline. If needed, subcontracted shoreline recovery personnel and additional equipment, as identified in the OSRP shall be	Offshore	Retain copy of OSRP and any incident reports Periodic inspection of vessels and onshore oil spill response equipment	During decommissioning activities in the marine environment	Applicant and CSLC	Discharge of petroleum products into the marine environment are avoided or, if one occurs, it is appropriately handled

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	deployed to the site to assist in the recovery and disposal of spilled petroleum.					
Accidental Release of Pipeline Water Preservative into Marine Environment	MM BIO-8: Flush Fuel Oil Submarine Pipeline. Prior to opening the fuel oil submarine pipeline to the ocean during the decommissioning process, this pipeline shall be flushed from its offshore termination to its onshore termination at the beach valve pit with seawater to displace the potable water and preservative. The potable water and preservative mixture shall be recovered at the beach valve pit and transported off-site for treatment and disposal.	Onshore/ Offshore	Site inspection to ensure pipeline was flushed Retain copy of communication indicating that displaced water was disposed at an appropriate facility		Applicant and CSLC	Release of the pipeline water preservative in the marine environment avoided
Cultural and Paleontological Resources						
Disturbance of Archaeological Resources	MM CUL-1: Cultural Resource Training. A pre-construction meeting, inclusive of agency personnel, shall be organized to educate onsite construction personnel as to the sensitivity of archaeological and tribal cultural resources in the area. If agency personnel cannot attend, the meeting shall be held and documentation of the meeting shall be submitted to those agencies. The Applicant's personnel shall instruct all construction and Project personnel to avoid removing cultural materials from the Project site. Evidence of compliance with this mitigation measure shall be documented, and provided to California State Lands Commission staff, prior to onshore work.		Document training	Prior to onshore excavations	Applicant and CSLC	Educate workers on the potential for cultural resources
	MM CUL-2: Archaeological and Tribal Cultural Resource Monitoring. All construction will be confined to previously disturbed areas within the beach valve pit if feasible; however, to ensure no previously unknown archaeological or tribal cultural resources are unintentionally damaged, all excavation shall be monitored by a professional	Onshore	Extended Phase I Subsurface Archaeological Investigation & retain study documentation/	Prior to and/or during onshore ground disturbance	Applicant and CSLC	Confine Project disturbance area to previously disturbed areas Any archaeological

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	archaeologist and a Native American representative, who shall have the authority to temporarily halt or redirect Project construction in the event that potentially significant cultural resources are exposed.		documentation of any additional mitigation compliance Alternately, retain monitors' records and any subsequent mitigation activities (e.g., artifact collection/ curation)			resources within the Project disturbance area are identified and appropriately managed
	MM CUL-3: Redirect Work if Previously Unknown Archaeological or Tribal Cultural Resources are Discovered. In the event that potentially significant archaeological or tribal cultural resources are discovered any time during construction, all earth disturbing work within the vicinity of the discovery shall be temporarily suspended or redirected until a professional archaeologist and a representative from the culturally affiliated California Native American tribe(s) (tribal representative) as determined by the Native American Heritage Commission have evaluated the nature and significance of the discovery. In the event that a potentially significant archaeological or tribal cultural resource is discovered, Cabrillo Power I LLC, the California State Lands Commission (CSLC), and any local, State or Federal agency with approval or permitting authority over the Project that has requested/ required such notification shall be notified. Impacts to previously unknown significant	Onshore/ Offshore	Inform Project contractors of archaeological resource notification procedure Document any reported finds including retention of any associated archaeological reports	Throughout ground disturbing Project operations	Applicant and CSLC	Any unanticipated cultural resource finds are avoided until evaluated and mitigated

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	<p>archaeological or tribal cultural resources shall be avoided through preservation in place if feasible. Damaging effects to tribal cultural resources will be avoided or minimized following the measures identified in Public Resources Code section 21084.3, subdivision (b), if feasible, unless other measures are mutually agreed to by the lead archaeologist and tribal representative that would be as or more effective.</p> <p>If the lead archaeologist and tribal representative(s) mutually agree that damaging effects to tribal cultural resources will be avoided or minimized, then work in the area may resume. If the lead archaeologist and tribal representative(s) do not agree, the CSLC’s tribal liaison will attempt to resolve the issue. If the tribal liaison cannot resolve the issue, the tribal liaison will submit the matter to the CSLC’s Executive Officer for resolution. A Native American representative shall monitor any mitigation work associated with Native American cultural material.</p>					
Disturbance of Paleontological Resources	MM CUL-4: Paleontological Resource Evaluation and Mitigation Plan. A qualified paleontologist shall be retained to evaluate the onshore activities and develop a Paleontological Resource Evaluation and Mitigation Plan if Project activities extend into previously undisturbed sedimentary formations. The mitigation plan shall include construction monitoring and collection and archiving of any paleontological finds.	Onshore	Retain paleontologist and resulting report	Throughout onshore ground disturbing Project operations	Applicant and CSLC	Paleontological resources are avoided or appropriately mitigated (e.g., collected and curated)
Disturbance of Human Remains	MM CUL-5: Proper Disposition of Human Remains. If human remains are unearthed, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings	Onshore/ Offshore	Retain record of any finds that are investigated as possible human remains	Throughout Project implementation	Applicant and CSLC	Any human remains encountered on the Project site are appropriately

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. Cabrillo Power I LLC and California State Lands Commission staff shall be notified immediately of the discovery.					managed
Hazards and Hazardous Materials						
Asbestos	MM HAZ-1: Use Certified Asbestos Abatement Contractor. Pipeline removal shall be conducted in accordance with all regulations pertaining to asbestos utilizing a certified asbestos abatement contractor to perform any such work.	Onshore/ Offshore	Confirm certified asbestos contractor Conduct site inspections to ensure certified personnel are conducting work	During pipeline removal activities impacting asbestos-containing material	Applicant and CSLC	Asbestos-containing material appropriately handled to avoid health impacts
Lead-Based Paint (LBP)	MM HAZ-2: Licensed/Certified Lead-Based Paint (LBP) Contractor. A California licensed contractor certified by the California Department of Public Health shall be contracted to accomplish LBP abatement prior to the commencement of onshore demolition and to ensure proper disposal of paint flakes (which must be handled as a hazardous waste), abated pipes, and equipment.	Onshore	Confirm certified LBP contractor Conduct site inspections to ensure certified personnel conducting work	Before decommissioning operations impacting LBP	Applicant and CSLC	LBP health hazard appropriately abated
Impacted Soil	MM HAZ-3a: Extended Phase I Environmental Site Assessment (ESA). An extended Phase I ESA review, as well as the assessment of soils around and in the beach valve pit, shall be conducted to address potential soil contamination issues at the Project site prior to the commencement of decommissioning activities. If contamination is identified, the appropriate measures to address the hazard shall be added to the Contractor Work Plan. This may include excavation and removal of contaminated soil to a	Onshore	Retain Extended Phase I ESA Report Conduct site visits to ensure any required remedial activities are conducted	Before start of onshore decommissioning activities	Applicant and CSLC County of San Diego Department of Environmental Health, Hazardous Materials Division	Any on-site contaminated soil is appropriately addressed to ensure that no human or environmental health hazards result from Project activities

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	legal disposal site, or onsite treatment of contaminated soil. A copy of the Phase 1 ESA shall be provided to California State Lands Commission staff within 2 weeks of completion.					
	Alternative to MM HAZ-3a: MM HAZ-3b: Use Personnel Trained to Work with Hazardous Substances. All work requiring removal of facilities shall be conducted by personnel trained to work with hazardous substances and any suspicious soils (stained or with an unusual odor) or groundwater (showing a sheen or with an unusual odor), shall be tested and treated in accordance with all applicable laws.	Onshore	Retain list of Project personnel and certifications for working with hazardous substances Record all actions related to suspicious soil or water encountered at the Project site Conduct site visits to ensure certified personnel are working on-site	During onshore Project operations	Applicant and CSLC County of San Diego Department of Environmental Health, Hazardous Materials Division	Any on-site contaminated soil is appropriately addressed to ensure that no human or environmental health hazards result from Project activities
	MM HAZ-4: Disposal of Total Petroleum Hydrocarbon (TPH)-Containing Soil. Soil in the bottom of the beach valve pit known to have levels of TPH shall be disposed of as a petroleum-containing special waste.	Onshore – beach valve pit/ vertical vault	Site inspection to ensure impacted soil is being removed from site (as necessary) Retain copy of facility-signed waste manifest indicating soil was accepted at an appropriate	Before and/or during onshore Project operations	Applicant and CSLC	Any on-site contaminated soil is appropriately addressed to ensure that no human or environmental health hazards result from Project activities

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
			waste disposal facility			
Accidental Release of Hazardous Material	<p>MM HAZ-5: Onshore Hazardous Materials Management and Contingency Plan Measures. The onshore contractor shall develop and implement hazardous materials management and contingency plan measures for onshore operations. The measures shall be provided to California State Lands Commission staff as part of a Stormwater Pollution Prevention Plan or a separate plan prior to Project implementation. Measures shall include, but not be limited to, identification of: appropriate fueling and maintenance areas for equipment; best management practices for fueling and operation of equipment (e.g., daily inspection of equipment); a spill response, and spill response supplies to be maintained onsite.</p> <p>Implement MM BIO-7: Oil Spill Response Plan (OSRP) (see above)</p>	Onshore	Retain copy of the Plan Conduct site visits to ensure Plan is being implemented	Prior to onshore Project operations	Applicant and CSLC	Accidental releases of hazardous material is avoided or responded to appropriately
Hydrology and Water Quality						
Violation of Water Quality Standards	Implement MM BIO-6: Final Marine Safety and Anchoring Plan (MSAP) (see above) Implement MM BIO-7: Oil Spill Response Plan (OSRP) (see above) Implement MM BIO-8: Flush Fuel Oil Submarine Pipeline (see above) Implement MM HAZ-3a: Extended Phase I Environmental Site Assessment (ESA) (see above) Implement MM HAZ-3b: Use Personnel Trained to Work with Hazardous Substances (see above) Implement MM HAZ-4: Disposal of Total Petroleum Hydrocarbon (TPH)-Containing Soil (see above) Implement MM HAZ-5: Onshore Hazardous Materials Management and Contingency Plan Measures (see above)					
Noise						
Short-term Noise in Air	<p>MM NOI-1: Advanced Noticing. Advanced notices shall be posted on the beach and/or along Carlsbad Boulevard within a 1,500-foot radius around the fuel oil submarine pipeline to notify the public about the location and timing of decommissioning operations. The notices shall be: (1) posted at least 1 week prior to any decommissioning operations on the beach or</p>	Onshore	Retain copy of notice Photo document notices in place Conduct site inspections to ensure notices	At least one week prior to and during beach and offshore Project operations	Applicant and CSLC	Advanced notices posted

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	ocean, and shall include a map of the Project site, contact name and phone number; (2) maintained until all Project operations impacting the beach and marine environment have been completed; and (3) removed within 1 week of completing the operations described in the notice.		are maintained			
	MM NOI-2: Shielding of Stationary Equipment. Onshore stationary noise sources shall be shielded, where feasible, using enclosures or barriers constructed of temporary prefabricated sound blankets or sound walls.	Onshore	Conduct site inspections to verify use of portable shields	During onshore Project operations	Applicant and CSLC	Shields in place to reduce noise transmission
Short-term Underwater Noise from DPR	MM NOI-3: Advanced Notice to Swimmers and Divers. At least 1 week prior to and during dynamic pipe ramming (DPR) operations, written notice to swimmers and divers shall be posted at area dive shops and along the beach within 1,500 feet of the DPR site indicating that swimming and diving in the Project area may be harmful due to underwater noise impacts during DPR operations. The notice shall state that the Project area should be avoided during the DPR operation period, which shall be identified on the notice along with a map showing the Project area and suggested area of preclusion for divers and swimmers. The notice will also provide a contact name and phone number.	Onshore	Retain copy of notice Conduct site inspections to ensure notices are in place	At least one week prior to and during DPR operations	Applicant and CSLC	Advanced notices posted
	MM NOI-4: Observation and Removal of Divers and Swimmers from Waters in Project Area. Marine wildlife monitors (MWMs) onboard Project vessels shall be instructed to observe for non-Project-related divers or swimmers in or about to enter the safety zone established for marine wildlife; however, the safety zone for human divers and swimmers may be modified based on the sound source characterization to be	Offshore	Retain copy of MWM report	Immediately prior to and during DPR operations, including sound source characterization	Applicant and CSLC	Project area avoided by swimmers and divers during DPR operations

Table C-1. Mitigation Monitoring Program

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	conducted for dynamic pipe ramming. If such persons are observed by MWMs or vessel crews, a support vessel shall be mobilized to inform them that their presence is not allowed in the Project safety zone, and the vessel crew shall arrange for them to be escorted from the active survey area.					
Transportation/Traffic						
Traffic Circulation	MM TRA-1: Trucks Avoid Peak Hours. Construction truck traffic affecting State highways shall be confined to hours outside of the peak AM and PM commute periods.	Onshore	Conduct site inspections	During onshore Project operations	Applicant and CSLC	
	MM TRA-2: Carpooling. The contractor shall implement a worker carpool program to minimize the number of vehicular trips required to transport workers to and from the Project site. This measure shall be identified as a requirement in the contractor bid package.	Onshore	Conduct site inspections. Create/maintain list of workers who carpool	During onshore Project operations	Applicant and CSLC	
Traffic Hazards	MM TRA-3: Construction Safety and Traffic Management/Control (CSTMC) Plan. A CSTMC Plan shall be developed for review by the City of Carlsbad and implemented. The Plan shall include, but not necessarily be limited to: (1) traffic control strategies; (2) traffic control devices to be used; (3) public awareness strategies; (4) motorist information methods; (5) alternate pedestrian and bicycle access routing; (6) work zone safety management strategies; and (7) contingency and incident plans.	Onshore	Retain copy of Plan Conduct site inspections	During onshore Project operations	Applicant, CSLC, and City of Carlsbad	Construction traffic safety measures implemented
Infrastructure	MM TRA-4: Protect Infrastructure Improvements. The Applicant shall ensure that the onshore contractor includes proper precautions to protect all existing pavement, curbs, gutters, and drainage structures from unintentional damage during Project construction. Any portion damaged as a result of Project	Onshore	List protection measures and photo document roads before/after Project operations Obtain written	Prior to, during and, if necessary, after Project operations	Applicant, CSLC, and City of Carlsbad	Infrastructure protection measures implemented and any necessary repairs made

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Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	construction shall be repaired or replaced in accordance with current City of Carlsbad Standard Construction Details.		confirmation that any needed repairs were made to City's satisfaction.			
Offshore Marine Traffic	MM TRA-5: Local Notice to Mariners. All offshore operations shall be described in a Local Notice to Mariners to be submitted to the U.S. Coast Guard at least 15 days prior to decommissioning activities.	Offshore	Retain copy of notice	Prior to offshore Project operations	Applicant, CSLC, and U.S. Coast Guard	Notice posted to inform mariners of Project traffic and operations
Utilities and Service Systems						
Solid Waste Disposal Capacity	APM UTI-1: Reuse and Recycle Debris. The decommissioning contractor shall dispose of recovered materials (e.g., anchors, chains, riprap, piping) that can be reused and recycled at an appropriate facility if feasible.	Onshore/ Offshore	Require contractor to identify final disposition of Project debris	After each Project decommissioning phase	Applicant and CSLC	Documented attempt to reuse or recycle Project debris