

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Th5a

August 12, 2010

To: Coastal Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Cassidy Teufel, Analyst, Energy, Ocean Resources & Federal Consistency Division

**Subject: STAFF REPORT ADDENDUM for Item Th5a
Coastal Development Permit Application E-09-011 (Rincon Island
Limited Partnership, Ventura)**

Coastal Commission staff recommends the following minor modifications to Special Condition 1, Special Condition 6 and the staff report as well as the inclusion of a fifth exhibit (Exhibit 5). Deletions are shown with ~~strike through~~ and additions are underlined.

[MODIFICATION 1: To be inserted in the first paragraph of Special Condition 1 on page 4 of the staff report at the bottom of the page]

1. **Daily Log.** RILP shall maintain a daily log of project activities that includes the observations of the approved marine mammal monitor during pile driving activities. The monitor shall record in that log both written and photographic descriptions of any observed or potential effects of the project on marine mammal species during pile driving activities. The log shall also include descriptions of any spills, releases, or debris that affects coastal waters or beach areas, along with a description of the measures taken to address these events. Within thirty days of project completion, RILP shall submit to the Executive Director a written report incorporating the above information.

[MODIFICATION 2: To be inserted in Special Condition 6 on page 6 of the staff report]

6. **Deed Restriction.** Within 45 days of the Commission's approval of this coastal development permit, RILP shall submit to the Executive Director for review and approval documentation demonstrating that RILP has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: 1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment


of that property; and 2) imposing the Special Conditions 5 of this permit as a covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

[MODIFICATION 3: To be inserted in the third paragraph on page 19 of the staff report]

Due to the number of project personnel required onsite during the project, some sites outside of the fenced staging area would be required to park and store private vehicles during weekday construction hours. To ensure that the use of public parking spaces by project vehicles does not significantly reduce the amount of parking available for public beach and coastal access users, RILP has developed a parking plan (Exhibit 5) and committed to implementing it so that using no more than ~~three seven~~ of the approximately 40 public parking spaces available in the project area would be temporarily used by project vehicles. These ~~three seven~~ spaces would be located on Old Pacific Coast Highway, leaving all of the parking nearest the beach and coastal access points available for the public. Additionally, the use of these three spaces would be restricted to weekday construction periods between the hours of 7am and 5pm. A similar approach was adopted during the emergency and unpermitted repair work for this project and RILP observed that adequate public parking was still available during project activities. RILP has also committed to make additional parking available for project personnel at the Greka PCH facility (located approximately two miles downcoast of the project site) and to use a van to carpool these personnel to the Rincon Island causeway construction site so that no more than ~~three seven~~ public parking spaces are required at the project site. Finally, RILP has also proposed to make use of the unpaved, iceplant covered vacant lot directly downcoast of the Rincon Island Causeway entry road (see Exhibit 5). If use of this area would require the removal of iceplant, RILP has committed to removing iceplant by hand and disposing of it offsite at an appropriate waste facility.

[MODIFICATION 4: To be inserted within the second paragraph on page 21 of the staff report in the center of the page]

In addition, upon completion of project activities RILP has committed to remove the eighteen inches of razor wire and barbed wire from atop the security fencing at the landward end of the causeway and surrounding the causeway entrance pad and to keep the remaining fence in good repair (replace any corroded or broken components). The security fencing itself would remain, to prohibit public access to the causeway and Rincon Island and to ensure that the causeway entrance remains clear and accessible for emergency service and island operations vehicles. However, the visual profile of this security fencing would be reduced to the minimum amount required to achieve this goal. While it is not feasible to remove the security fencing entirely, the removal of razor wire and barbed wire from the fencing near the beach and coastal access points and the Mussel Shoals residential area would increase the visual compatibility of the causeway structure with its surroundings.

 <div style="display: inline-block; vertical-align: middle;"> Associated Pacific Constructors, Inc. </div>	RINCON ISLAND LIMITED PARTNERSHIP
--	--

DOCUMENT TITLE:	PARKING PLAN
DOCUMENT NO:	08-013-PP-001
PROJECT:	RINCON ISLAND CAUSEWAYS STRUCTURAL REPAIR PROJECT
APC JOB #:	151
PURPOSE:	PARKING PLAN IN SUPPORT OF THE RILP RINCON CAUSEWAY REPAIR CCC CDP APPLICATION

SIGNATURE LEGEND			
ID:	NAME:	COMPANY:	PROJECT TITLE:
AGD	Alex Dimitrijevic	Greka E&P	General Manager
PG	Paul E. Gillen	Associated Pacific Constructors	President
MS	Mark I Steffy	Longitude 123, Inc.	Consultant
SP	Simon Poulter	Padre Associates, Inc.	Consultant

RELATED DOCUMENTATION			
DOCUMENT TITLE:	ISSUER:	DOCUMENT NO:	REV:
PROJECT EXECUTION PLAN	MIS	08-013-PD-002	1

DOCUMENT APPROVALS								
ACTION TAKEN			APC APPROVALS			RILP APPROVALS		
REV	DESCRIPTION	DATE	ORIGIN	CHECK	APPROVE	CHECK	APPROVE	APPROVE
A	Issued for Review	8/2/10	MS	PG	PG			
B								
1	Issued for Dissemination	8/3/10	MS	SP	PG	AGD	AGD	
2								
3								
4								
5								
6								



EXHIBIT 5



DOCUMENT TITLE:	PARKING PLAN	REVISION:	1
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT	PAGE:	1 of 2
REVISION DATE:	August 2, 2010		
DOCUMENT NO:	08-013-PP-001		

1. Overview

This Parking Plan has been created by Rincon Island Limited Partnership (RILP) as an addendum to the Project Execution Plan dated April 12, 2010, in support of the Rincon Island Causeway Structural Repair Project. This Parking Plan will be incorporated into the final Contractor Work Plan for use by Associated Pacific Constructors (APC) when performing the onsite work.

2. Purpose

The purpose of this Parking Plan is to provide a clear set of parking protocols and procedures that will be followed by APC when performing the repair work on the Rincon Island Causeway.

3. Project Overview

The repair work will take approximately 11 months to perform. One crew will start at the causeway abutment and work seaward repairing the causeway one bent at a time. Once Piling 004 at Bent 03 has been replaced, a second repair crew will be added, repairing the causeway from the island end of the causeway shoreward.

The single crew (Shore Crew) may number between 7 to 8 persons, not including project management or other temporary personnel such as delivery drivers, inspectors, agency professionals, environmental professionals or others. The second crew (Island Crew) when added, may also number 7 persons.

Repair work may take place Monday through Saturday within the hours of 7:00AM to 5:00PM. The maximum number of crew is estimated at approximately 14 to 15.

4. Parking Facilities

Four potential parking facilities are available to RILP (see Figure PP-1 – Onsite Parking Plan).

- a. **Public Parking** – Approximately 33 public parking spaces are available on Old Pacific Coast Highway and 3 to 4 on Ocean Avenue.
- b. **RILP Access Road** – Approximately 6 parking spaces are available on the RILP access road to the Rincon Island Causeway. The road is frequently used by RILP for parking.
- c. **RILP Vacant Lot** – Approximately 7 parking spaces are available in the RILP vacant lot located alongside the RILP access road. This lot is controlled by RILP via a locked gate. RILP may clear approximately 200 square feet of ice plant ground cover to fully utilize this parking area (see Figure PP-2 Vacant Lot and RILP Access Road).





DOCUMENT TITLE:	PARKING PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	August 4, 2010	REVISION:	2
DOCUMENT NO:	08-013-PP-001	PAGE:	2 of 2

- d. **RILP Pacific Coast Highway Facility** – Approximately 40 parking spaces are available at the RILP/Greka facility located approximately 1.3 miles east of the Mussel Shoals sit at 5750 W. Pacific Coast Highway.

5. Parking Procedures

RILP proposes to impose the following parking restrictions for crews working on this repair project.

- a. **Public Parking** – In response to concerns about the use of limited public parking in the project area, RILP will generally not utilize public parking for APC crews working on this project. Exceptions to this would be visitors, agency personnel, managers, or others who may visit for limited period time. At most, this would be no more than 3 parking spaces located on Old Pacific Coast Highway. Use of these spaces will not occur outside of the 7 am to 5 pm weekday construction hours. These spaces will not be designated for exclusive use by project vehicles and will be available for public use when not occupied by project vehicles.
- b. **RILP Access Road** – From time to time, RILP may utilize this road for APC crew parking when working on this project. However, parking will be temporary and limited on this road as it will need to remain open for access by suppliers and others. Parking in this area will occur at a maximum distance from all public coastal and beach access trails and will in no way block or impede pedestrian access to these trails.
- c. **RILP Vacant Lot** - RILP may clear approximately 200 square feet of ice plant ground cover to fully utilize this parking area. Ice plant would be removed by hand and will be disposed of offsite at an appropriate waste receiving facility. Up to 7 repair crew vehicles may be parked within this vacant lot.
- d. **RILP Pacific Coast Highway Facility** - RILP will utilize this parking to support the repair crew parking requirements and shuttle personnel to and from the project site from this facility using a carpool van. This parking and carpool option will be initiated when adequate parking the project area is not available and when the second crew (Island Crew) is mobilized.

6. Coastal Access

Pedestrian coastal access will not be impeded by the use of any of the proposed parking facilities (see Figure PP-1 Onsite Parking Plan).



EXHIBIT 5
RILP Parking
Plan





FIGURE PP-2
VACANT LOT AND RILP ACCESS ROAD

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



Th5a

Date Filed:	4-14-10
49 th Day:	6-2-10
Staff:	C. Teufel - SF
Staff Report:	7-22-10
Hearing Date:	8-12-10

STAFF REPORT COASTAL DEVELOPMENT PERMIT APPLICATION

CDP Application No.:	E-09-011
Applicant:	Rincon Island Limited Partnership
Project Location:	Rincon Island, Ventura County
Project Description:	Request to: (1) permanently authorize revetment and roadway repairs carried out under Emergency Permit E-08-007-G; (2) obtain after-the-fact approval of causeway, revetment and abutment repair work carried out without benefit of a coastal development permit; (3) carry out repairs to support bracing, pilings and piling caps on the 2,732 foot long causeway connecting Rincon Island to the shore at Punta Gorda.
Substantive File Documents:	See Appendix A

Summary

Rincon Island Limited Partnership (“RILP”) proposes to carry out a series of repairs to the pilings and metal support structure on the 2,732-foot long causeway that connects Rincon Island to the mainland coast at Punta Gorda. Proposed repairs include the replacement and reinforcement of steel support structures, steel piling caps and steel pilings. Specifically, one piling would be removed and replaced, 38 would be reinforced with one or two ten foot long steel sleeves, all of the steel cross bracing connecting the pilings would be removed and replaced, approximately twelve metal piling caps would be repaired or replaced, and selected welds and replacement materials would be sandblasted and painted in place with a corrosion resistant coating. RILP further requests permanent authorization for the replacement of 70 cubic yards of rock rip-rap on an existing revetment at the shoreward terminus of the causeway and the installation of concrete and asphalt paving at the causeway’s entrance road – activities carried out under the authorization of Emergency Permit E-08-007-G. In addition, RILP requests after-the-fact approval for repair activities carried out on the causeway and its revetment without benefit of a coastal development permit. These activities include replacing 215 cubic yards of rock rip-rap on the existing causeway revetment, reinforcing the shoreward causeway abutment, installing a steel repair sleeve on a piling, and cleaning and re-welding one pile cap.

Rincon Island and Punta Gorda are located adjacent to the Mussel Shoals residential area, approximately halfway between the cities of Ventura and Carpinteria in Ventura County. Punta Gorda lies between a publicly accessible sandy beach, Mussel Shoals Beach, and a small rocky cove that provides intertidal rocky habitat and access to a popular surf break. The project has been and would be confined to the causeway, its revetment at Punta Gorda, and the paved entry pad that extends inland from the shoreward end of the causeway. All project staging has been and would be located on this entry pad.

The project is located adjacent to and above coastal waters and involves the use of heavy equipment, machinery, and construction materials. To minimize the potential for construction materials, waste or hazardous substances to be discharged or released into coastal waters, Commission staff is recommending several measures. These measures are described in **Special Condition 1**, **Special Condition 3** and **Special Condition 4** and include the implementation of an Oil Spill Prevention and Response Plan, a Waste Management Plan and Best Management Practices, a requirement that all fugitive construction materials be immediately removed from beach areas or marine habitats, and a requirement that a daily log of project activities and spills or accidents be kept and provided to Commission staff in the form of a report upon project completion.

The proposed use of pile driving equipment to install a steel piling in nearshore waters involves potential risks to marine mammals and marine wildlife due to increased underwater sound levels. To minimize this risk, Commission staff is recommending the inclusion of **Special Condition 1** and **Special Condition 2** which would require the use of marine mammal monitors during pile driving activities as well as the use of a 500 foot marine mammal safety zone around the activity, and a gradual ramp-up of sound levels. **Special Condition 2** would also require that pile driving occur at low tide, to the maximum extent feasible.

The project site and staging areas are located in close proximity to coastal and beach access trails. To minimize potential disruptions to coastal access and recreation in the project area, Commission staff is recommending in **Special Condition 7** that project staging remain within the fenced causeway entry pad to the maximum extent feasible. If material or equipment storage outside of this area is required, **Special Condition 7** would also require that these materials remain a maximum distance from coastal access trails and do not impede access or use of these trails at any time.

Project staging, preparation and construction activities have the potential to result in adverse impacts to the visual resources of the site due to the prolonged presence of heavy equipment, machinery and construction work. Additionally, the existing industrial causeway, the offshore Rincon Island facility and the security fencing surrounding the causeway entry pad are not visually compatible with the residential and open coastal visual character of the project area. To minimize potential adverse impacts to visual resources, Commission staff is recommending in **Special Condition 7** that project staging remain concentrated within a single location.

In addition, Commission staff is also recommending in **Special Condition 5** and **Special Condition 6** that RILP waive any claim of liability against the Commission for damage to life and property that may occur as result of the project and record a deed restriction imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the subject property.

The Commission staff recommends the Commission approve coastal development permit application E-09-011, as conditioned.

1 STAFF RECOMMENDATION

Approval with Conditions

The staff recommends conditional approval of the permit application.

Motion:

I move that the Commission approve Coastal Development Permit E-09-011 subject to conditions set forth in the staff recommendation specified below.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to

substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

2 STANDARD CONDITIONS

This permit is subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

3 SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. **Daily Log.** RILP shall maintain a daily log of project activities that includes the observations of the approved marine mammal monitor. The monitor shall record in that log both written and photographic descriptions of any observed or potential effects of the project on marine mammal species. The log shall also include descriptions of any spills, releases, or debris that affects coastal waters or beach areas, along with a description of the measures taken to address these events. Within thirty days of project completion, RILP shall submit to the Executive Director a written report incorporating the above information.

If there is a spill or hazardous material release (including oil, fuel, other petroleum products, or any hazardous chemicals), or any disturbance or “take” or marine mammals,

RILP shall immediately contact Coastal Commission staff (Cassidy Teufel, at 415-904-5502) and the other contacts required in the project's Oil Spill Prevention and Response Plan, and shall provide via facsimile (415-904-5400) the daily log that fully describes the incident.

2. Marine Mammal Precautions.

- (a) This permit does not authorize harassment, disturbance, or other forms of "take" of marine mammals.
- (b) A marine mammal monitor approved by the Executive Director shall be present at all times during pile driving. The monitor shall ensure that RILP and its contractors fully comply with the conditions of this permit related to biological protection.
- (c) Pile driving work shall be suspended if any marine mammals are observed within a 500 foot radius of the pile driving activity. Pile driving may resume once the mammals are outside of this safety zone. The marine mammal monitor will be responsible for monitoring this zone during pile driving activities. In the event that the monitor determines a marine mammal has entered this zone, the monitor shall have the authority to suspend pile-driving activities until the marine mammal has passed outside of this zone.
- (d) An initial ramp-up period shall occur when starting pile-driving activities to avoid potential impacts to marine mammals that may be undetected within the safety zone.
- (e) RILP shall schedule pile-driving activities during periods of low tides to the maximum extent feasible to minimize potential noise impacts to marine animals.
- (f) Any project lighting shall be directed in such a way to reduce potential impacts to marine mammals and other wildlife while maintaining safe work conditions. To the extent feasible, lighting shall not be directed skyward or over the water. In addition, to minimize effects on neighboring properties, lighting shall not be directed shoreward.

3. Spill Prevention.

- (a) The project Waste Management Plan, Oil Spill Prevention and Response Plan, and Best Management Practices (BMPs) included in Exhibit 4 shall be implemented and followed during all project activities to minimize discharge of contaminants or project materials into coastal waters or habitat areas.
- (b) Equipment shall not be refueled on the causeway or in areas where adequate spill prevention and response measures are not in place.
- (c) RILP shall install protective barriers under all heavy equipment to ensure that fuel or fluid leaks do not contaminate soil, coastal waters, or groundwater.
- (d) Equipment shall be inspected daily for fuel or fluid leaks. Leaking equipment shall be repaired or replaced immediately.
- (e) Sandblasting, painting and the application of corrosion resistant coatings shall only occur once proper containment tenting has been installed and full containment of these materials can be achieved. No excess paint, used or unused

sandblasting material or anti-corrosion coating shall be discharged into coastal waters or stored on the causeway when not in use.

4. **Debris Removal.** RILP shall immediately remove all rock or debris that may fall from the project site onto the beaches or into the ocean outside of the existing revetment footprint at Punta Gorda. Any rocks that move seaward of the reconstructed revetment shall be immediately retrieved and either: (1) restacked within the approved rock slope profile; or (2) removed off the beach to a suitable disposal location. Any rock or debris to be retrieved in this manner shall be recovered by crane or similar removal equipment positioned on the causeway or causeway entrance pad landward of the waterline.
5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, RILP acknowledges and agrees (i) that the site may be subject to hazards from episodic and long-term coastal erosion, tsunami, earthquake, wave and storm events, and geologic instability, and the interaction of same; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
6. **Deed Restriction.** Within 45 days of the Commission's approval of this coastal development permit, RILP shall submit to the Executive Director for review and approval documentation demonstrating that RILP has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: 1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and 2) imposing Special Condition 5 of this permit as a covenant, condition and restriction on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
7. **Project Staging/Storage Area.** To the maximum extent feasible, no project preparation, staging or onsite storage of project materials, equipment, machinery or vehicles shall occur inland of the paved and fenced causeway entrance pad. If temporary storage or staging outside of this area is required, it shall be located a maximum distance from all coastal and beach access trails and shall not block or impede access to these trails.

4 FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1 Project Description and Background

Rincon Island Limited Partnership (“RILP”) holds State Lands Commission Oil and Gas Lease No. 1466.1 offshore of northern Ventura County. Structures at the lease site include an existing man-made island in nearshore waters (known as Rincon Island) and a timber and steel causeway that extends out to the island from the coast at Punta Gorda. The causeway connecting Rincon Island to shore consists of a timber roadway supported by steel pilings and lateral cross bracing. The causeway connects to the mainland at a concrete abutment above an area reinforced with a revetment comprised of large rock rip-rap boulders, as shown in Exhibit 1. The causeway also supports several utility lines and two six-inch pipelines that are used to transport oil and natural gas from the Rincon Island production wells to shore. The artificial island, causeway, abutment, and revetment at Punta Gorda were constructed in the late 1950s to facilitate the installation and operation of oil and natural gas production wells on Rincon Island.

Over the years, wave action has caused rock rip-rap material at the Punta Gorda revetment to become displaced, likely moving into deeper water and downcoast. In particular, the seaward end of the revetment (the section directly below the causeway itself) lost a substantial amount of rock between 2002 and 2006. When severe winter storms in December of 2007 washed away several more rip-rap boulders and smaller rocks from the revetment, a portion of the paved causeway entrance pad located above this area began to collapse. The pavement collapse and revetment degradation also exposed a portion of the six-inch oil transport pipeline, near the area where it comes ashore and enters the ground at Punta Gorda. Upon inspecting the causeway, abutment and pipelines in the winter of 2007, the California State Lands Commission (“SLC”) determined that these structures were in an unsafe condition and ordered the oil and gas pipelines to be shut down and flushed, resulting in discontinued oil and gas production at Rincon Island. Vehicular use of the causeway and vehicle access to Rincon Island was also suspended due to concerns regarding the structural integrity of the causeway.

On January 2, 2008, the SLC directed RILP to submit a work plan to carry out necessary repairs on the causeway and abutment. The work plan that was developed called for RILP to repair these structures in two phases. The initial phase consisted of emergency repairs, including the placement of rock rip-rap material at the revetment surrounding the landside causeway abutment in order to address the threat of erosion around the exposed abutment. The second phase consisted of detailed engineering surveys of the causeway, abutment and pipeline and the development of a plan to make long-term repairs to the causeway. In a letter dated February 14, 2008, the SLC approved the initial phase emergency repairs, with conditions (see Exhibit 2). On April 1, 2008, the Coastal Commission also approved these emergency repairs and issued Emergency Permit E-08-007-G.

This emergency permit authorized RILP to carry out work consisting of (1) placing 70 cubic yards of rip-rap material on the revetment beneath the west/southwest side of the causeway abutment; (2) filling and repaving a hole in the asphalt on the causeway’s landward entrance pad; and (3) replacing the security fencing along the upcoast side of the causeway and surrounding the paved causeway entrance pad. This work was completed in May of 2008 and, per Condition

5 of the emergency permit, RILP submitted a follow-up coastal development permit application (E-08-007) on June 30, 2008, to permanently authorize these repairs.

Upon reviewing this application, Commission staff informed RILP that its coastal development permit application was incomplete and that some of the emergency repair work was carried out in apparent violation of the terms and conditions of Emergency Permit E-08-007-G. Specifically, although Condition 7 of the emergency permit required that “No fill beyond that described in the project description...shall be placed without additional written approval of the Executive Director” – in other words, no more than 70 cubic yards of rip-rap – RILP installed roughly 285 cubic yards of rock rip-rap at Punta Gorda. To resolve this alleged violation, RILP was directed by Commission staff to modify coastal development permit application number E-08-007 to include a request for after-the-fact approval of the 215 cubic yards of rock rip-rap that was installed at the Punta Gorda revetment in excess of the 70 cubic yards that was authorized under Emergency Permit E-08-007-G.

In the late summer and early fall of 2008, RILP began the second phase of the causeway repair project by conducting an American Society of Civil Engineers certified topside and underwater inspection of the Rincon Island causeway, in compliance with SLC requirements. The inspectors rated the integrity status of the causeway’s structural elements and identified those repair and replacement activities that would be most vital to restore the structural integrity of the causeway and return it to use. These second phase activities consist of the following:

Abutment Reinforcement – The shore-side abutment required reinforcement in accordance with the specified engineered design reinforcement. This requirement was completed in 2009.

Pile Replacement – Pile 004 is broken just below the seafloor. This pile will be replaced with a new pile. This requirement remains to be completed.

Pile Repairs – A total of 39 piling were given a structural condition rating of C-3 and D. All of these piling will require the installation of steel repair sleeves. One of these piling, Pile 01, was repaired in 2009, leaving 38 to be completed.

Pile Cap Repairs – A total of 11 pile caps were identified as requiring repair or maintenance. All pile caps and their connections will be re-inspected and repaired or maintained as required during the repair work. One of these pile caps, Bent 01, was almost completed in 2009. The Bent 01 pile cap requires AWS inspection and sand blasting and painting. Once the Bent 01 pile cap is completed, this will leave approximately 10 pile caps to be completed. However, it should be noted that additional pile cap inspection will be performed on each pile cap of the causeway as the repair work is performed to determine the final number and types of pile cap repairs required. Pile cap repairs may range from no repairs needed, to cleaning and re-welding of existing welds, to cut out and replacement of limited sections of the pile cap bracing, or entire replacement of the pile cap.

Lateral Cross Bracing – Most of the causeway’s lateral crossing bracing is broken or missing. This broken or missing cross bracing must be replaced throughout the length of the causeway, from the abutment to Bent 68. The lateral bracing between the abutment and Bent 01 was partially completed in 2009 and will require approximately 2 days of work to complete. Once complete, 67 lateral bracing installations to be left to complete.

Sand Blasting and Painting – *The repaired pile caps will be sandblasted and painted to protect the steel components from corrosion. None of this work was completed in 2009.*

On April 13, 2009, several months after completing the engineering survey and inspection, RILP began work on several of the repair activities described above. RILP initiated this work without consultation with Commission staff and without benefit of a coastal development permit. On May 7, 2009, RILP was directed by Commission and SLC staff to halt work and seek the appropriate authorization for the completed and remaining repair activities. During the several weeks in which RILP had been working without benefit of a coastal development permit, the following activities were carried out:

- *The abutment reinforcement was completed. This was a one-day task and was completed at a cost to RILP of \$8,000.00.*
- *A single repair sleeve was installed on Pile 001. This work was completed in approximately 10 days at a cost to RILP of \$12,000.00.*
- *The Bent 01 pile cap was inspected and repaired. The repair consisted of cleaning and re-welding the existing welds. No steel components were replaced. While the welding repairs were completed at this location, the repair still requires AWS inspection and sand blasting painting. The work completed to date was completed in approximately 10 days at a cost to RILP of \$12,000.00.*

At the time these unpermitted activities were carried out, Commission staff was in the process of reviewing coastal development permit application number E-08-007 for the permanent authorization of the emergency work carried out in 2008. For the sake of efficiency, RILP withdrew this permit application and submitted a new “bundled” coastal development permit application that includes: (1) a request for permanent authorization of the work carried out under Emergency Permit E-08-007-G; (2) a request for after-the-fact authorization of the 215 cubic yards of rock rip-rap installed on the Punta Gorda revetment in excess of the 70 cubic yards authorized under Emergency Permit E-08-007-G; (3) a request for after-the-fact authorization of the second phase causeway repairs carried out without benefit of a coastal development permit between April 13 and May 7, 2009; and (4) the completion of the remaining second phase causeway repair activities. These second phase repairs include the removal and replacement of one 20 inch diameter steel piling, the reinforcement of 39 pilings with one or two ten foot long steel sleeves, the removal and replacement of all of the steel lateral cross bracing that connects the pilings, the repair or replacement of approximately twelve metal piling caps, and sandblasting and painting select pile caps with a corrosion resistant coating. This staff report will consider all of these activities.

4.2 Consolidated Permit

Coastal Act Section 30601.3 provides the Commission with the authority to act upon a consolidated permit for proposed projects that require a coastal development permit from both a local government with a certified local coastal program (LCP) and the Commission. This authority is triggered if the applicant, local government and Executive Director (or Commission) consent to consolidate the permit. For the proposed project, certain activities, including equipment storage, staging and preparation, would take place within the jurisdiction of the Ventura County Coastal Area Plan – Ventura County’s LCP. Additionally, some of the activities

authorized by Emergency Permit E-08-007-G also required a coastal development permit from Ventura County. In March of 2008, the County of Ventura, with the consent of the applicant and Executive Director, agreed to consolidate permit action under the emergency permit for those aspects of the emergency work within its jurisdiction and those aspects within the Commission's retained permit jurisdiction. Similarly, in April of 2010, the County of Ventura, Executive Director and RILP again agreed to consolidate permit action for aspects of the proposed work that would be carried out in Ventura County's LCP jurisdiction with aspects that would be carried out within the Commission's retained jurisdiction, consistent with Coastal Act Section 30601.3.

4.3 Permit Authority, Repair and Maintenance.

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, because the proposed project would result in the addition to and enlargement of the Rincon Island causeway (through the addition of a new piling) and its shore-side revetment (through the addition of 285 cubic yards of rock), the exemption in Coastal Act Section 30610(d) is not applicable to this project.

4.4 Coastal and Marine Resources

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Act Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As shown in Exhibit 1, the project site is located adjacent to and above nearshore coastal waters. The extensive sandy beach habitat of Mussel Shoals Beach extends upcoast from the project site and several hundred feet of rocky intertidal and subtidal habitat extends downcoast. The tidepools that exist in the rocky intertidal zone slightly downcoast of Punta Gorda are noted in the Ventura County Area Plan as environmentally sensitive habitat. Small seasonal kelp beds can also be found downcoast and offshore of the project site.

The project includes extensive repairs to an offshore causeway and installation of 285 cubic yards of rip-rap to replace rock displaced from the Punta Gorda shoreline protection device in an area that becomes submerged due to tidal and wave action. Because these activities and the proposed and after-the-fact causeway repairs have been and would be carried out both above and adjacent to the ocean, the project has the potential to result in adverse impacts to both marine organisms and the marine environment. Specifically, construction activities associated with the proposed project could result in the generation of debris and the presence of equipment, materials and hazardous substances that could be subject to run-off and wind dispersion into the ocean. Construction equipment, building materials, and debris on the causeway could pose hazards to sensitive marine organisms if hazardous materials or plastics were discharged into the marine environment or inappropriately stored. In addition, such potential discharges and disturbances to the marine environment could result in adverse effects to offshore habitat or nearby tidepool areas from increased turbidity and pollutants in coastal waters.

To protect marine resources, habitats and coastal water quality and to ensure that construction related adverse impacts on the marine environment are minimized, RILP developed a Waste Management Plan, Oil Spill Prevention and Response Plan and Best Management Practices (BMPs) for the proposed repair work. Additionally, these plans and BMPs were followed during the activities carried out under Emergency Permit E-08-007-G as well as the unpermitted second phase causeway repair work that occurred in the spring of 2009. Further, the activities carried out under the authorization of the Emergency Permit conformed to six permit conditions (noted in Exhibit 2) which provided precautions against the adverse impacts of hazardous material discharges and/or spills. To ensure that adequate impact avoidance and minimization measures are taken during the remaining causeway repair work, the Commission is requiring in **Special Condition 1** and **Special Condition 3** that RILP provide a report of daily activities to the Executive Director, implement proposed plans and BMPs designed to prevent spillage and/or run-off of construction related materials, sediment, or contaminants, and take precautionary measures during equipment operation, fueling, sandblasting and painting activities. To further minimize the potential for unintended transport of debris or construction materials into coastal waters and nearby rocky and sandy habitat areas, the Commission is requiring in **Special Condition 4** that RILP immediately recover and remove any fugitive project materials that enter the ocean or beach areas.

The proposed use of pile driving equipment during the installation of the replacement pile has the potential to adversely affect marine mammals due to the elevated underwater sound levels that would occur during this activity. To prevent damaging effects to marine mammals, **Special Condition 1** and **Special Condition 2** require RILP to establish a 500-foot radius stop-work zone¹ monitored by a marine mammal monitor and to perform an initial ramp-up period during pile-driving activities. In addition, pile-driving activities would be conducted during periods of low tide to the maximum extent feasible. The Executive Director-approved marine mammal monitor on site would have the authority to suspend pile driving if a mammal passes within the safety zone. Therefore, although noise and vibrations from the project could hinder the normal activities of wildlife in the area, the project is conditioned to minimize these potential effects.

¹ This zone size was chosen based on a National Marine Fisheries Service criterion of 160 dB (received level, as transmitted through water) as the level at which disturbance or harassment of marine mammals has been shown to occur from impulsive sounds like hammer pile driving.

Pile driving may also result in elevated turbidity levels in coastal waters. However, the limited scope and timing of the intended work as well as its location close to shore would likely cause any turbidity increase to be localized, temporary and similar to that which often occurs as a result of natural wave, tidal and current action. Furthermore, **Special Condition 2** requires RILP to carry out pile driving during the low tide cycle, to the extent feasible, thus providing an additional assurance that any pile driving related turbidity would be limited to shallow, already turbid water.

Although sensitive marine habitats - such as tidepools, kelp beds and rocky substrate - are located near the proposed work areas, these areas are not adjacent to the project site or within the project's likely area of effect. Additionally, the limited scope of proposed causeway repairs significantly reduces the potential for these areas to be affected by the project.

The Commission finds that the project, as conditioned, will be carried out in a manner that maintains marine resources and the biological productivity of coastal waters and is therefore consistent with Coastal Act Sections 30230 and 30231.

4.5 Shoreline Processes and Hazards

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Coastal Act Section 30253 states (in part):

New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Coastal Act Section 30235 limits the construction of shoreline protective works to those required to serve coastal-dependant uses, or to protect existing structures or public beaches in danger from erosion, provided they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on

coastal resources. These include adverse affects on sand supply, public access, coastal views, natural landforms, adjacent properties, and overall shoreline dynamics. The Commission considers the specifics of each individual project but, under the standards established by Coastal Act Section 30235, alternatives that avoid the need for shoreline armoring are favored.

Potential alternatives to the placement of rock rip-rap on the existing revetment from the causeway entrance pad include: (a) the removal of additional rip-rap material and installation of a new concrete wall face; and (b) carrying out the rock installation from an offshore barge. Installing a more permanent structure (i.e. a concrete seawall) to protect the causeway and its entrance pad from severe storms and erosion would require extensive construction work for the demolition, removal, and disposal of the existing rip-rap, and thus could be more environmentally damaging than the proposed project. Repairing the existing shoreline protection with new rip-rap is more economically and environmentally feasible at this time than removing the existing rip-rap along the bluff and constructing a new concrete wall in its place.

Repairing the revetment from an offshore barge rather than from the paved causeway pad would have required heavy equipment in nearshore waters and the placement of anchoring devices on the seafloor or beach. Water based activities, especially in the active nearshore surf zone, carry a substantial risk of unforeseen spills, loss of materials or equipment into the water, and disturbance to beach and subtidal habitat. On balance, these activities would be more environmentally damaging as compared to the emergency work that was carried out and would have increased the potential for adverse impacts to coastal waters and marine biological resources. Moreover, the coastal waters in this area are shallow and may not have provided enough depth for the placement and operation of a barge and crane. For the reasons described above, the Commission finds that the emergency installation of rock rip-rap from shore was the least environmentally damaging feasible alternative.

Existing Structure/Danger from Erosion

As described above, the construction of a coastal revetment must satisfy two criteria to meet the requirements of Coastal Act Section 30235. The first of these criteria states that the proposed revetment must be required “to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion...” The overall purpose of the revetment repair portion of this project is to repair and enhance a shoreline protective structure to ensure its structural integrity and to prevent additional high tide and/or wave caused damage and erosion to the Rincon Island causeway, its abutment or the pipelines it supports. The 285 cubic yards of additional rock rip-rap fill is necessary to repair a revetment in the coastal zone for the purpose of protecting an existing coastal-dependent facility, namely the causeway that provides access to Rincon Island.

The Commission therefore finds that the revetment repair is required to both serve a coastal dependent use – the continued presence and use of the causeway – and protect an existing structure in danger from erosion. The Commission therefore finds that the revetment repair meets the first criterion specified in Coastal Act Section 30235.

Shoreline Sand Supply

The second criterion specified in Coastal Act Section 30235 is that a proposed revetment must be “designed to eliminate or mitigate adverse impacts on local shoreline sand supply.” RILP submitted an analysis of the potential for shoreline scour and impacts on local sand supply in correspondence from Shoreline Engineering dated January 19, 2009. This analysis states that:

The abutment and its protective revetment is located at Punta Gorda, and is situated shoreward of an approximately 20-foot thick sandstone bed protruding above the water surface. The protective revetment, as constructed and repaired, does not extend seaward of the protruding sandstone bed. The protective revetment does not create an impediment to littoral transport of beach materials, nor does the abutment and its protective revetment contribute to scouring of beach materials. Therefore, the potential for beach scour is very low.

This analysis is supported by the historical lack of persistent beach scour and shoreline erosion near Punta Gorda. The Ventura County Area Plan states that Mussel Shoals Beach

exhibits seasonal fluctuations in the amount of sand. A seawall had to be constructed [there] during the 1978 winter storms. Erosion is gradual now, but may accelerate later. The California Department of Navigation and Ocean Development (DNOD) has noted the area to be "Present Use Critical," which means that existing shoreline facilities are subject to erosion from wave action.

Review of historical aerial photographs of Punta Gorda and the area surrounding the project site suggests that the overall beach profile has experienced only minor changes in the over fifty years since the revetment was initially installed. Although seasonal erosion of the beach and storm damage to the revetments in this area has occurred, this pattern is more likely attributed to severe winter storms and high surf conditions rather than the effects of the Punta Gorda revetment in its present and historical configuration.

In addition, the continuing natural presence of sandstone outcroppings and protrusions seaward of the Punta Gorda revetment suggest that the natural shoreline at this site is relatively stable and has not significantly eroded or scoured since the rip-rap was originally installed. This stable situation is not likely to change with the repair and replacement of rip-rap at the Punta Gorda revetment.

The Commission typically requires mitigation for the installation of revetments, seawalls or other shoreline protection devices when these structures: (1) are constructed at the inland edge of a beach area and “fix” the back of the beach by limiting landward migration/expansion of the beach over time; (2) adversely affect the longshore transport of sand; (3) reduce littoral sediment supplies that occur during natural backshore erosion; and/or (4) are placed on beach areas that may be used recreationally and result in the loss or displacement of public beach. The Punta Gorda revetment repair and replacement activities carried out as part of the proposed project do not fall into any of these categories. The portions of the revetment that received the 285 cubic yards of rock rip-rap associated with this project were originally placed (in 1955) in nearshore and intertidal coastal waters and are neither at the landward edge of a beach or in an area of

public beach that is likely to be used recreationally. The area inland of the revetment is a rocky promontory that is not a source for littoral sand. Additionally, Punta Gorda is a natural point that extends into nearshore waters beyond the seaward edge of the revetment. Because the natural profile of the point extends beyond the revetment, it is not likely that the revetment alone would significantly affect the natural longshore movement of sand in this area. Thus, under these specific, and unusual, circumstances, the repair and expansion of this revetment will not fix the back of the beach, reduce sand supply contributions or transport, or displace publicly-available sandy beach area.

The Commission therefore finds that the proposed project is consistent with Coastal Act Section 30235 and is unlikely to adversely affect shoreline sand supply, sand movement, or the recreational use of a public beach area.

Existing Hazard Conditions

RILP submitted another report, entitled “Rincon Island Causeway Inspection & Report,” by Shoreline Engineering, dated January 30, 2009, that confirms the need to replace a broken piling, deteriorated cross bracing and pile caps, install reinforcing sleeves on piles, and re-apply corrosion protection/paint in order to enhance the structural stability of the causeway.

Based on historical and oceanographic information, the project site is located in an area of the coastal zone that is subject to potential hazards from wave action during the winter storm season. Engineering reports confirm that the causeway has sustained damage as the result of storm occurrences over the past several decades. In addition, as noted in the coastal development permit application materials submitted by RILP, “two ‘active’ fault areas are located in proximity to the project site” and “soils at the project site are subject to liquefaction based on the type of soils present and their proximity to the Pacific Ocean.”

In addition, the “State of California – County of Ventura - Tsunami Inundation Map for Emergency Planning” produced on February 15, 2009, by the California Emergency Management Agency, the California Geological Society and the University of Southern California, includes the entire project site within a designated tsunami inundation area.

Although the proposed project would increase the stability of the developed portions of the subject site in relation to wave caused erosion, and while the conditions imposed on this project by the Commission are intended to minimize such risks, there remains some inherent risk to development on such sites.

RILP is proposing to construct the development in an area subject to hazards from episodic and long-term coastal erosion, tsunami, earthquake, wave and storm events, soil liquefaction and other geologic hazards. Although RILP asserts that the existing and proposed development can withstand such hazards and protect existing development from such hazards, the risk of damage to the structure and the existing development cannot be eliminated entirely. The Commission finds that in order for the proposed development to be consistent with the Coastal Act, RILP must assume the risks of damage from coastal erosion, tsunami, earthquakes, wave and storm events, soil liquefaction and other geologic hazards. As such, **Special Condition 5** requires RILP to waive any liability on the part of the Commission for approving the proposed

development. In addition, this condition requires RILP to indemnify the Commission in the event that third parties bring an action against the Commission as a result of failure of the proposed development to withstand and protect against the hazards. To ensure that future property owners are properly informed of this condition and the other terms and conditions of this approval, the approval is also conditioned to require a deed restriction to be recorded against the property involved in the application, imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the subject property (see **Special Condition 6**).

As noted above, the proposed causeway and abutment repair and maintenance project will involve the use of heavy equipment on the causeway for replacing a damaged steel pile, cross bracing and pile caps and installing protective sleeves on existing piles. Although RILP has stated that no equipment, debris, or materials will be stored or disposed of on the beach or in the coastal waters, the proposed project has the potential to generate debris that could be subject to tidal action on the beach. The presence of construction equipment, building materials, and debris on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately or unsafely exposed on the project site. Therefore, in order to ensure that potential hazards are minimized, **Special Condition 3** requires implementation of proposed BMPs to ensure that no stockpiling of debris or construction materials shall occur on the sandy beach or coastal waters and that any and all debris resulting from the construction shall be immediately removed from the project site. In addition, for the same reasons, **Special Condition 3** requires RILP to dispose of all debris at an appropriate location.

For the reasons described above, the Commission finds that the proposed project, as conditioned, will be carried out in a manner that minimizes hazards and is therefore consistent with Coastal Act Section 30253.

4.6 Fill of Coastal Waters

Coastal Act Section 30233(a)(1) states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

Coastal Act Section 30108.2 defines “fill” as “earth or any other substance or material ... placed in a submerged area.” RILP proposes to install a 20-inch diameter steel pile into the nearshore waters and underlying bedrock approximately 25-feet from shore. Installation of a steel pile into the submerged nearshore zone constitutes “fill” of open coastal waters, as that term is defined in the Coastal Act.

The Commission may authorize a project that includes filling of open coastal waters if the project meets the three tests of Coastal Act Section 30233. The first test requires that the proposed activity fit within one of seven use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Allowable Use

The overall purpose of the project is to repair and secure a damaged causeway structure to ensure its structural integrity, to prevent potential damage to the oil and natural gas pipelines that it supports, and to allow the causeway to provide access to Rincon Island for emergency vehicles and oil and gas production and extraction equipment. Due to the energy oriented use of the causeway, the expansion of the existing project footprint (approximately nine square feet for the new pile) and the deposit of additional fill in the coastal zone, the repair project constitutes an "expanded energy" facility, described as an allowed use in Coastal Act Section 30233(a)(1). Therefore, the Commission finds that the project meets the allowable use test for fill of open coastal waters under Coastal Act Section 30233(a).

Least Environmentally Damaging Feasible Alternatives

The Commission must further find that there is no feasible less environmentally damaging alternative to placing fill in open coastal waters. Coastal Act Section 30108 defines "feasible" as "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

In addition to the proposed pile replacement activities, RILP also considered repairing the existing steel pile in place. However, because the broken steel pile is cracked slightly below the sand surface, repairing it in place would have required RILP to carry out more extensive in-water activities than those associated with the proposed pile replacement. To repair the broken pile, RILP would have needed to dredge the sand surrounding the pile (to expose the damaged area), install a sheet pile cofferdam below the causeway to provide a dry work environment, and to carry out extensive welding activities to secure a metal repair sleeve around the broken pile. These activities would have required the placement of additional materials and equipment within nearshore waters and would have required the displacement and removal of a substantially greater amount of coastal waters and sandy substrate habitat. Moreover, daily tidal swings and changing wave conditions would have restricted the time during which these activities could take place, thus extending project timing. On balance, this alternative was rejected because it was considered to be more environmentally damaging when compared to the proposed pile replacement activity.

Commission staff also considered a "no project" alternative, however this would have resulted in continued closure of the causeway to vehicle traffic, a reduction in the causeway's structural integrity, an increased risk of causeway collapse and the potential for additional damage to existing oil and gas transport infrastructure on the causeway and at Punta Gorda.

For the reasons described above, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and therefore the second test of Coastal Act Section 30233(a) is satisfied.

Project Impacts Mitigated to the Maximum Extent Feasible

The final requirement of Coastal Act Section 30233(a) is that filling of coastal waters may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental impacts. As described in greater detail in the coastal and marine resources, hazards and shoreline processes, and public access sections of this report, the mitigation measures required here consist of: construction best management practices, an oil spill prevention and response plan, a waste management plan and additional spill prevention measures to prevent spillage and/or run-off of construction related materials, sediment, or contaminants; a requirement to immediately recover and remove fugitive project materials that enter the ocean or beach area; limits on when and how pile driving can occur, in order to minimize its disturbance to marine life; and a requirement to limit the size and location of staging activities in order to minimize potential disruptions to public access and recreation. These feasible mitigation measures will minimize the project's adverse environmental impacts. Thus, with the imposition of the conditions of this permit, the Commission finds that the third and final test of Coastal Act Section 30233(a) has been met.

Because the three tests have been met, the Commission therefore finds the proposed project consistent with Coastal Act Section 30233(a).

4.7 Public Access

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212 states (in part):

a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The project site is located adjacent to several public shoreline and coastal recreation areas. Mussel Shoals Beach, a narrow sandy beach, extends upcoast from Punta Gorda and the Rincon Island causeway entrance area (as shown in Exhibit 1). Directly downcoast of the project site is a small rocky cove that provides public access to tidepools and a surf break located directly offshore and adjacent to the Rincon Island causeway. Public parking for these areas is provided several hundred feet inland, along the shoulder of Old Pacific Coast Highway at the inland edge of the Mussel Shoals residential neighborhood. Public access to the beach and cove is provided at the terminus of Ocean Avenue adjacent to the project site. Several informal dirt trails begin on the causeway's entrance road and descend the small coastal bluff and rip-rap revetment approximately 20 to 50 feet inland from the fenced causeway entrance pad.

Several aspects of the proposed project could adversely affect public access and coastal recreation in the project area. The placement and/or storage of project materials, equipment, vehicles and machinery in a manner that blocks existing coastal access trails, results in unsafe access or the perception of closure has the potential to impede both coastal access and recreation. To ensure that the proposed project does not adversely affect coastal access or recreation in this way, the Commission is requiring in **Special Condition 7** that all project staging, preparation activities, and equipment and vehicle storage remain within the fenced causeway pad area whenever feasible. **Special Condition 7** also requires project activities outside of this staging area to avoid blocking or impeding access to all beach and coastal access trails and to remain a maximum distance from these access points.

Due to the number of project personnel required onsite during the project, some sites outside of the fenced staging area would be required to park and store private vehicles during weekday construction hours. To ensure that the use of public parking spaces by project vehicles does not significantly reduce the amount of parking available for public beach and coastal access users, RILP has committed to using no more than seven of the approximately 40 public parking spaces available in the project area. These seven spaces would be located on Old Pacific Coast Highway, leaving all of the parking nearest the beach and coastal access points available for the public. A similar approach was adopted during the emergency and unpermitted repair work for this project and RILP observed that adequate public parking was still available during project activities. RILP has also committed to make additional parking available for project personnel at the Greka PCH facility (located approximately two miles downcoast of the project site) and to use a van to carpool these personnel to the Rincon Island causeway construction site so that no more than seven parking spaces are required at the project site.

Coastal access and recreation could also be adversely affected by project activities that result in elevated sound levels at Mussel Shoals Beach, the rocky cove or the nearby surf break. Elevated

project noise levels in these areas could discourage and/or limit certain public uses. RILP's environmental consultant carried out an evaluation of the existing sound levels at and around the project site and modeled the potential sound levels that would result from the proposed activities. This study, titled "RILP Rincon Island Causeway Structural Repair Project – Noise Study," suggests that the loudest proposed work, the installation of a replacement piling with a pile driver, would result in sound levels over 82 decibels at the nearest beach access trail. This would be approximately ten to fifteen decibels higher than the ambient sound levels measured at this location.

Depending on environmental conditions, mainly surf height and wind speed, sound levels on Mussel Shoals Beach may exceed these modeled results and may cause beachgoers to avoid this area. RILP has committed to carry out a variety of measures to minimize these sound levels and reduce the potential for them to result in adverse impacts to coastal access and recreation resources. These noise impact minimization measures include a commitment to ensure that all vehicles and machinery are equipped with functioning exhaust systems and mufflers, to carry out the loudest activity – pile driving – between 10am and 4pm, to notify nearby residents at least seven days prior to initiating pile driving, to limit engine idling times to less than 30 minutes, and to limit pile driving to the minimum necessary to complete the project (less than 30 minutes total on one day). Additionally, RILP would continuously move the equipment spread required for the proposed causeway repairs. The equipment spread would follow the work crew as it moves progressively farther offshore on the causeway, thus increasing the distance between the equipment and shore and reducing the sound levels received at onshore sites.

The Commission finds that, as conditioned, the proposed project will minimize adverse effects to public access and recreation during construction phases and that the project will not have a negative long-term impact on public access in this area. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30212, 30220, and 30221.

4.8 Visual Resources

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located between two public shoreline areas, adjacent to a popular surf break and seaward of the Mussel Shoals residential neighborhood, the Cliff House Inn and the Shoals restaurant. The overall visual character of this general area is residential and open coastline.

The industrial Rincon Island and its causeway are somewhat incongruous visual elements in the project area. This effect is exacerbated at the shoreline side of the Rincon Island causeway, near the public beach and coastal access points, by the security fencing that has been installed in this area. A portion of this fencing was repaired under Emergency Permit E-08-007-G and it is now comprised of eight-foot tall black chain link fencing topped with eighteen inches of razor wire. This fencing extends approximately 50-feet landward of the causeway itself and surrounds the onshore causeway entrance pad (see Exhibit 3). Though temporary, the use of this area for project staging during the emergency and unpermitted development activities further contributed to the industrial visual character of this area, and its proposed use during the approximately ten months of remaining repair activities would have a similar effect.

To minimize the temporary adverse visual impacts that would result from the proposed ten months of project staging and construction activities, the Commission is requiring in **Special Condition 7** that all project staging, preparation activities, and equipment and vehicle storage remain within the fenced causeway pad area whenever feasible. This condition would limit the spread of project activities near the Mussel Shoals residential area and Mussel Shoals Beach and would concentrate the visual elements associated with the proposed project work within a limited footprint. In addition, upon completion of project activities RILP has committed to remove the eighteen inches of razor wire from atop the security fencing at the landward end of the causeway and surrounding the causeway entrance pad. The security fencing itself would remain, to prohibit public access to the causeway and Rincon Island and to ensure that the causeway entrance remains clear and accessible for emergency service and island operations vehicles. However, the visual profile of this security fencing would be reduced to the minimum amount required to achieve this goal. While it is not feasible to remove the security fencing entirely, the removal of razor wire from the fencing near the beach and coastal access points and the Mussel Shoals residential area would increase the visual compatibility of the causeway structure with its surroundings.

The Commission finds that, as conditioned, the proposed project will minimize adverse effects to visual resources during and after project construction phases. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Section 30251.

5 ALLEGED VIOLATION

Development including, but not limited to, the placement of 215 cubic yards of rock rip-rap, the installation of a steel piling repair sleeve and the repair of a piling cap on the Rincon Island causeway, has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an admission of the legality of any development undertaken on the subject site without a coastal permit, or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein (specifically, Special Conditions 1 through 7) and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action for the continuing

violation just as it would have been in the absence of this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied and implemented.

6 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

APPENDIX A

Substantive File Documents

California Coastal Commission. Staff report for coastal development permit application number 3-06-024, January, 11, 2007.

California Coastal Commission. Staff report for coastal development permit application number E-05-002, July 11, 2007.

California Coastal Commission. Staff report for coastal development permit application number 4-08-067, January, 7, 2009.

California Coastal Commission. Staff report for coastal development permit application number 5-08-217, December 10-12, 2008.

California Coastal Commission. Staff report for coastal development permit application number E-07-007, September, 11, 2008.

Ventura County Planning Division. Ventura County General Plan – Coastal Area Plan, September 16, 2008.

Longitude 123, Inc. Project Execution Plan – Rincon Island Limited Partnership Rincon Island Causeway Structural Repair Project, April 12, 2010.



EXHIBIT 1
Aerial image of
causeway,
entrance pad,
revetment and
Mussel Shoals

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



EMERGENCY PERMIT

April 1, 2008

Applicant: Rincon Island Limited Partnership, LLC (Greka)

Emergency Permit No.: E-08-007-G

Project Description: Emergency repair of damaged causeway and abutment leading to Rincon Island oil and gas facility.

Location of Emergency Work: Shoreline of Punta Gorda, Ventura County, at Rincon Island (State Lands Lease No. 1961.1).

Background: Rincon Island Limited Partnership, LLC (RILP) holds State Lands Commission Oil and Gas Lease 1961.1 offshore northern Ventura County. Structures at the lease site include an existing man-made island in nearshore waters and a paved causeway that extends out from the coastal bluff to the island. The causeway consists of an asphalt roadway supported by pilings and rip-rap material located at the abutment to the shoreline. Winter storms in December 2007 washed away several rip-rap boulders and smaller rock which resulted in the loss of a portion of the roadway near the abutment. The causeway also includes an 8-inch oil pipeline which became exposed due to the storm damage. Subsequent to inspecting the causeway and supporting piles, the State Lands Commission (CSLC) ordered the pipeline to be shutdown and flushed, resulting in discontinued production from Rincon Island. Vehicular use of the causeway and access to Rincon Island has also been suspended until emergency repairs to the roadway can be completed.

On January 2, 2008, the CSLC directed RILP to submit a work plan to expeditiously restore the structural integrity of the causeway and abutment. RILP will repair the structure in two phases: Phase I is to conduct emergency repairs as soon as possible and includes placing temporary rip-rap to address the immediate problem of erosion around the exposed abutment, and Phase II is to make long-term repairs to the causeway. In a letter dated February 14, 2008, the CSLC approved the Phase I emergency repairs, with conditions (See Attachment). This emergency permit constitutes approval of Phase I emergency repairs only.

Work Proposed: The work consists of (a) placing 70 cubic yards of rip-rap material beneath the west/southwest side of the causeway abutment; (b) repairing a hole in the asphalt on the causeway; and (c) fixing the fencing along the west side of the roadway, all of which became damaged during winter storms. Before rip-rap is placed, the exposed set of pilings closest to the abutment will be inspected and cleaned and an anticorrosive epoxy coating will be applied. In addition, prior to beginning repair work, the contractor will confirm that the 8-inch diameter oil pipeline has been properly flushed and will locate and mark all additional pipelines and utility lines.

EXHIBIT 2

Emergency
Permit
E-08-007-G

Once the outer rip-rap has been placed, the contractor will remove the section of the roadway that has been damaged and excavate any below-road material to expose the entirety of the void. This excavated material (estimated at 110 cubic yards) will be stockpiled and properly disposed of at a permitted landfill. Once excavation is complete, approximately 25 cubic yards of 6-inch rock will be placed to fill in behind the rip-rap wall. A geo-textile fabric liner will then be placed in the hole and covered with 78 cubic yards of small rock topped with road base to entirely fill the void and secure the abutment. To complete the roadway repair, the road base will be topped with 3 inches (2 tons) of asphalt concrete.

All operations will be land-based; no in-water activities are proposed and no marine vessels will be used. A total of 14 trucks will be used to transport material to the project site and an additional 10 trucks will transport discarded material to an approved recycling or disposal site. Temporary fencing and a gate will be placed around the paved approach apron to the causeway. All equipment will operate within this fenced area and will not affect traffic on Highway 101. Following repairs, the project contractor will remove the temporary gate and fencing and return the site to normal operating conditions.

Other Approvals: The State Lands Commission approved with conditions the proposed emergency repairs in a letter to RILP dated February 14, 2008. The County of Ventura, with the applicant's consent, has agreed to consolidate permit action under this emergency permit for portions of the work in its jurisdiction, consistent with Coastal Act Section 30601.3. RILP has also applied to the Army Corps of Engineers to authorize the emergency repairs.

Executive Director's Determination: This permit constitutes approval of the emergency work you or your representatives have requested to undertake at the location listed above. I understand from your information that an unexpected occurrence in the form of winter storm damage to an offshore paved causeway and the loss of supporting rip-rap material at the shoreline resulting in the shut-in of production at the Rincon Island facility requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services, and is therefore necessary to avert an "emergency" within the meaning of that term as defined in the Commission's administrative regulations. (14 Cal. Code of Regulations (CCR) § 13009).

The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed by May 30, 2008, unless extended pursuant to the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed as time allows; and
- (c) As conditioned, the proposed work would be consistent with the requirements of the California Coastal Act of 1976.

Therefore, pursuant to authority conferred by Public Resources Code § 30624 and 14 CCR §§ 13136 – 13143, I hereby grant an emergency coastal development permit for the proposed work, subject to the attached conditions.

Emergency Permit No. E-08-007-G
Rincon Island Limited Partnership, LLP – 4/1/2008
Page 3 of 5

Very Truly Yours,


PETER M. DOUGLAS
Executive Director

CONDITIONS OF EMERGENCY PERMIT

1. Conditions of the February 14, 2008, State Lands Commission approval are incorporated by reference as conditions of this emergency permit (see attachment).
2. This permit is not valid until a copy of the permit is signed by the permittee or authorized agent acknowledging receipt of the permit and the acceptance of the terms and conditions, and is returned to the Commission office.
3. The authorization conferred by this emergency permit to conduct the activities described in the application shall expire on May 30, 2008 unless, at least 72 hours before that date, RILP applies for and the Executive Director grants for good cause, an extension of that expiration date.
4. RILP shall not deviate from the operations, timing, or sequence of operations specified in the application unless and until authorized by the Executive Director.
5. Within 30 days of completing Phase I, and no later than June 30, 2008, RILP shall submit to the Coastal Commission a regular coastal development permit application to authorize the activities approved herein. Information shall include: as-built plans, work footprint, actual quantities of material used (if different than the amount specified within this emergency permit), BMPs used, final deposition amounts and location of any waste material. The application shall also include proposed Phase II repairs. As part of Phase II, RILP shall evaluate relocation of the pipeline from the causeway.
6. All construction work shall take place between the hours of 7 a.m. and 7 p.m. Monday through Friday.
7. No fill beyond that described in the project description (i.e., the footprint of the rip-rap wall and causeway) shall be placed without additional written approval of the Executive Director. Other than in the immediate area of the damaged rip-rap, the bluff face and toe of the bluff slope shall not be altered in any way.
8. Best Management Practices (BMPs) for repair activities, rip-rap placement, containment and cleanup shall be implemented to minimize sedimentation of surrounding waters.

EXHIBIT 2 Emergency Permit E-08-007-G

9. All feasible measures shall be taken to achieve 100% containment of the asphalt concrete and other roadway materials used during the project as well as any water exposed to those materials. All excess materials not needed for the rip-rap replacement and road repair shall be removed from the project area and properly disposed of offsite in an upland area. A vacuum truck shall be on site at all times during operations using these materials.
10. RILP and its contractors shall implement RILP's *January 2008 Rincon Island Oil Spill Response Plan*. If there is a spill or hazardous material release (including oil, fuel, other petroleum products, or any hazardous chemicals), RILP shall immediately contact Coastal Commission staff member Ellen Faurot-Daniels at 415/904-5285 or 415/201-5792 (pager), and shall provide via facsimile (415-904-5400) a daily log that fully describes the incident.
11. Equipment shall not be refueled on the causeway over the water or in areas where adequate spill prevention and response measures are not in place.
12. Equipment shall be inspected daily for fuel or fluid leaks. Leaking equipment shall be repaired or replaced immediately.
13. RILP shall install protective barriers under all heavy equipment to insure that fuel or fluid leaks do not contaminate soil, coastal waters, or groundwater.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
200 Oceangate, 12th Floor
Long Beach, CA 90802-4331



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (562) 590-5205
Contact FAX: (562) 590-5210

February 14, 2008

File Ref: PRC 1466.1
W 40031.6

Ms. Susan Whalen, Vice President
Rincon Island Limited Partnership
6527 Dominion Road
Santa Maria, CA 93454

Subject: Rincon Island Causeway Abutment Emergency Repair - January 2008

Dear Ms. Whalen:

This is in response to your contractor's work plan entitled "Rincon Island Causeway Abutment Emergency Repair January 2008" dated January 21, 2008 addressing temporary (Phase I) repairs to the causeway and the preliminary information we received on February 7, 2008, addressing the permanent (Phase II) repairs to the causeway. Our staff has completed review of the submitted information and we approve the proposed Temporary (Phase I) Causeway Repair Plan as submitted with the following conditions:

1. Precautions shall be taken during excavation of the roadway to avoid damage to the hydrocarbon pipelines and utility lines.
2. After roadway excavation, the backfill around the pipeline crossing shall be engineered to minimize the loading on the pipeline from the anticipated heavy loads from drilling rig and other heavy equipment.
3. Rincon Island Limited Partnership (RILP) shall provide quantity estimates for various materials needed for the proposed repair work and information on the disposal site for the excavated material from the project.
4. Discharge of any asphalt, concrete, or other material into ocean SHALL NOT be allowed.
5. Any deviations from the approved plans and procedures will require prior review and approval from the Commission's engineering staff.

EXHIBIT 2
State Lands
Commission
Letter of
Approval

Ms. Susan Whalen
February 14, 2008
Page 2

6. Copies of daily job logs either electronically or via fax (562) 590-5295 shall be provided to this office before noon the following day.
7. Please notify either James Hemphill at (562) 590-3142 or Chandra Basavalinganadoddi at (562) 590-5209 at least 48 hours prior to commencement of repair work on the causeway and 48 hours before planned reopening of the causeway to vehicular traffic.

All work shall be carried out in compliance with requirements of all other applicable Federal, State and Local agency codes and regulations. All necessary permits from other involved agencies shall be obtained prior to start of the repair work. Please provide us copies of the permits from other involved agencies.

We have also reviewed the engineering plan for removing the mobile drilling rig off the Rincon Island. Although we concur with the engineer's proposal, we strongly recommend removing the rig from the Island after completion of the temporary (Phase I) repairs. In addition, follow-up on the recommendations of the 2006 baseline inspection to restore and maintain the structural integrity of the causeway must be completed. These include:

1. Detailed inspection of all stringer-to-pile cap connections to verify connection competency and development of repair/replacement design.
2. Inspection and replacement/repair of the lateral bracing system throughout the causeway.
3. Inspection and replacement/repair of the pile caps throughout the causeway.
4. Testing annually of the cathodic protection system by a qualified corrosion technician/engineer.
5. Structural inspection of the above water portion of the causeway by a California registered civil/structural engineer annually.
6. Structural inspection of the underwater portion of the causeway by a California registered civil/structural engineer annually until the causeway has been repaired and determined to be in good condition.

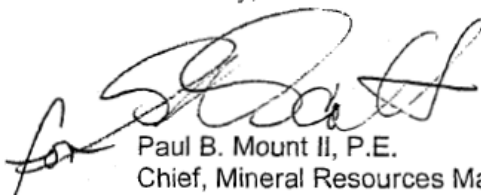
All inspections of the causeway as recommended in the 2006 Baseline Inspection and necessary for the development of the Permanent (Phase II) Causeway Repair Plan shall be completed by April 30, 2008. The Permanent (Phase II) Causeway Repair Plan, prepared by a California registered civil/structural engineer shall be

Ms. Susan Whalen
February 14, 2008
Page 3

completed by May 31, 2008. Permanent causeway repair work should commence as soon as practical after approval of the Phase II Causeway Repair Plan by the Commission staff.

The approval granted by this letter is for Phase I of the Causeway repair and does not include approval of the return to production of Rincon Island. Commission staff will consider approval to return Rincon Island to production only after the satisfactory completion of Phase I Causeway repairs, hydrostatic testing of the oil and gas pipelines, and approval of the detailed Phase II permanent Causeway repair plan. If you have any questions, please call me at (562) 590-5205 or James Hemphill (562) 590-3142.

Sincerely,

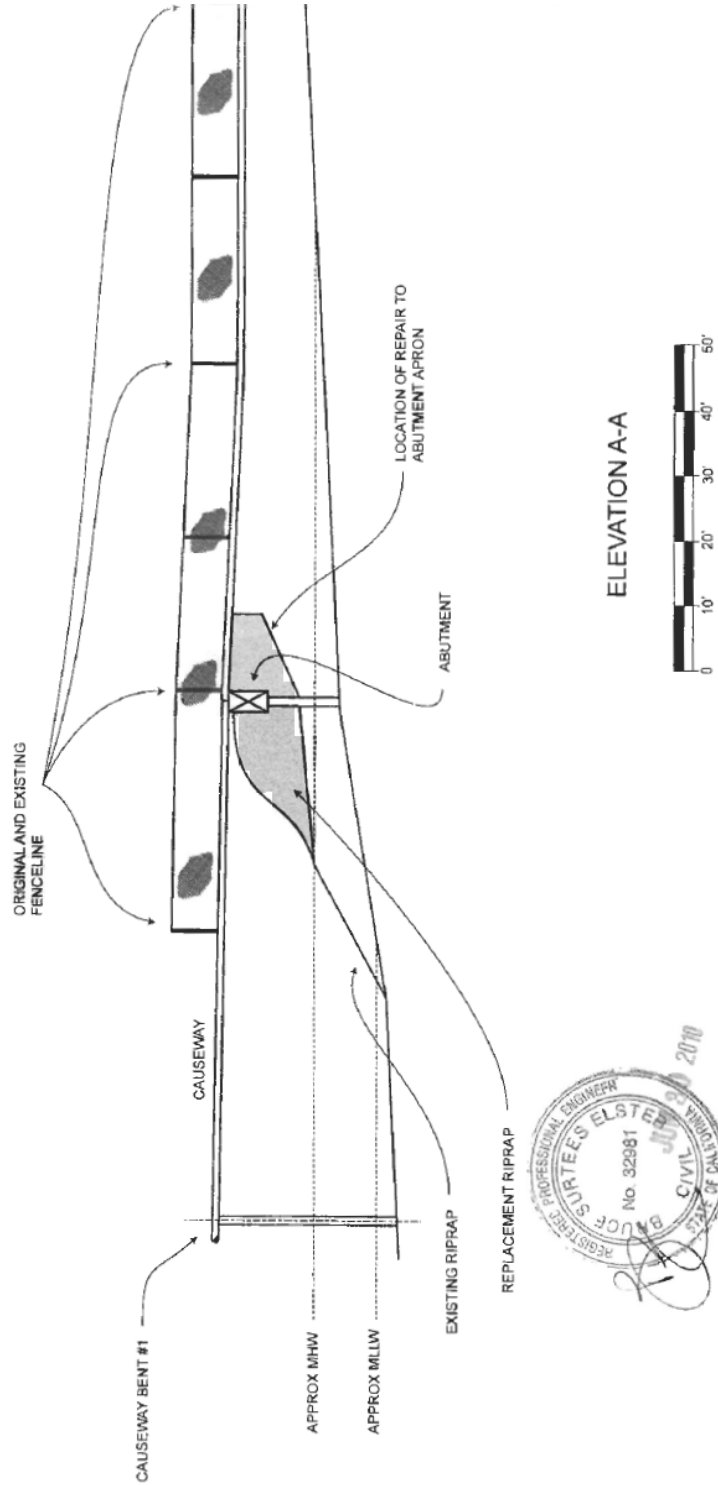
A handwritten signature in black ink, appearing to read "Paul B. Mount II", is written over a horizontal line.

Paul B. Mount II, P.E.
Chief, Mineral Resources Management

cc: Ms. Allison Dettmer, California Coastal Commission



EXHIBIT 3
Causeway
Security Fence,
Entrance Pad
and Revetment



SHORELINE ENGINEERING STRUCTURAL AND CIVIL	DRAWING NO.	MIS	L1
	APPROVED BY	BSE	
	DATE	1/21/09	AS

EXHIBIT 3
Revetment
Repair Section



DOCUMENT TITLE:	PROJECT EXECUTION PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	April 12, 2010	REVISION:	1
DOCUMENT NO:	08-013-PD-002	PAGE:	54 of 121

2.5 Manpower and Equipment Requirements

The repair strategy is based on using two separate crews working from either end of the causeway to make the repairs. The Shore Crew will start at the abutment, completing the Abutment-to-Bent 01 lateral bracing installation and the Bent 01 pile cap AWS inspection and coating. The Island Crew will start at Bent 68 working shoreward installing lateral bracing, installing piling repair sleeves and repairing or replacing pile caps. Each crew will be supported by a boom truck and be equipped with welding equipment, rigging, and under-deck scaffolding. At night the equipment supporting the Island Crew will be stored on the island and the equipment supporting the Shore Crew will be stored on the causeway asphalt apron. Both crews will work 10 hours per day, 6 days per week.

2.6 Best Management Practices

APC will employ all Best Management Practices required to mitigate all pollution risks. APC and RILP have agreed to minimize the source of risks and thereby reduce overall spill and pollution risks on this project. Specifically, there will be no major oil spill risks as the oil production pipeline that crosses the causeway is currently shutdown and will remain shut down until all the repairs are completed and the causeway is reopened by RILP. This eliminates the primary oil spill risk on this project. Additionally, the repair work does not involve any soils work, grading or excavation so there are no rainwater pollution issues from disturbed soil or stockpiles.

Project spill and pollution risks are limited to the following:

- Spills from repair equipment on the causeway.
- Pollution from rainwater runoff from equipment on the causeway.
- Debris dropped in the water.
- Sanitary considerations.

BMP's are as follows:

- BMP-01** A temporary containment basin will be installed on the scaffolding underneath the work areas to capture corrosion debris. All captured debris will be swept or vacuumed and placed in covered containers for shipment to approved landfill disposal or recycling.
- BMP-02** All hand tools will be tethered with safety lanyards and snap hooks for use in ensuring that hand tools do not fall into the water.
- BMP-03** All welding rod will be placed in sealed rod containers when lowering to welders working below the causeway deck. All welding rod stubs will be saved in rod-buckets placed on the scaffolding and recovered to the causeway deck and placed in covered containers for shipment and disposal at approved landfills.





DOCUMENT TITLE:	PROJECT EXECUTION PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	April 12, 2010	REVISION:	1
DOCUMENT NO:	08-013-PD-002	PAGE:	55 of 121

- BMP-04** Project trash will be placed in covered containers lined with plastic bags. All trash will be shipped offsite to approved trash processors.
- BMP-05** Drip pans or catch basins will be placed under the engines of all equipment operating from the causeway deck.
- BMP-06** Equipment exhibiting leakage will be shut down immediately and repaired or replaced.
- BMP-07** All equipment will be maintained in good working order.
- BMP-08** No equipment wash-down will be permitted at the worksite.
- BMP-09** A spill kit will be maintained at both ends of the causeway for use in containing and cleaning up minor equipment spills.
- BMP-10** An absorbent tarp will be placed underneath the crane used to perform the piling driving operation at Bent 03, Pile 004.
- BMP-11** During rain events when work is taking place on the causeway (over water), the equipment will be covered with waterproof tarps to prevent the equipment and work area from getting wet. These tarps will prevent equipment runoff.
- BMP-12** All scrap steel will be recovered to the deck of the causeway and hauled off for recycling or proper disposal. APC will not permit cut off steel to be dropped in the water.
- BMP-13** Sanitary needs of the crews will be taken care of by the stationing of Porta-Potties at either end of the causeway. All sanitation support will be stationed on land.

2.7 Waste Management Plan

This project will generate a variety of waste streams that must be properly managed. These waste streams are sanitary waste; corrosion debris; steel debris; welding debris; sandblasting debris; paint trash; and trash and rubbish. APC will manage these waste streams as follows:

- 2.7.1 Sanitary Waste** - APC will utilize a local Porta-Potty service to provide temporary sanitary facilities and maintenance of those facilities.

Marborg Industries, Santa Barbara, CA. 93140

- 2.7.2 Corrosion Debris** – Scaling of the various steel surfaces will produce corrosion debris. These non-toxic, non-hazardous corrosion products will be captured, contained and shipped to a local landfill. The volume of the corrosion debris from the entire project is estimated at approximately 1 ton.

Consolidated Waste Disposal Services, Ventura, CA. 93002

- 2.7.3 Steel Debris** – Approximately 10 tons of scrap steel will be generated during this project, including the recovered Pile 004 and scheduled pile cap replacements. The scrap steel





DOCUMENT TITLE:	PROJECT EXECUTION PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	April 12, 2010	REVISION:	1
DOCUMENT NO:	08-013-PD-002	PAGE:	56 of 121

volume may be overstated if APC finds that fewer pile cap repairs are required. The scrap steel will be collected and shipped to a local recycler for processing:

Recycler to be determined based on best pricing.

- 2.7.4 Welding Debris** – Welding debris will consist of contained welding slag and welding electrode stubs. Welding debris volume is estimated at approximately 500 pounds. These items will be contained, collected and shipped to a local landfill for disposal.

Consolidated Waste Disposal Services, Ventura, CA. 93002

- 2.7.5 Sand Blasting Debris** – The copper slag sandblasting abrasive will be captured, contained and recovered for recycling and reuse by APC. These recovered materials will not be disposed but will be reused.

- 2.7.6 Paint Trash** – Paint cans, rags, stirring sticks and the like will be stored and shipped to an approved local landfill for disposal.

Consolidated Waste Disposal Services, Ventura, CA. 93002

- 2.7.7 General Trash and Rubbish** - Non-toxic, non-hazardous trash and rubbish will be captured, contained and shipped to a local landfill.

Consolidated Waste Disposal Services, Ventura, CA. 93002

2.8 Oil Spill Prevention and Response Plan

This Oil Spill Prevention and Response Plan (OSPR) has been prepared by APC specifically for this project. The purpose of this OSPR is to present the procedures and protocols that will be utilized in the event of a marine oil spill resulting from the repair activities.

Potential hydrocarbon spill sources on this project are limited to spillage or leakage of fuel or lubricants from the equipment used to perform the repair activities.

- 2.8.1 Spill Definition - Minor vs. Major** - For purposes of this OSPR, a minor spill is defined as five barrels or less and a major spill is defined as more than five barrels. There are no major spill risks anticipated on this project.

- 2.8.2 Equipment Leakage and Fueling Spills** – Multiple pieces of motor driven equipment will be utilized at the project site and all will be diesel fueled and lubricated with motor oil. Potential leakage sources include refueling operations, fuel tank leaks, and engine or equipment leakage or breaks.

Minor spill containment materials will be stored at both ends of the causeway and will be readily available in the event of a spill.

Fueling spills are the primary spill risk on this project. As such, APC will only fuel its equipment at the site on the causeway asphalt apron or the island's asphalt yard.





DOCUMENT TITLE:	PROJECT EXECUTION PLAN	REVISION:	1
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT	PAGE:	57 of 121
REVISION DATE:	April 12, 2010		
DOCUMENT NO:	08-013-PD-002		

Leakage from equipment will be mitigated through the use of catch basins mounted underneath the diesel engine of each piece of diesel-driven equipment. Crews will be directed to monitor the equipment for leakage and if observed, will cease equipment operation and repair or replace the source of any leakage.

2.8.3 Oil Spill Response Team – The APC Shore Crew and Island Crew will serve as the onsite spill response team to handle minor spills during the repair activities. The onsite response team is responsible for reporting, containing and clean-up of all minor spills using onsite equipment and procedures. The onsite team will be supervised by the APC Marine responsible person.

2.8.4 Onsite Response Equipment - APC will maintain two spill containment and cleanup kits at the site consisting of the following items. The kits will be stored at the abutment apron and Rincon Island:

Table 2-1 Onsite Spill Response Equipment Inventory

Quantity	Equipment Type
500 ft.	Absorbent Boom
200	3M Type 156 Sorbent Pads
1	Can Absorbent Granules
4	Shovels
100	Plastic Storage Bags

2.8.5 Minor Oil Spill Response Procedures - This scenario consists of minor spillage of oil or oily water (less than 5 barrels) from any of the APC equipment as the site

Table 2-2 Minor Marine Oil Spill Response Procedures

Responsible Person	Action
APC Project Manager	<ul style="list-style-type: none"> • Stop work in area of spill. • Assess the spill size and type of material spilled. • Take action to contain the spill and prevent further spillage. • Maintain surveillance of source and oil slick. • Assist the onsite response team in implementing clean up procedures including deployment of the absorbent boom and sorbent pads and proper storage and disposal of oily debris and sorbent pads. • Account for all personnel and ensure their safety. • Determine if there is a threat of fire or explosion. • If a threat of fire or explosion exists, suspend all control and/or





DOCUMENT TITLE:	PROJECT EXECUTION PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	April 12, 2010	REVISION:	1
DOCUMENT NO:	08-013-PD-002	PAGE:	58 of 121

Responsible Person	Action
	<p>response operations until the threat is eliminated.</p> <ul style="list-style-type: none"> Assess the spill situation to determine the status of response operations, estimate spill volume, estimate speed and direction of oil slick movement and determine resource needs.
APC Project Manager	<ul style="list-style-type: none"> Notify appropriate agencies including: <ul style="list-style-type: none"> National Response Center (800) 424-8802 California Office of Emergency Services (800) 852-7550 State Lands Commission (562) 590-5201 Regional Water Quality Control Board (510) 622-2356 California Department of Fish and Game/OSPR (916) 445-0045 U.S. Coast Guard Marine Safety Office (510) 437-2843 Oil Wildlife Care Network (530) 754-9035

Table 2-3 Emergency Agency Notification Matrix

CALIFORNIA RELEASE NOTIFICATIONS Note: Local Teams Call 911			
RELEASE To LAND (PRIMARY)		RELEASE OR POTENTIAL RELEASE TO WATER (PRIMARY)	
California Office of Emergency Services (COES) (OES notification serves as notifications to California Fish & Game OSPR) (5 or more gallons or pose significant, present or substantial harm) (Immediately)		California Office of Emergency Services (COES) (OES notification serves as notifications to California Fish & Game OSPR) (Report all spills in or near state waters) (Immediately)	
Emergency Calls	(800) 852-7550	Emergency Calls	(800) 852-7550
Routine Calls	(916) 845-8911	Routine Calls	(916) 845-8911
Fax	(916) 845-8910	Fax	(916) 845-8910
California State Fire Marshal (if jurisdictional) (Immediately)		California State Fire Marshal (if jurisdictional) (Immediately)	
Sacramento Phone	(916) 445-8477	Sacramento Phone	(916) 445-8477
Fax	(916) 445-8526	Fax	(916) 445-8526
Bakersfield	(661) 587-1601	Bakersfield	(661) 587-1601
Southern California	(562) 497-9100	Southern California	(562) 497-9100
Contra Costa County All releases within Contra Costa County regardless of quantity or affected medium.	(925) 646-1112	Contra Costa County All releases within Contra Costa County regardless of quantity or affected medium.	(925) 646-1112

The Lempert-Keene Seastrand Oil Spill Prevention and Response Act (SB 2040) requires notification of the California Office of Emergency Services when oil spills occur or threaten to occur from facilities, vessels, or pipelines into California marine waters. In addition, Condition No. 8 of the 401 Cert. requires that Regional Water Quality Control Board be notified immediately at (510) 622-2356.





DOCUMENT TITLE:	PROJECT EXECUTION PLAN		
PROJECT TITLE:	RINCON ISLAND CAUSEWAY STRUCTURAL REPAIR PROJECT		
REVISION DATE:	April 12, 2010	REVISION:	1
DOCUMENT NO:	08-013-PD-002	PAGE:	59 of 121

Essential agency notifications are further assured by the California Office of Emergency Services and the National Response Center, since they will notify related state and federal agencies.

If a spill impacts navigable waters, notification of the National Response Center is mandatory and normally results in simultaneous notification of the U.S. Coast Guard. However, a separate call will also be made to the local U.S. Coast Guard office in Alameda at (415) 399-3547.

Based on the spill trajectory analysis, if the spill is a threat to the shoreline, the appropriate local fire department will be contacted. This would not normally be an immediate notification.

