STAFF REPORT

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PRC 1390.1

S 17 C. Hudson

GENERAL LEASE – INDUSTRIAL USE

APPLICANT:

Dynegy Morro Bay, LLC

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

5.23 acres, more or less, of sovereign land in the Pacific Ocean, Morro Bay, San Luis Obispo County.

AUTHORIZED USE:

Removal of the offshore non-operational marine terminal's existing 24-inch-diameter pipeline, 16-inch-diameter pipeline, and appurtenant improvements under the Dynegy Morro Bay Power Plant Marine Terminal Decommissioning Project.

LEASE TERM:

5 years, beginning February 3, 2018

CONSIDERATION:

$18,325 as the Annual Base rent, subject to adjustment by the Consumer Price Index (CPI) in accordance with the special terms and conditions in the lease.

SPECIFIC LEASE PROVISIONS:

1. Lessee is authorized to proceed with the removal of the offshore marine terminal substantially as described in the Mitigated Negative Declaration (CSLC MND No. 791), and the Mitigation Monitoring Program (MMP) as provided in Exhibit C. The Project anticipates removal of all improvements from the Lease Premises. In the event that removal of all or any portions of any improvements proves to be infeasible, Lessee agrees to submit an application and minimum expense deposit for the improvements that remain in place no later than 2 years prior to the Lease expiration.

2. Upon Lessee's demonstration to the Executive Officer's or his/her designee's satisfaction of the successful removal of all improvements from the Lease Premises, this Lease shall terminate upon the execution of a quitclaim deed by Lessee, and the execution and written acceptance of said quitclaim by the Executive Officer or his/her designee.

3. Lessee shall prepare a post-project written narrative report (Report) confirming Project completion. The Report shall document all removal activities from Project implementation to completion and shall include a detailed discussion of any significant field changes or other modifications to the approved design or execution plan. The Report shall also provide details of any extraordinary occurrences such as spill incidents, critical operations curtailment, accidents involving serious injury or loss of life, etc. Photos of pipeline removal during construction shall be provided with the Report, including detailed photos of shoreline activities (i.e., the pipeline as excavated, cut, and capped). Said Report shall be provided to Lessor's staff for review and approval within sixty (60) days of Project completion. The Executive Officer or his/her designee shall provide written notification to Lessee within sixty (60) days of receipt of the Report whether the Report demonstrates satisfactory clearance of the Lease Premises or if further evidence or additional site clearance is required.

4. Lessee shall require its authorized contractor(s) to maintain a logbook during Project operations to keep track of all debris or objects of any kind that fall into the water. The logbook should include the type of debris, date, time, and location to facilitate identification and location of debris for recovery and site clearance verification. All waste material and debris created by Lessee or its authorized contractors shall be promptly and entirely removed from the Lease Premises and lands subject to Lessor's jurisdiction.

5. Consideration: Lessee shall be relieved of its obligation under the Lease to pay $18,325 in annual base rent, beginning on the first anniversary of the Lease following verification by the Executive Officer or his/her designee of the removal of all improvements from the Lease Premises.

BACKGROUND:

On August 25, 1954, the Commission authorized a 49-year Right-of-Way easement to Pacific Gas and Electric Company (Item C22, August 25, 1954) for

the offshore marine terminal facilities. The marine terminal was used to offload tanker ships supplying fuel oil to the Morro Bay Power Plant (MBPP) for its power generation operations. MBPP was a dual-fuel generating facility, capable of operating on fuel oil delivered by marine tanker or natural gas delivered by a terrestrial pipeline. The original MBPP facilities consisted of the power plant facility, onshore fuel oil tankage, and a marine terminal. The marine terminal consisted of a five-point offshore tanker berth mooring and a 24-inch-diameter submarine pipeline that was used to transfer fuel oil from tanker ships to the onshore tankage.

On March 13, 1975, the Commission authorized an amendment of the lease (Item C13, March 31, 1975) to expand the marine terminal to accommodate larger tankers. On December 15, 1976, the Commission authorized an amendment of the lease (Item C36, December 15, 1976) for the installation of a 16-inch-diameter pipeline to recirculate oil to heat the existing connecting 24-inch-diameter pipeline and act as a back-up line in the event the major line became inoperable.

In the early 1990s, the operational status of the marine terminal's fuel oil pipelines was changed to "caretaker status," as defined in U.S. Coast Guard regulations; the pipelines remain out of service. Some facilities appurtenant to the marine terminal were removed in their entirety and the pipelines were purged and cleaned. The pipelines remain intact on the seafloor and are protected by an impressed current cathodic protection system. The lease has been assigned several times, resulting in its current ownership by Dynegy Morro Bay, LLC.

Additionally, the Commission authorized several short-term leases. On February 2, 2004, the Commission authorized a 2-year General Lease – Industrial Use (Item C26, February 2, 2004) to Duke Energy Morro Bay, LLC, to consider the decommissioning of the remaining marine terminal improvements. On February 9, 2006, the Commission authorized a 2-year General Lease – Industrial Use with provisions of a conditional assignment for the change of ownership (Item C22, February 9, 2006) from Duke Energy Morro Bay, LLC, to LS Power Generation, LLC. On October 22, 2009, the Commission authorized a 5-year General Lease – Industrial Use to Dynegy Morro Bay, LLC, for maintenance of an existing 16-inch-diameter pipeline, an existing 24-inch-diameter pipeline, and one concrete anchor, chain, and marker buoy (Item C40, October 22, 2009). On June 21, 2013, the Commission authorized a 5-year General Lease – Industrial Use for continued maintenance of an existing pipeline end manifold, two pipelines, and one concrete anchor (Item C74, June 21, 2013). That lease expired on February 2, 2018. The Applicant is now applying for a new lease for the removal of the offshore non-operational marine terminal's existing 24-inch-diameter pipeline, 16-inch-diameter pipeline, and appurtenant

improvements under the Dynegy Morro Bay Power Plant Marine Terminal Decommissioning Project.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

California Environmental Quality Act:

The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study identified several potentially significant impacts to aesthetics, air quality, biological resources, cultural resources and tribal cultural resources, hazardous materials, hydrology and water quality, noise, recreation, transportation, and utilities and service systems, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts "to a point where clearly no significant effects would occur" (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that "there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment" (State CEQA Guidelines, § 15070, subd. (b)(2)).

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), staff prepared a Mitigated Negative Declaration (MND) identified as CSLC MND No. 791, State Clearinghouse No. 2018011013. The MND and Initial Study were circulated for a 30-day public review period from January 10 to February 9, 2018. Staff received six comment letters: three from State and local agencies, one from an individual, and two from Tribes. In response to these comments, staff revised the MND as follows.

<u>California Department of Fish and Wildlife (CDFW): Trustee/Responsible Agency</u>

1. Request to recognize potential need for Lake or Streambed Alteration Agreement and to disclose Incidental Take Permit requirements	CDFW is added in Table 1-1 of MND for potential requirement for Lake or Streambed Alteration Agreement.

2. Impact designation concerns for riparian and dune habitat resources	On MND page 3-61, the impact designation is changed to less than significant for potential impacts to disturbed dune habitat within the MBPP Facility Segment. Since the pipelines would be abandoned in place and no physical disturbance of this segment is proposed, the impact to riparian vegetation and dune habitat within the Sand Dune Segment remain "No Impact."
3. Updates to information references and contact information in Appendix K, Contaminated Materials Management Plan (CMPP) and Appendix L, Oil Spill Response Plan (OSRP)	Information updates to the Plans are noted and will be made during the final review and approval of these plans by the approving agencies as required with Mitigation Measure (MM) HAZ-1 (OSRP) and MM HAZ-3 (CMPP). As requested, the reference to obsolete Fish and Game Code sections 900-903 in Appendix A was removed.

San Luis Obispo County Air Pollution Control District (APCD): Responsible Agency

1. Request for Applicant to demonstrate prior to construction that emissions will be below identified significance threshold(s) 2. Identification of Standard Mitigation Measures and Best Available Control Technology for construction equipment 3. Additional information on construction equipment and associated thresholds	In response to comments 1-3, added APCD measures for Standard Mitigation Measures for Construction Equipment and Best Available Control Technology for Construction Equipment to MM AQ-1 and MM AQ-2. The Applicant also committed to provide specific data for construction equipment to the APCD once a contract was awarded and prior to construction.
4. Recommended mitigation measures if hydrocarbon contaminated soil is encountered	MM HAZ-2, Hydrocarbon Contaminated Soil, is added to the MND with the APCD's required measures and permit requirements, which will be implemented if hydrocarbon contaminated soils are encountered during construction activities. This is not a new or elevated impact, but MM HAZ-2 was added to ensure that all applicable mitigation measures are in place and that potential

	impacts are less than significant with mitigation.
5. Identified APCD permit requirements for demolition of structures with lead-based paint	Decommissioning activities are not anticipated to involve removal of structures with lead-based paint.
6. Disclosure of regulatory jurisdictions and requirements for activities involving asbestos-containing material	The APCD's requirements for asbestos-containing materials are incorporated into MM HAZ-5, Asbestos Work Plan.
7. Identification of dust control measures for projects within 1,000 feet of sensitive receptors	The APCD's Dust Control Measures are added to MM AQ-3, Fugitive PM_{10} Mitigation Measures.
8. General permit requirements for construction equipment	Table 1-1 of the MND identifies the APCD permitting requirements for the Project. The Applicant committed to provide specific data for construction equipment to the APCD once a contract was awarded and prior to construction.
9. Request for inclusion of construction phase idling control techniques	MM AQ-5, Idling Control Techniques, was added to the MND to include the APCD measures for construction phase idling limitations. This is not a new or elevated impact, but MM AQ-5 was added to ensure that all applicable mitigation measures are in place and that potential impacts are less than significant with mitigation.

County of San Luis Obispo Department of Health (SLODH): Responsible Agency

1. Identification of SLODH requirements for the project	SLODH is added in Table 1-1 of MND as an agency requiring a permit for closure of the anode wells and requirement for a Hazardous Materials Business Plan.
2. Updates to Appendix K, Contaminated Materials Management Plan (CMPP) and Appendix L, Oil Spill Response Plan (OSRP)	As requested, the Department of Toxic Substances Control was added as a responsible party for the review and approval of the CMPP. Information updates to the Plans will be made during the final review and approval of these plans by the approving agencies during

	implementation of the Mitigation Monitoring Program.

David Stevig (Individual)

1. Questions why existing pipelines are proposed for removal and how that would impact recreation and water quality	Commenter was notified of the sections in the MND that addressed his comments.

Comments from the yak tityu tityu – Northern Chumash Tribe (Mona Olivas Tucker, Chair) and Northern Chumash Tribal Council, Inc. (Fred Collins, Chair) are addressed below under Tribal Cultural Resources.

Additional Revisions by Commission Staff

Commission staff also identified additional corrections after the MND was published and revised the MND as follows:

- In Section 1, Introduction, information was added to describe pigging and flushing work that was conducted during maintenance of the pipeline in Fall 2017, which required correction of information describing activities that had already been performed or that would be performed in the future. Deleted information included deletion of one figure (Figure 1-3), associated text in the Introduction and Project Description sections referring to Figure 1-3, and an edit to Figure 1-2 that referenced Figure 1-3.

- Information was added to Table ES-1 and Table 2-1 to describe decommissioning activities for the cathodic protection system, anode beds, and anode well within the MBPP Facility Segment, for consistency with this description in other areas of Sections 1 and 2.

Tribal Cultural Resources

In keeping with its Tribal coordination practices and pursuant to the Commission's Tribal Consultation Policy, staff also separately notified the seven California Native American Tribes identified by the Native American Heritage Commission (NAHC) of the availability of the MND for public comment, and staff received responses from two Tribes:

- yak tityu tityu – Northern Chumash Tribe (Mona Olivas Tucker, Chair): Chair Tucker indicated that the Project is located in her Tribe's homeland and that Morro Bay and neighboring areas are considered culturally sensitive. Chair Tucker further requested monitoring of Project activities by a Northern Chumash person and an archaeologist knowledgeable and experienced in the materials of the Northern Chumash.
- Northern Chumash Tribal Council, Inc. (Fred Collins, Chair): Chair Collins indicated that the engineering and removal process appeared to be adequate. Chair Collins further indicated his Tribe's belief that the Chumash homeland is more extensive than indicated in the MND and stated his Tribe's belief that the Project area should be characterized as exclusively affiliated with the Chumash people.

In response to these comments, Commission staff added a statement to Section 3.6.1.3 of the MND to indicate that the Chumash people's stated historical territory extends from Malibu in the south to as far north as Ragged Point in San Luis Obispo County. In response to the territorial claim, Commission staff consulted with the NAHC, the government agency with expertise and jurisdiction over this topic. The NAHC staff reiterated its prior stated position that both the Salinan people and the Chumash people currently claim cultural and historical affiliation to the Project area. MM TCR-1 in the MND provides for Tribal cultural resource monitoring by culturally-affiliated Tribes and would address the comments regarding the need for Tribal monitoring of Project activities.

Conclusion

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

Based upon the Initial Study, the MND, and the comments received in response thereto, there is no substantial evidence that the Project will have a significant effect on the environment; California Code of Regulations, title 14, section 15074, subdivision (b). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in Exhibit C, attached.

Public Trust and State's Best Interests Analysis:

The California Legislature has delegated to the Commission exclusive control and jurisdiction over ungranted Public Trust lands. (Pub. Resources Code, §§ 6216, 6301.) The Commission also retains State authority reserved over lands that have been legislatively granted in trust to other governmental entities. (Pub. Resources Code, § 6301.) The Commission implements the common law Public Trust Doctrine through careful consideration of its principles and the exercise of discretion within the specific context and location of proposed uses. In administering its trust responsibilities, the Commission exercises its discretionary authority in the best interests of the State, accommodating the changing needs of the public while preserving the public's right to use Public Trust lands for the purposes to which they are uniquely suited.

The offshore marine terminal and a portion of the existing pipelines are located on ungranted sovereign land under the Commission's jurisdiction. The pipelines continue across sovereign land that has been legislatively granted to the County of San Luis Obispo, pursuant to Chapter 1076, Statutes 1047, Amended Ch. 1874 Stats. 1957 (subsequently transferred to the City of Morro Bay). The portions of the pipelines within the legislative grant and continuing onshore to the power plant are not subject to the current action but are discussed here to provide additional context.

The Applicant is requesting Commission authorization for the proposed Dynegy Morro Bay Power Plant Marine Terminal Decommissioning Project to remove the marine terminal components and terminate the lease upon successful Project completion. The Applicant will attempt to remove all existing components associated with the upland marine terminal in their entirety, except for the portions of both pipelines in the sand dune segment, where both pipelines will be filled with cement and abandoned in place. The pipeline segments proposed to be abandoned are not located within the lease premises. The Applicant will make a good-faith effort to remove the remaining portions of both pipelines in their entirety; however, whether complete removal of both pipelines in the surf zone can be accomplished will not be known until the Project commences, due to uncertainties with the pipelines' condition in this location, and whether the preferred removal method, dynamic pipe ramming, will be effective in light of those uncertainties. The project is anticipated to occur between June and October 2018.

If the improvements are successfully removed from the lease premises, the Lease will terminate upon execution and the written acceptance of a

quitclaim deed by the Commission's Executive Officer or his/her designee. If it is determined to be infeasible to remove all improvements from the lease premises at this time, the current Lease will remain in effect for the remaining improvements.

The proposed lease will include provisions requiring the Applicant to inspect, repair, insure, and indemnify the State for those improvements that may not be feasible for removal. In addition, staff believes that the use does not substantially interfere with the Public Trust needs and values at this location because the existing pipelines are buried beneath the seafloor and will have a negligible, if any, impact on recreational use of the Pacific Ocean.

Given the short duration of the Project and because no permanent infrastructure is proposed (existing infrastructure from the beach and offshore will be removed), sea-level rise is not expected to have any effect on the Project. Section 5.1 of the MND provides further background and discussion on sea-level rise in the Project area.

For all the reasons above, staff believes issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

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

FURTHER APPROVALS REQUIRED:

City of Morro Bay
San Luis Obispo County Air Pollution Control District
County of San Luis Obispo Department of Health
California Coastal Commission
California Department of Fish and Wildlife
Central Coast Regional Water Quality Control Board

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
National Marine Fisheries Service
U.S. Coast Guard

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the MND, CSLC MND No. 791 (February 2018), State Clearinghouse No. 2018011013, was prepared for this Project in compliance with the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response thereto, and that the MND reflects the Commission's independent judgment and analysis.

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

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed decommissioning Project will not substantially interfere with the public rights to navigation or with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of Lease No. PRC 1390.1, a General Lease – Industrial Use, to Dynegy Morro Bay, LLC, for a term of 5 years, beginning February 3, 2018, to allow removal of the offshore non-operational marine terminal's existing 24-inch-diameter pipeline, 16-inch-diameter pipeline, and appurtenant improvements under

the Dynegy Morro Bay Power Plant Marine Terminal Decommissioning Project.

2. Authorize the Executive Officer or his/her designee to accept in writing an executed Quitclaim Deed from Dynegy Morro Bay, LLC, on behalf of the Commission, thereby terminating the Lease, upon Dynegy Morro Bay, LLC's, demonstration to the Executive Officer's or his/her designee's satisfaction of the successful removal of all improvements from the lease premises.

EXHIBIT A

PRC 1390.1

LAND DESCRIPTION

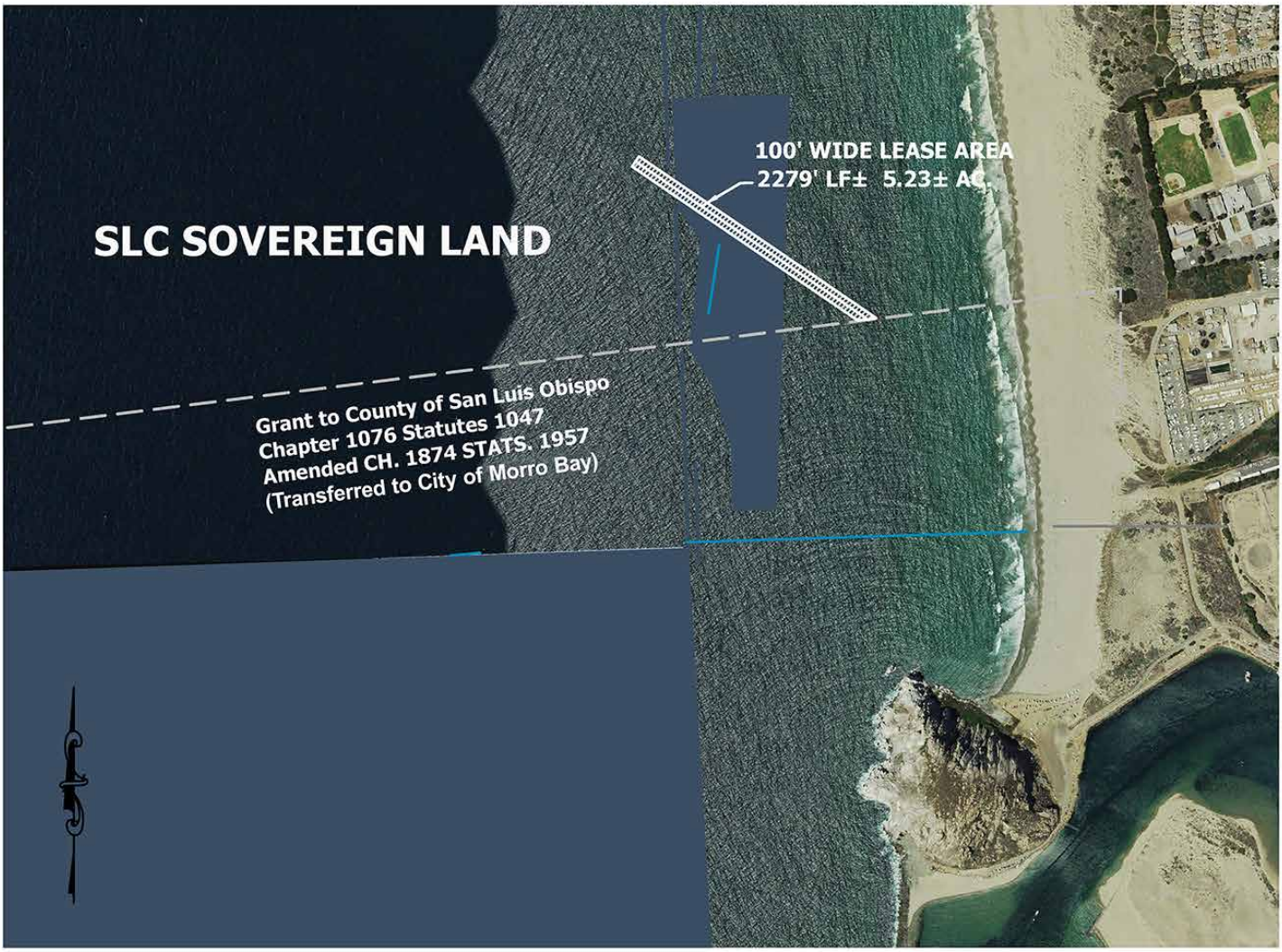
A strip of submerged land 100 feet wide, in the bed of Estero Bay, County of San Luis Obispo, California, said strip laying 50 feet on each side of the following described centerline:

BEGINNING at a point from which the U.S.C. & G.S. triangulation station "Morro 2", having California Coordinate System 1927, Zone 5 coordinates of X=1,145,458.88 and Y= 692,530.27, bears South 27°44'05" East, 5272.99 feet; thence South 55°42'58" East, 2279.37 feet to a point in the northerly boundary line of the Grant to the County of San Luis Obispo as described in Chapter 1076, California Statutes 1947, amended by Statutes 1957 Chapter 1874, and as shown on the map recorded in Book 1 of Misc. Maps at page 2, San Luis Obispo County Records; the side lines of said strip of land shall be lengthened or shortened at the southeasterly termini thereof so as to terminate in said northerly boundary line.

END OF DESCRIPTION

NO SCALE

SITE



DYNEGY MORRO BAY, LLC

NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

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

Exhibit B

PRC 1390.1
DYNEGY MORRO BAY, LLC
GENERAL LEASE -
INDUSTRIAL USE
MORRO BAY
SAN LUIS OBISPO COUNTY

MJJ 01/17/2018

EXHIBIT C – MITIGATION MONITORING PROGRAM

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

The Project authorizes Dynegy Morro Bay, LLC (Dynegy or Applicant) to decommission and remove/abandon in place two pipelines (24-inch-diameter and 16-inch-diameter) in accordance with the terms and conditions of its existing CSLC Lease No. PRC 1390.

PURPOSE

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

ENFORCEMENT AND COMPLIANCE

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

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, San Luis Obispo Air Pollution Control District, the City of Morro Bay, or the County of San Luis Obispo. The CSLC or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors

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

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

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

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

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors

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

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

MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table (Table C-1) for Aesthetics, Air Quality, Biological Resources, Cultural and Paleontological Resources, Cultural Resources – Tribal, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Recreation, Transportation/Traffic, and Utilities and Service Systems. All other environmental disciplines were found to have less than significant or no impacts; therefore, are not included below. The table lists the following information by column:

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

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Aesthetics						
Night Lighting	**MM AES-1: Lighting Plan (Offshore).** The Applicant shall submit to the California State Lands Commission (CSLC) a Lighting Plan, subject to CSLC review and approval prior to commencement of construction activities for the Offshore Segment. The Applicant shall prepare a Lighting Plan to specify that outdoor light intensity on the derrick barge anchored or moored overnight shall be limited to nautical lights necessary for vessel safety and that barge security lighting shall be shielded where feasible or directed downwards.	Offshore Segment	Observe nighttime lighting positioning and compliance	Implementing MM will reduce light spillage	Applicant and CSLC	Throughout construction
Air Quality						
Construction Air Emissions	**MM AQ-1: Standard Mitigation Measures for Construction Equipment**. The following standard mitigation measures for reducing nitrogen oxides, reactive organic gases, and diesel particulate matter emissions from construction equipment shall be implemented during construction activities: • Equipment will be maintained in proper tune according to manufacturers' specifications. • All off-road and portable diesel-powered equipment will be fueled with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road). • The use of land based diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State off-road regulations. • Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.	Project Site	Onsite monitor to verify	Implementing MM will reduce emissions from construction equipment and vehicles	Applicant, CSLC, and in coordination with APCD	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance. • All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit. • Diesel idling within 1,000 feet of sensitive receptors is not permitted. • Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors. • Use electrical equipment when feasible. • Substitute gasoline-powered equipment in place of diesel-powered equipment, where feasible. • Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.					
Construction Air Emissions	**MM AQ-2: Best Available Control Technology for Construction Equipment.** The following best available control technology for construction equipment measures shall be implemented during construction activities: • Use Tier 3 and Tier 4 off-road and 2010 on-road compliant engines • Repower equipment with the cleanest engines available • Install California Verified Diesel Emission Control Strategies such as those listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm	Project Site	Onsite monitor to verify	Implementing MM will reduce emissions from construction equipment and vehicles	Applicant, CSLC, and in coordination with APCD	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Construction Air Emissions	**MM AQ-3: Fugitive PM10 Mitigation Measures.** The following measures shall be implemented during construction activities to reduce fugitive dust emissions: • Reduce the amount of the disturbed area where possible. • Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minue period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions: http://valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm • All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed. • Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities. • Exposed ground areas that are planned to be reworked at dates greater than one month after	Project Site	Onsite monitor to verify	Implementing MM will reduce emissions from fugitive dust	Applicant, CSLC, and in coordination with APCD	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established. • All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD. • All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. • Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. • All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114. • "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified. • Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible. • All PM10 mitigation measures required should be shown on grading and building plans. • The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.					
Construction Air Emissions	**MM AQ-4: Emission Offsets.** If emission offsets are required by the District, Dynegy will work closely with the District to determine the most appropriate way to offset emissions over the established thresholds.	Project Site	Onsite monitor to verify	Implementing MM will offset emissions	Applicant, CSLC, and in coordination with APCD	Throughout construction
Construction Phase Idling	**MM AQ-5: Idling Control Techniques.** To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the Project,	Project Site	Onsite monitor to verify	Implementing MM will offset emissions	Applicant, CSLC, and in	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Dynegy shall implement the following idling control techniques: • California Diesel Idling Regulations ○ On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: ▪ Shall not idle the vehicle's primary diesel engine for greater than 5-minutes at any location, except as noted in Subsection (d) of the regulation; and ▪ Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5-minutes at any location when within 1,000 feet of a restricted area, except as noted in Section (d) of the regulation. ○ Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation. ○ Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5-minute idling limit.				coordination with APCD	

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	○ The specific requirements and exceptions in the regulations can be reviewed at the following web sites: https://www.arb.ca.gov/msprog/truck-idling/factsheet.pdf and https://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf • Diesel Idling Restrictions Near Sensitive Receptors. In addition, to the State required diesel idling requirements, Dynegy shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors: ○ Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors. ○ Diesel idling within 1,000 feet of sensitive receptors shall not be permitted. ○ Use of alternative fueled equipment is recommended. ○ Signs that specify the no idling areas must be posted and enforced at the site.					
Biological Resources						
Special-Status Species and Habitat	**MM BIO-1: Environmental Awareness Training.** The approved biological monitor(s) shall be responsible for conducting an environmental awareness training for all Project personnel to familiarize workers with surrounding common and special-status species and their habitats, applicable regulatory requirements, and measures that must be implemented to avoid or minimize potential impacts to biological resources.	MBPP Facility Segment Beach Segment	Onsite monitor to verify	Implementing MM will educate construction workers regarding special-status species and habitat	Applicant and CSLC	Prior to and throughout construction
Special-Status Species and Habitat	**MM BIO-2: Biological Surveying and Monitoring.** A qualified biological monitor shall be present on site to survey the work area prior to the commencement of Project activities to minimize the potential for impacts	MBPP Facility Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	to any sensitive species or other wildlife that may be present during Project implementation. In addition, the biological monitor shall be on site at all times during Project operations. If at any time during Project operations special-status species (including but not limited to western snowy plovers and California least terns) are observed within the Project site, or within a predetermined radius surrounding the onshore portion of the Project site (as to be determined by the on-site biologist), all work shall be stopped or redirected to an area within the Project site that would not impact these species.	Beach Segment		special-status species and habitat		
Special-Status Species and Habitat	**MM BIO-3: Delineation of Work Limits.** Prior to the start of the Project construction, the limits of the onshore construction area shall be clearly flagged and limited to the minimum extent necessary. Natural areas outside of the construction zone shall not be disturbed. Designated equipment staging and fueling areas shall also be delineated at this time.	MBPP Facility Segment Beach Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to special-status species and habitat	Applicant and CSLC	Throughout construction
Special-Status Species and Habitat	**MM BIO-4: Morro Creek.** In the event that Morro Creek is in direct contact with the ocean or flows beneath one of the pipelines, the following measures shall be implemented to avoid and minimize impacts to migrating steelhead or tidewater goby: • A pre-construction aquatic survey shall be conducted by a USFWS-approved biologist to determine the presence or absence of steelhead and tidewater goby within Morro Creek. The survey will involve a visual survey of the stream channel both upstream and downstream of the proposed work area. If conditions allow (i.e., sufficient water depths), sein-netting surveys would also be conducted within the upstream estuarine portion of the stream channel to determine approximate abundance and	MBPP Facility Segment Beach Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to special-status species and habitat	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	distribution of special-status and native fish species in the Project vicinity. • Sediment filter fabric or a fine-mesh screen or block net (3-millimeter [mm] mesh) will be placed between the lagoon and the pipeline at the south outlet. The screen's bottom edge will be anchored with rebar or other weights and covered with sand. Poles will support the upper part of the screen. After placing the screen, the area will be seined to remove any trapped fish, which will be placed in the lagoon. The screen should remain in place until a sandy berm is constructed to isolate the pipelines. • The following measures shall be implemented to the extent feasible based on environmental conditions at the time of pipeline removal operations within the active stream channel of Morro Creek: o Heavy equipment operation within the stream channel shall be minimized to the extent feasible during Project operations. As necessary, equipment access through the stream channel shall be limited to the mouth of Morro Creek below the mean high tide line to avoid impacts to the bed and banks of the active channel. o Pipelines shall be cut on both sides of the active creek channel using construction methodologies congruent with those procedures proposed for nearshore abandonment to avoid or reduce potential contamination that would occur from risk of upset (e.g., covered pipe ends, containment). The shortened segment shall be covered and removed by lifting it vertically					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	or pulling it horizontally out of the stream channel in a gradual, slow motion to minimize or avoid the short-term turbidity impacts within the stream channel. ○ In the event surface water is present within Morro Creek, the Project Stream Diversion Plan (Appendix H) shall be implemented to avoid and minimize impacts to waters (see HWQ-1).					
Nesting Birds	**MM BIO-5: Nesting Birds.** To the extent feasible, onshore Project activities shall be conducted during the fall months (September through October) to reduce potential impacts to nesting birds, including western snowy plovers. In the event that some or all of the proposed operations need to occur during the summer months, the following conditions designed to protect special-status bird species shall be implemented: • No more than 1 week prior to the start of the Project construction, an intensive survey of the flagged construction area shall be conducted by a qualified biologist to determine the presence or absence of active nests or foraging activities by western snowy plovers or other birds. In addition, daily pre-activity nesting bird surveys shall be conducted to identify active nests within or near the work areas. If active snowy plover nests are found, all areas within a 500-foot radius of the nesting site shall be clearly marked and avoided during construction. If active nests of other bird species are identified, a protective buffer of 200 feet (or other appropriate length as determined by a qualified biologist) shall be established around the nest. No disturbances shall occur within the protective buffer(s) until all	MBPP Facility Segment Beach Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to nesting bird species and habitats	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	young birds have fledged, as confirmed by the biologist. • A qualified biological monitor shall be retained by Dynegy and shall be on site at all times during Project operations. If at any time during Project operations special-status species (including but not limited to western snowy plovers and California least terns) are observed within the Project site or within a predetermined radius surrounding the onshore portion of the Project site (as to be determined by the on-site biologist), all work shall be stopped or redirected to an area within the Project site that would not impact special-status birds.					
Vegetation and Special-Status Plant Species	**MM BIO-6: Site Restoration Plan.** Procedures identified in the Site Restoration Plan prepared for the Project shall be implemented to reduce impacts to existing vegetation and plant communities to a less than significant level.	MBPP Facility Segment Beach Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to vegetation and special-status plant species	Applicant and CSLC	Throughout construction and post-construction
Grunion Spawning	**MM BIO-7: Grunion Surveys and Avoidance.** Intertidal activities will be scheduled outside of the grunion spawning season, which is generally 3 or 4 nights after the highest tide associated with each full or new moon and then only for a 1- to 3-hour period each night following high tide from late February to early March to August or early September. If schedule cannot avoid grunion spawning periods, intertidal grunion surveys will be conducted during grunion spawning tidal periods to document that grunion have not used the site. Intertidal activities shall not occur if grunion spawning is observed in the Project area. Work will be initiated only after the site is clear of new grunion eggs.	Surf Zone Segment	Onsite monitor to verify	Implementing MM will reduce the potential for impacts to grunion	Applicant and CSLC	February through September

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Seafloor Debris Survey	**MM BIO-8: Pre- and Post-Decommissioning Seafloor Debris Survey and Debris Removal.** Decommissioning activities shall begin and end with seafloor debris surveys. The Applicant's contractor shall perform a side-scan sonar (with 400 percent coverage) and bathymetric survey, or multi-beam sonar survey, of the underwater work area prior to the arrival of the contractor's marine equipment spread on the work area. The survey shall encompass the entire underwater worksite bordered by the contractor's planned derrick barge anchorages plus an offset of approximately 500 feet. Derrick barge anchorages shall be positioned to avoid rock outcroppings and seagrass beds. A map shall be produced by the surveyor and shall serve as the baseline for the seafloor conditions at the underwater worksite prior to the start of work. All surveys employing low-energy geophysical equipment, including remotely operated vehicle surveys, must be conducted by an entity holding a valid geophysical survey permit under the CSLC OGPP (see www.slc.ca.gov/Programs/OGPP.html). Therefore, the Applicant shall obtain a valid permit prior to initiating the surveys. After decommissioning work is complete, the contract shall be required to perform a second side-scan sonar and bathymetric survey in the same underwater work area. The surveyors will produce another map of the survey area and use it to identify any items of seafloor debris introduced into the underwater work site by decommissioning activities. The contractor will remove all debris, if any, related to the offshore terminal facilities and the decommissioning activities.	Offshore Segment	Obtain Offshore Geophysical Survey Permit from the CSLC	Implementing MM will provide evidence that any Project debris on the ocean floor has been recovered	Applicant and CSLC	Pre-decommission-ing activities Post-decommission-ing activities

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	The Applicant will provide: (1) the pre-decommissioning survey map to CSLC staff and permitting agencies for approval at least 60 days prior to Project implementation; and (2) the post-decommissioning map to CSLC staff with 30 days of survey completion for agency sign-off.					
Marine Vessel and Wildlife Interaction	**MM BIO-9: Marine Wildlife Contingency Plan (MWCP).** A MWCP shall be prepared for review and approval by California State Lands Commission staff prior to the commencement of decommissioning activities. The MWCP would include, but not be limited to, the following elements: • Description of the pre-decommissioning training seminar that will be provided to educate Project personnel on identifying marine wildlife in Project area and to provide an overview of the wildlife mitigation measures to be implemented • Qualifications, number, location, and authority of onboard MWMs • Acoustic safety zone radius that will be enforced by the MWMs during dynamic pipe ramming (DPR) activities • Protocols on how DPR operations will be ceased if marine wildlife enter the acoustic safety zone • Distance, speed, and direction of transiting vessels will maintain when in proximity to a marine mammal or reptile • Discussion of how impacts associated with marine wildlife entanglement in Project vessel anchor lines will be minimized • Observation recording procedures and reporting requirements in the event of an observed impact to marine wildlife	Surf Zone Segment Offshore Segment	Retain copy of MWCP and marine wildlife monitor notes	Implementing MM will ensure vessel and noise related impacts to marine wildlife are avoided	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Underwater Noise Impact on Marine Wildlife	**MM BIO-10: Dynamic Pipe Ramming Soft-Start and Ramp-Up Procedure.** A soft start shall be used during DPR to give marine mammals, sea turtles, fish, and birds an opportunity to move out of the area away from the sound source. The contractor conducting DPR operations shall begin the procedure at a reduced level and repeat the sound producing activity, gradually increasing the intensity of the operation prior to initiating normal operating levels. The duration of the ramp-up during Project operations shall be determined by a qualified marine biologist and based upon the findings of a sound source characterization study for DPR. This procedure will be used any time DPR operations are initiated.	Surf Zone Segment Offshore Segment	Onsite monitor to verify	Implementing MM will reduce impacts to marine wildlife by alerting wildlife of dynamic pipe ramming operations prior to full implementation	Applicant and CSLC	During dynamic pipe ramming
Underwater Noise Impact on Marine Wildlife	**MM BIO-11: Dynamic Pipe Ramming Sound Source Characterization.** At the start of DPR operations, a marine acoustics specialist shall be retained to conduct underwater noise measurements during a trial operation of the equipment at the Project site. In coordination with National Marine Fisheries Service (NMFS), the results of the underwater noise measurements shall be used to determine safety zone radii for marine wildlife (mammals and reptiles) during DPR operations based on NMFS's acoustic thresholds in place at the time of Project operations for permanent threshold shifts and behavioral harassment. A copy of the sound source characterization study shall be provided to California State Lands Commission and NMFS within 2 weeks of completion.	Surf Zone Segment Offshore Segment	Onsite monitor to verify	Implementing MM will provide sound source characterization and marine wildlife safety radii	Applicant and CSLC	Prior to dynamic pipe ramming operations
Underwater Noise Impact on Marine Wildlife	**MM BIO-12: Marine Wildlife Monitoring During Sound Source Characterization and Dynamic Pipe Ramming.** Qualified marine wildlife monitors (MWMs) shall be on site and present throughout sound source characterization and DPR operations.	Surf Zone Segment Offshore Segment	Retain a copy of MWM report	Implementing MM will provide protection for marine wildlife during sound	Applicant and CSLC	Prior to dynamic pipe ramming operations

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	During sound source characterization, the initial exclusion zone will be 1,000 meters. The final exclusion and safety zones to be implemented during DPR will be modified as necessary based on results from the sound source characterization and will reflect the permanent hearing threshold shifts, temporary hearing threshold shifts, and behavioral harassment thresholds in place at the time of Project operations. Once the marine wildlife safety zone radii have been determined, MWMs shall be located such that he or she has a clear view of the marine waters within the safety zone and beyond. The MWMs shall indicate that a designated safety zone is clear of marine wildlife (mammals and reptiles) prior to the start of DPR operations and shall have the authority to stop DPR operations if marine wildlife is observed at any time within the exclusion zone.			source characterization and dynamic pipe ramming operations		
Sensitive Species and Hard Bottom Habitat	**MM BIO-13: Dive Surveys.** At least 1 month prior to the initiation of decommissioning activities, a dive survey shall be conducted at proposed anchor locations to ensure that avoidance of sensitive species and hard bottom habitat areas is achieved and to determine the presence or absence of the invasive algae (*Caulerpa taxifolia*) and seagrasses. The results of the pre-activity dive survey shall be documented in a report for distribution to the appropriate regulatory agencies. If sensitive seagrass species are identified, anchor locations will be relocated to avoid impacts to these protected habitats and post-decommissioning surveys would be conducted to verify seagrass beds had not been impacted by Project-related activities.	Offshore Segment	Onsite monitor to verify	Implementing MM will ensure that avoidance of sensitive species and hard bottom habitat areas is achieved and determine presence or absence of *Caulerpa taxifolia* and seagrasses	Applicant and CSLC	Pre-construction and post-construction
Spread of Non-Native Aquatic Species	**MM BIO-14: Prevent Introduction of Non-Native Aquatic Species (NAS).** All Project vessels will: (1) originate from Morro Bay Harbor, San Francisco Bay	Hull cleaning/ biofouling	Reporting forms	Implementing MM will ensure introduction of	Applicant and CSLC	Biofouling removal prior to Project

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	area harbors, or Port of Long Beach/Los Angeles area; (2) be continuously based out of Morro Bay Harbor, San Francisco Bay area harbors, or Port of Long Beach/Los Angeles area since last dry docking; or (3) have underwater surfaces cleaned before entering California waters at vessel origination point and immediately prior to transiting to the Project site. Additionally, and regardless of vessel size, ballast water for all Project vessels must be managed consistent with CSLC ballast management regulations, and Biofouling Removal and Hull Husbandry Reporting Forms shall be submitted to CSLC staff. Project vessels shall also be available for inspection by CSLC staff. Project vessels shall also be available for inspection by CSLC staff for compliance. Further, as part of the Project kickoff meeting, a qualified marine biologist, approved by CSLC staff, will provide information to all Project personnel about the spread of NAS in California waters and the programs that will be implemented to minimize this hazard.	removal to be conducted at vessel origination site At Project kick-off meeting site	Project kick-off meeting sign-in sheet	NAS is avoided and vessel operators are made aware of NAS regulations		vessels transitioning to Project site Submit Biofouling Removal and Hull Husbandry Reporting Forms prior to Project operations During Project kick-off meeting
Cultural and Paleontological Resources						
Disturbance of Archaeological Resources	**MM CUL-1: Cultural Resource Monitoring Plan.** Prior to Project ground-disturbing activities including the removal of the anode bed and wells within the MBPP Facility Segment, a Cultural Resource Monitoring Plan will be completed. The Plan will require monitoring by a County-approved archaeologist during ground disturbing activities. In addition, the archaeological monitor will give workers associated with Project activities an orientation regarding the probability of exposing cultural resources, tips on recognizing such resources and directions as to what steps are to be taken if a find is encountered.	MBPP Facility Segment Beach Segment Surf Zone Segment Offshore Segment	Submittal of the Cultural Resource Monitoring Plan to the County for review and approval Native American monitor	Implementing MM will reduce the potential impacts to cultural archaeological resources	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Archaeological Resources	**MM CUL-2: Discovery of Previously Unknown Cultural Resources.** In the event that intact archaeological resources are uncovered during Project implementation, all earth-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until a County-approved archaeologist has evaluated the nature and significance of the discovery. In the event that a potentially significant archaeological resource is discovered, Dynegy, the California State Lands Commission (CSLC), and any local, state, or federal agency with approval or permitting authority over the Project that has requested/ required such notification shall be notified within 48 hours. The location of any such finds must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Impacts to previously unknown significant archaeological resources shall be avoided through preservation in place if feasible. A treatment plan developed by the archaeologist shall be submitted to CSLC staff for review and approval. If the archaeologist believes that damaging effects to the archaeological resource would be avoided or minimized, then work in the area may resume. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.	MBPP Facility Segment Beach Segment Surf Zone Segment Offshore Segment	Project monitor	Implementing MM will reduce the potential impacts to cultural archaeological resources	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Human Remains	**MM CUL-3 Unanticipated Discovery of Human Remains.** If human remains are encountered, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery and a County-approved archaeologist must be contacted immediately within 24 hours, who shall consult with the County Coroner. In addition, California State Lands Commission staff shall be notified within 24 hours. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage Commission within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented.	MBPP Facility Segment Beach Segment Surf Zone Segment Offshore Segment	Project monitor	Implementing MM will reduce the potential impacts to cultural archaeological resources	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Cultural Resources - Tribal						
Native American Monitoring	**MM TCR-1: Tribal Cultural Resource Monitoring.** Prior to Project related ground-disturbing activities, including the removal of the anode bed and wells within the MBPP Facility Segment, the Applicant shall prepare a Tribal Cultural Resources Monitoring Plan subject to California State Lands Commission (CSLC) approval. The Plan shall be prepared in coordination with the CSLC and a California Native American tribe that is culturally-affiliated to the Project site. The Plan shall include, but not be limited to the following measures: • The Applicant shall retain a monitor from a California Native American tribe that is culturally-affiliated to the Project site during all ground disturbing activities. • The Applicant shall provide a minimum 5-day notice to the tribal monitor prior to all scheduled ground disturbing activities. • The Applicant shall provide the tribal monitor safe and reasonable access to the Project site. • Procedures for tribal monitoring for the Surf Zone and Offshore Segments, including availability of resources and information to monitor excavation activities. • Guidance on identification of potential tribal resources that may be encountered. • The tribal monitor will provide construction personnel with an orientation on the requirements of the Plan, including the probability of exposing tribal resources, guidance on recognizing such resources, and direction on procedures if a find is encountered.	MBPP Facility Segment Beach Segment Surf Segment Offshore Segment	Native American monitor	Implementing MM will reduce the potential impacts to tribal cultural resources	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Preparation of a Treatment Plan (see MM TCR-2 below) if tribal resources are discovered during excavation activities.					
Discovery of Tribal Resources	**MM TCR-2: Tribal Resources Treatment Plan.** Should intact tribal cultural deposits be uncovered during Project implementation, California State Lands Commission (CSLC) staff and the tribal monitor shall be contacted immediately within 24 hours. A Treatment Plan developed in consultation with the tribal monitor shall be submitted to CSLC staff for review and approval. CSLC staff in consultation with the tribal monitor, shall have the authority to temporarily halt all work within 100-feet of the find. The location of any such finds must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the deposit, and subsequent recordation and notification of relevant parties based upon the results of the assessment. Impacts to previously unknown significant Tribal cultural resources shall be avoided through preservation in place if feasible.	MBPP Facility Segment Beach Segment Surf Segment Offshore Segment	Native American monitor	Implementing MM will reduce the potential impacts to tribal cultural resources	Applicant and CSLC	Throughout construction
Hazards and Hazardous Materials						
Accidental Release of Hazardous Materials	**MM HAZ-1: Contaminated Materials Management Plan.** The Contaminated Materials Management Plan shall be submitted to the County of San Luis Obispo County Environmental Health Services Department (SLOEHS) for review and approval prior to the initiation of construction activities. The Contaminated Materials Management Plan shall be used if contaminated materials are encountered during the course of the Project. The plan shall identify the actions and notifications to occur if evidence of soil contamination is encountered during onshore	MBPP Facility Segment Beach Segment Offshore Segment	Submittal of the Contaminated Materials Management Plan to San Luis Obispo County Environmental Health for	Implementing MM will reduce potential of soil contamination	SLOEHS, DTSC, Applicant, and CSLC	Prior to and Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	excavation. Action and notification steps will include, at a minimum, sampling and analysis by a qualified environmental consultant and State-certified analytical laboratory to confirm the nature and extent of contamination. The Applicant shall notify SLOEHS within 24 hours of discovery of contaminated materials encountered during the course of Project construction activities.		review and approval			
Hydrocarbon Contaminated Soil	**MM HAZ-2: Hydrocarbon Contaminated Soil.** Should hydrocarbon contaminated soil be encountered during construction activities, the Air Pollution Control District must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an Air Pollution Control District Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered: • Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal. • Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate. • Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted. • The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the Air Pollution Control District's construction phase thresholds.	MBPP Facility Segment Beach Segment Offshore Segment	CSLC approved monitor to ensure compliance	Implementing MM will reduce potential of release of hydrocarbon contaminated soil	San Luis Obispo County Air Pollution Control District, Applicant, and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance. • Clean soil must be segregated from contaminated soil.					
Accidental Release of Hazardous Materials	**MM HAZ-3 Oil Spill Response Plan.** The Applicant shall ensure the Oil Spill Response Plan for the Project will be activated in the event of a release of oil or contaminants during pipeline removal activities.	MBPP Facility Segment Beach Segment Offshore Segment	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce potential of release of oil or contaminants	Applicant and CSLC	Throughout construction
Accidental Release of Hazardous Materials	**MM HAZ-4 Hazardous Materials Management and Contingency Plan.** The Applicant shall develop and implement hazardous materials management and contingency plan measures for onshore operations. The measures shall be provided to the California State Lands Commission (CSLC) staff prior to Project implementation, and subject to CSLC review and approval. Measures shall include, but not be limited to, identification of appropriate fueling and maintenance areas for equipment, daily equipment inspection schedule, a spill response plan, and spill response supplies to be maintained onsite.	MBPP Facility Segment Beach Segment Offshore Segment	CSLC approved monitor to ensure compliance	Implementing MM will reduce potential of release of hazardous materials	Applicant, CSLC, and Department of Toxic Substances Control	Throughout construction
Asbestos	**MM HAZ-5: Asbestos Work Plan.** The Applicant shall retain a certified asbestos consultant to prepare an Asbestos Work Plan for the Project. The Asbestos Work Plan shall be used if asbestos containing material requires disposal during the course of the Project. The Asbestos Work Plan shall be submitted to the San Luis Obispo County Air Pollution Control District for review and approval as part of a National Emissions Standard for Hazardous Air Pollutants Asbestos Demolition Notification at least 10 working	MBPP Facility Segment Beach Segment Offshore Segment	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce potential of release of asbestos	San Luis Obispo County Air Pollution Control District, Applicant, and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	days prior to start of removal of asbestos-containing materials.					
Hydrology and Water Quality						
Stream Diversion	**MM HWQ-1 Stream Diversion Plan.** The Applicant shall ensure the Stream Diversion Plan prepared for the Project be implemented in the event stream diversion or dewatering is required. Prior to commencement of stream diversion activities, the Plan shall be subject to review and approval by the California Department of Fish and Wildlife and National Marine Fisheries Service, and if applicable, the U.S. Fish and Wildlife Service.	Beach Segment	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce potential for erosion and siltation impacts	California Department of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Applicant and CSLC	Throughout construction
Violation of Water Quality Standards	Implement **MM HAZ-1: Contaminated Materials Management Plan** (see above) Implement **MM HAZ-2: Hydrocarbon Contaminated Soil** (see above) Implement **MM HAZ-3: Oil Spill Response Plan** (see above) Implement **MM HAZ-4: Hazardous Materials Management and Contingency Plan** (see above) Implement **MM HAZ-5: Asbestos Work Plan** (see above)					
Noise						
Short-Term Construction Noise	**MM N-1: Scheduling.** Trucks (delivery, hauling and transportation trucks) would be scheduled outside the A.M. and P.M. peak periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to the extent feasible.	MBPP Facility Segment Beach Segment Surf Zone Segment Offshore Segment	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce noise impacts during A.M. and P.M. peak periods	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Short-Term Construction Noise	**MM N-2: Advanced Notification.** Adjacent residents would be given advanced written notification of proposed construction activities, scheduling, and hours of construction. Signage will also be posted at the Project site to notify the general public and beach visitors.	MBPP Facility Segment Beach Segment Surf Zone Segment Offshore Segment	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will ensure effective coordination and response	Applicant and CSLC	Throughout construction
Recreation						
Public Access	Implement **MM N-2: Advanced Notification** (see above)					
Transportation/Traffic						
Traffic Circulation	**MM T-1: Scheduling.** Trucks (delivery, hauling and transportation trucks) shall be scheduled outside the a.m. and p.m. peak periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to the extent feasible.	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce traffic impacts during A.M. and P.M. peak periods	Applicant and CSLC	Throughout construction
Traffic Circulation	**MM T-2: On-site Roads.** Construction related traffic shall use on-site roads wherever possible.	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will reduce traffic impacts during A.M. and P.M. peak periods	Applicant and CSLC	Throughout construction
Traffic Circulation	**MM T-3: Traffic Safety Plan.** Prior to commencement of onshore construction activities, a Traffic Safety Plan shall be submitted to the California State Lands Commission (CSLC) and City of Morro	Project Site	CSLC approved monitor to	Implementing MM will ensure traffic safety	Applicant, CSLC, and City of Morro Bay	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Bay Recreation Services Department for review and approval. It shall include measures, such as appropriate signage, traffic cones, and flaggers to reduce potential hazards to motorists and workers during construction.		ensure compliance		Recreation Services Department	
Traffic Circulation	**MM T-4: Warning Signs.** Warning signs shall be placed in appropriate areas prior to construction to notify through traffic of trucks entering and exiting the Project site.	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will ensure safety	Applicant and CSLC	Throughout construction
Traffic Circulation	**MM T-5: Alternative Vehicle and Pedestrian Access.** Temporary alternative vehicle and pedestrian access shall be established.	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will ensure safety	Applicant and CSLC	Throughout construction
Traffic Circulation	**MM T-6: Prohibit Construction During Holidays.** Construction activities within the Beach and Surf Zone Segments shall be prohibited on state and federal holidays.	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will ensure safety during holidays	Applicant and CSLC	Throughout construction
Offshore Marine Traffic	**MM T-7: Established Circulation Patterns.** All Project-related vessel traffic shall use established circulation patterns to the degree feasible.	Project Site	California State Lands Commission (CSLC) approved monitor to	Implementing MM will ensure vessel traffic safety	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
			ensure compliance			
Offshore Marine Traffic	**MM T-8: Publication of U.S. Coast Guard (USCG) Local Notice to Mariners.** The Applicant shall ensure that its contractor submits to the USCG District 11 (https://www.navcen.uscg.gov/?pageName=lnmDistrict&region=11) a request to publish a Local Notice to Mariners, 14 days prior to operation, that includes the following information: • Type of operation (i.e., dredging, diving operations, construction) • Location of operation including Latitude and Longitude and geographical position if applicable • Duration of operation including start and completion dates (if these dates change, the Coast Guard needs to be notified) • Vessels involved in the operation • VHF-FM Radio Frequencies monitored by vessels on scene • Point of Contact and 24-hour phone number • Chart Number for the area of operation	Project Site	California State Lands Commission (CSLC) approved monitor to ensure compliance	Implementing MM will ensure effective coordination and response	Applicant and CSLC	Throughout construction
Utilities and Service Systems						
Accidental Release of Hazardous Materials/ Asbestos	Implement **MM HAZ-1: Contaminated Materials Management Plan** (see above) Implement **MM HAZ-5: Asbestos Work Plan** (see above)					