

Executive Summary

This summary presents an overview of the proposed Rodeo Renewed Project, herein referred to as “Project” or “proposed Project.” This section also summarizes the alternatives to the proposed Project, areas of controversy, issues to be resolved by Contra Costa County, including the choice among alternatives and whether or how to mitigate significant impacts, and conclusions of the analysis contained in Chapter 4 of this Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed Project, see Chapter 3, *Project Description*, and for a complete description of Project Alternatives, see Chapter 5, *Alternatives Analysis*.

This Draft EIR addresses the environmental effects associated with the Project. The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider environmental impacts of such projects. An EIR is a public document designed to provide the public, local, and state governmental agency decision-makers with an analysis of a project’s potential environmental impacts to support informed decision-making.

This Draft EIR has been prepared pursuant to the requirements of CEQA and the state CEQA Guidelines to determine whether Project approval could have a significant impact on the environment. Contra Costa County, as the Lead Agency, has reviewed and revised, as necessary, the submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable County technical personnel and review of all technical subconsultant reports. Information for this Draft EIR was obtained from discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality including a health risk analysis, greenhouse gas (GHG) emissions, energy, noise and vibration, maritime risk assessment, and transportation and traffic).

Project Summary

Phillips 66 proposes to modify the existing Rodeo Refinery into a repurposed facility that would process renewable feedstocks into renewable diesel fuel, renewable components for blending with other transportation fuels, and renewable fuel gas. As a result of proposed modifications, the Rodeo Refinery would no longer process crude oil for petroleum-based fuels and would assist California in meeting its stated goals of reducing GHG emissions and ultimately transitioning to carbon neutrality.¹ The Project would also provide a mechanism for complying with California’s Low-Carbon Fuel Standard and Cap-and-Trade programs and the federal Renewable Fuels Standard, while continuing to meet regional market demand for transportation fuels.

¹ Governor Newsom’s Executive Order N-79-20 states: “clean renewable fuels play a role as California transitions to a decarbonized transportation sector” and “to support the transition away from fossil fuels consistent with the goals established in this Order and California’s goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil production facilities...” The Governor’s Order also directs CARB to “develop and propose strategies to continue the State’s current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon. Additionally, the California Air Resources Board’s November 19, 2020, “California’s Greenhouse Gas Goals and Deep Decarbonization” presentation anticipates that biofuels will comprise 19 percent of the transportation “fuel” sector by 2045.”

Pre- and post-Project operational activities are shown in Table ES-1. Once the Project is operational, no crude oil would be processed at the Rodeo Refinery. As shown in Table 3-2, the Rodeo Refinery would no longer receive crude oil and gas oil at its Marine Terminal (35,000 barrels per day [bpd]) on a 12-month rolling average²) or from the pipelines connecting the Rodeo Refinery to the Santa Maria Site (70,000 bpd). The Rodeo Refinery would still receive gasoline and gasoline blendstocks (38,000 bpd, an increase over baseline of 28,000 bpd).

Table ES-1. Rodeo Refinery Pre- and Post-Project Operational Activity

	Baseline	Post-Project
Product Received		
Marine Terminal Crude and Gas Oil Received (1,000 bpd 12-month average)	35	0
Pipeline Crude Received (1,000 bpd 12-month average)	70	0
Renewable Feedstocks Received (1,000 bpd 12-month average) ^a	0	80
Gasoline and Blendstocks Received (1,000 bpd 12-month average)	10	38
Product Shipped		
Petroleum Products Shipped (1,000 bpd 12-month average)	121	40
Renewable Fuels Shipped (1,000 bpd 12-month average)	0	67
Treated Renewable Feedstock Shipped (1,000 bpd 12-month average)	0	25
Mode of Transportation		
Tanker Vessels (calls/year)	80	201
Barges (calls/year)	90	161
Carbon Plant Site Rail (average railcars per week)	6.96	0
Refinery Railcar Loading/Unloading Rack (average railcars per day)	4.7	16
Santa Maria Site Rail (railcars per year)	409	0
Refinery and Carbon Plant Truck Trips (roundtrips per year)	40,213	16,026
Santa Maria Site Truck Trips (roundtrips per year)	13,008	0
Rodeo Refinery Approximate Number of Employees and Contractors	650	650

^a. The facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. However, renewable feedstocks and renewable fuels were not produced from U250 during the baseline period in 2019 and are not included in this table.

Up to 80,000 bpd of renewable feedstocks would be received at the Rodeo Refinery and would be processed in the proposed Feed Pre-treatment Unit (PTU). The majority of the time, the feedstocks treated by the PTU would be processed onsite to produce renewable fuels. In situations where excess treated feedstock produced by the PTU is not processed onsite, this material could be exported from the Rodeo Refinery via the Marine Terminal. Project emissions associated with processing at the PTU would be correlated with how much material is being processed and handled, rather than the specific type of material.

As shown on Table ES-1, once operational the Rodeo Refinery would supply up to 107,000 bpd of renewable fuels (67,000 bpd) and petroleum-based transportation fuels or gasoline (40,000 bpd). Of the 67,000 bpd of renewable fuels that would be produced, 55,000 bpd would occur as a result of the Project. This amount would be in addition to the Rodeo Refinery's existing capability (as of 2021) of producing 12,000 bpd from pretreated feedstocks using Unit 250 (previously used to process petroleum-based feedstocks). However, renewable feedstocks and renewable fuels were not produced from Unit 250

² All bpd amounts are based on a 12-month rolling average, unless otherwise noted.

during the CEQA baseline period in 2019 (refer to Chapter 3, Project Description, Section 3.13, CEQA Baseline); therefore, Table ES-1 indicates “0” for “Renewable Fuels Shipped.”

To maintain the current facility capability to supply regional market demand for transportation fuels, including renewable and conventional fuels, the Rodeo Refinery could receive, blend, and ship up to 40,000 bpd of gasoline and gasoline blendstocks.

Because the Project would discontinue processing crude oil at the Rodeo Refinery, other sites owned and operated by Phillips 66 located throughout the state would be affected. Therefore, the Project consists of activities at the following four sites:

- **Rodeo Site** is within the Rodeo Refinery where the proposed modifications would occur.
- **Carbon Plant** is within the Rodeo Refinery in nearby Franklin Canyon and would no longer be necessary. It would be demolished.
- **Santa Maria Refinery** is located in San Luis Obispo County and would no longer be necessary to provide semi-refined feedstock to the Rodeo Refinery. It would be demolished.
- **Pipeline Sites** collect crude oil for the Santa Maria Refinery and deliver semi-refined feedstock to the Rodeo Refinery and, therefore, would not be necessary. The pipelines would be cleaned and taken out of service, or sold

Purpose of the EIR

An EIR is the most comprehensive form of environmental documentation identified in the CEQA statute and in the CEQA Guidelines. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

This Draft EIR assesses the environmental effects associated with implementation of the proposed Project, as well as anticipated future discretionary actions and approvals. The main objectives of this document as established by CEQA Section 15002(a) are to:

- Serve as an informational document to inform Contra Costa County's decision-makers and the public generally of the significant environmental impacts of the Project;
- Identify possible ways to minimize the significant effects and consider reasonable alternatives that could avoid or reduce one or more of the significant environmental effects that may be identified with respect to the Project;
- Obligate Contra Costa County to impose measures identified in the EIR to avoid or mitigate potentially significant effects, whenever it is feasible to do so;
- Grant Contra Costa County the right to approve the Project, despite identification of potential significant effects on the environment that cannot be mitigated due to economic, social, or other conditions; and
- Provide meaningful public disclosure, in a timely and cost-effective manner, of the potential environmental effects that Contra Costa County's considers to be significant.

Areas of Controversy

Contra Costa County issued a Notice of Preparation for the EIR December 21, 2020, for a 30-day review period. The Notice of Preparation was mailed to all federal, state, responsible, and trustee agencies involved in approving the project, as well as relevant local agencies and special districts with jurisdiction in the Project area. The mailing list also included organizations, members of the public, and local, regional, and state agencies who have expressed interest in participating in the CEQA process.

Twenty-six written letters were received during the public scoping period. In addition, Contra Costa County held one scoping meeting on January 20, 2021, during which 14 participants commented on the proposed Project.

County staff reviewed all of the scoping comments, and prepared a summary of each comment to provide an overview of the range of comments provided, and to facilitate consideration of the comments by analysts during preparation of the EIR. The comment summaries seek to capture the essence of every comment in a way that is meaningful for EIR preparers such that the comment can be addressed in the EIR (see Appendix A of this Draft EIR). Issues addressed in the EIR include:

- Public safety and health;
- Increased hazards from marine, rail, and truck imports/exports;
- Identification, sources, availability of renewable feedstocks;
- Air quality and GHG impacts;
- Continued use of crude oil and hydrogen throughput;
- Project relationship to state-wide electrification goals;
- Marine Terminal operations;
- Water quality impacts;
- Decommissioning and site remediation;
- Appropriate baseline for analysis;
- Appropriate No Project Alternative;
- Operational effects of the Project on the Santa Maria Facility, Franklin Canyon Carbon Plant, and pipelines;
- Alternatives to the Project;
- Analysis of offsite Project components;
- Consistency with local plans and regulations; and
- Net carbon footprint.

To the extent that these issues have environmental impacts and to the extent that analysis is required under CEQA, they are addressed in Chapters 4 through 6 of this Draft EIR.

EIR Format

This Draft EIR is organized into the following chapters:

- **Executive Summary:** Provides an overview of the Proposed Project and the alternatives evaluated in the EIR, and a summary of the environmental impacts and mitigation measures.
- **Chapter 1, Introduction:** Provides an overview of the EIR and CEQA process, identifies agency responsibilities, and identifies areas of controversy.
- **Chapter 2, Summary of Environmental Impacts:** Provides a summary of impacts and mitigation measures identified in Chapter 4.
- **Chapter 3, Project Description:** Provides the description of the proposed Project and background information.

- **Chapter 4, Environmental Setting, Impacts, and Mitigation Measures:** Contains descriptions of the environmental and regulatory setting for each resource topic and provides an assessment of the proposed Project’s environmental impacts. If required, mitigation measures are identified.
- **Chapter 5, Alternatives Analysis:** Provides a description of the process used by the Contra Costa County to identify and select alternatives to be considered, describes each alternative, provides the analysis of alternatives, assesses the consistency of each alternative with the proposed Project objectives, and identifies the Environmentally Superior Alternative.
- **Chapter 6, CEQA Statutory Sections:** Provides a discussion of other CEQA considerations related to the proposed Project, including cumulative impacts, impacts found not to be significant, significant irreversible environmental changes, and growth-inducing impacts.
- **Chapter 7, Report Preparation.**
- **Chapter 8, References.**
- **Appendix A, Notice of Preparation and Public Comments**
- **Appendix B, Air Quality and Greenhouse Gas Emissions Technical Data, Project Consistency with 2017 Clean Air Plan**
- **Appendix C, Maritime Risk Assessment**
 - C-1. Maritime Risk Assessment for the P66 Rodeo Refinery Renewable Diesel Project (AcuTech May 2, 2021)
 - C-2. Rodeo Renewed Spill Modeling Report (ERM July 20, 2021)
- **Appendix D, Sea Level Rise and Climate Change Adaptation**
 - D-1. San Francisco Bay Regional Water Quality Control Board, Water Code Section 13383, *Order Requiring Submittal of Information on Climate Change Adaptation*
 - D-2. Long-Term Flood Protection Report, Phillips 66 San Francisco Refinery
- **Appendix E, Noise Technical Data**
- **Appendix F, Transportation Analysis**

Approach to Environmental Analysis

Level of Analysis

Under CEQA, a “project” subject to environmental review must be the “whole of an action” (CEQA Guidelines Section 15378(a)). This CEQA rule of analysis serves to ensure that a large project is not chopped up into many smaller ones, resulting in piecemeal or segmenting of environmental review and masking the full scope of project impacts. Courts have determined that an EIR must include analysis of the environmental effects of a future action if:

- it is a reasonably foreseeable consequence of the initial project; and
- the future action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

This standard involves determining whether the EIR has left out of the environmental analysis a “crucial element” or “integral part” of the project, without which the project cannot go forward (National Parks & Conservation Association v. County of Riverside [1996] 42 Cal. App. 4th 1505, 1519).

Project Level Approach

A project-level EIR is described in Section 15161 of the CEQA Guidelines as one that examines the environmental impacts of a specific development project. A project-level EIR must examine all phases of the project, including construction, demolition, and operation and maintenance. Contra Costa County has determined that a project-level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed actions at the Rodeo Site and Carbon Plant Site, collectively called the Rodeo Refinery, the Santa Maria Site, and at the Pipeline Sites. Direct and indirect impacts of the Project are addressed in this EIR.

Santa Maria Site Approach

Demolition at the Santa Maria Site would be a direct consequence of the proposed Project. Therefore potential impacts of the demolition at the Santa Maria Site are addressed in this EIR. Demolition of the Santa Maria Site will undergo CEQA review by San Luis Obispo County because it has authority to determine whether or how to approve demolition and issue required county permits. The analysis is intended to provide both San Luis Obispo County and Contra Costa County, other governmental agencies, and the public with information necessary to understand the type of environmental impacts that could occur.

In addition, the specific types and sources of renewable feedstock to be used by the Project cannot be determined at this time (refer to Chapter 3, *Project Description*, for detailed discussion). Therefore, the EIR addresses categories of renewable feedstocks that could be used by the Project, but not the sources.

While the Santa Maria Refinery demolition activities are included in the EIR, future use and required level of remediation of the Santa Maria Site is unknown, and therefore not addressed in this EIR. Any potential future development of the Santa Maria Site, and the associated level of required remediation, is speculative at this time, and would be a separate project and evaluated in a separate CEQA process by San Luis Obispo County. The EIR acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of demolition of the Santa Maria Refinery.

Project Location

The Phillips 66 Rodeo Refinery is located in unincorporated Contra Costa County, bordered by San Pablo Bay on the north and west, open land to the east and southeast, the town of Crockett and the NuStar Energy tank farm on the northeast, the Bayo Vista residential area of Rodeo to the southwest, and the residential enclave of Tormey, located east and adjacent to the Nustar Energy tank farm. The Rodeo Refinery comprises approximately 1,100 acres of land, but the Rodeo Site, where the main components of the Project would take place, is the 495-acre developed portion of the property northwest of Interstate 80. The remaining portion of the Rodeo Refinery, southeast of Interstate 80, consists of a tank farm, the Carbon Plant Site, and undeveloped land that serves as a buffer zone.

Summary of Alternatives

CEQA requires a lead agency to analyze a range of reasonable alternatives to a proposed project that could feasibly attain most of the basic objectives of the project while substantially reducing or eliminating significant environmental effects. The lead agency must identify an environmentally superior alternative among the alternatives and the project.

The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination (CEQA Guidelines § 15126.6(c)). Section 5.1.4, *Alternatives Considered but Dismissed From Further Consideration*, addresses the following alternatives that were rejected as infeasible:

- Continued Operation of Rodeo Refinery and Shut-Down of Santa Maria and Pipeline Sites;
- Project without Gasoline Blending Element;

- Project at an Alternate Site;
- Pretreated Feedstocks Only Alternative (No Pretreatment Unit);
- Hydrogen Generation Technology Alternative; and
- Decommission All Facilities.

The following alternatives to the Project are evaluated in Chapter 5:

- Alternative 1: No Project Alternative
- Alternative 2: Reduced Project Alternative
- Alternative 3: Terminal-Only Alternative
- Alternative 4: No Temporary Increase in Crude Oil

The characteristics of these four alternatives, as well as those of the Project, are summarized in Table ES-2.

Table ES-2. Summary of Alternatives

	Project	No Project	Reduced Project	Terminal Only	No Temporary Increase in Crude Oil
Product Processed (bpd)					
Renewable Feedstock Received/Processed	80,000	0	55,000	0	80,000
Gasoline Blendstocks Received/Processed	38,000	115,000	38,000	0	38,000
Existing Renewable Fuels Processed	13,000	13,000	13,000	0	13,000
Product Produced (bpd)					
Renewable Fuels Produced/Shipped	55,000	0	50,000	75,000	55,000
Existing Renewable Fuels Produced	12,000	12,000	12,000		12,000
Conventional Fuels Produced/Shipped	40,000	100,000	40,000		40,000
Mode of Transportation^a					
Ships (annual visits)	201	80	165	70	201
Barges (annual visits)	161	90	161	40	161
Truck Trips (roundtrips/year)	16,026	53,221	11,230	0	16,026
Railcars (per day)	16	5	16	8	16
Employees	650	650	630	75	650

Notes:

- No Project and Terminal Only Alternatives would transport blend stock and product by pipeline, marine vessel, and rail.
- The No Temporary Increase in Crude Oil Alternative at full buildout is identical to the Project; it differs only in the temporary change in throughput of crude oil during the construction period, and associated vessel calls, which is not reflected in this table. This difference, however, is described in the following discussion.
- Up to 25,000 bpd excess capacity of pre-treated feedstocks could be sold elsewhere.
- As explained in the Project Description, Section 3.7, *Project Operation*, the facility currently has the capacity to produce approximately 12,000 bpd of renewable fuels from pretreated feedstocks using Unit 250, which was previously used to process petroleum-based feedstocks. Unit 250 is not included in the Project as the Project does not propose any changes for Unit 250 and it would continue to produce 12,000 bpd of renewable fuels. Given that Unit 250 is not part of the Project, Unit 250 feedstock and production numbers are not included in this chart under the No Project Alternative.
- 70,000 bpd out of 115,000 bpd would arrive by pipeline, the rest would arrive through the Marine Terminal.

^f Blendstocks and product into the facility would arrive through the Marine Terminal and by rail, and products leaving the facility would be transported by pipeline and rail.

^g Reflects operations (not construction) of the Project and Alternatives.

Environmentally Superior Alternative

Identification of an environmentally superior alternative is required under CEQA. The purpose of identifying such an alternative is to examine ways to eliminate or substantially reduce significant adverse impacts to lower levels of significance.

The Reduced Project Alternative would be the Environmentally Superior Alternative under CEQA. This alternative would meet or partially meet all but one of the Project objectives. The only objective not met is to maintain the facility's current capacity to supply regional market demand for transportation fuels, including renewable and conventional fuels. The Reduced Project Alternative would not maintain the capacity to produce approximately 120,000 bpd to supply regional market demand for both renewable and conventional fuels, as it would provide an overall supply of 102,000 bpd (50,000 bpd of renewable fuels, 40,000 bpd of conventional fuels, and 12,000 bpd of existing capacity for renewable fuels). However, this alternative would reduce the number of annual marine vessels to 326 instead of 362, as proposed under the Project. Other elements of the Reduced Project would be identical to the Project, including demolition of the Carbon Plant and the Santa Maria Site, and cleaning and removal from active service of the Pipeline Sites.

Because the Reduced Project Alternative would include two pre-treatment trains as opposed to three, and reduce the number of vessel calls at the Marine Terminal, impacts would be similar or lessened with the Reduced Project Alternative since less product is received and produced. Therefore, the Reduced Project Alternative is the Environmentally Superior Alternative.

Summary of Project Impacts and Mitigation Measures

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed Project.

The proposed Project has the potential to generate significant environmental impacts. Table ES-3 summarizes the conclusions of the environmental analysis contained in this Draft EIR by providing a table of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Sections 4.2 through 4.17 addressing each Project phase including construction, demolition, and operation and maintenance.

Issues to be Resolved

Section 15123(b)(3) of the CEQA Guidelines require that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed Project, the major issues to be resolved include decisions by Contra Costa County, as Lead Agency, related to:

- Whether this Draft EIR adequately describes the environmental impacts of the proposed Project.
- Whether the identified mitigation measures should be adopted or modified.
- Whether there are other mitigation measures that should be applied to the proposed Project besides those identified in the Draft EIR.
- Whether there are any alternatives to the proposed Project that would substantially lessen any of the significant impacts of the proposed Project and achieve most of the basic objectives.
- Whether the benefits of the proposed Project outweigh the significant and unavoidable impacts that would occur.

Table ES-3. Summary of Determinations and Mitigation for Proposed Project

Environmental Impacts	Construction and Demolition				Transitional	Operation and Maintenance			
	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites	Rodeo Refinery	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites
4.2 AESTHETICS									
IMPACT 4.2-1 Would the project have substantially adverse effect on a scenic vista?	LTS	NI	NI	NI	NI	LTS	NI	LTS	NI
	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation n/a:	Mitigation: n/a	Mitigation: None	Mitigation: n/a	Mitigation: None	Mitigation: n/a
4.3 AIR QUALITY									
IMPACT 4.3-1 Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality?	LTSM	LTSM	LTS	LTS	LTSM	NI	NI	NI	NI
	Mitigation Measure: AQ-1	Mitigation Measure: AQ-1	Mitigation: None	Mitigation: None	Mitigation Measure: AQ-1	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.3-2 Would the project result in operational emissions of criteria pollutants?	LTSM	LTSM	LTS	LTS	LTSM	LTS	NI	NI	NI
	Mitigation Measure: AQ-2	Mitigation Measure: AQ-2	Mitigation: None	Mitigation: None	Mitigation Measure: AQ-2	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.3-3 Would the project expose sensitive receptors to substantial pollutant concentrations?	LTS	LTS	LTS	LTS	LTS	SU – Rail Transport Outside SFBAAB	LTS	LTS	LTS
	Mitigation: None	Mitigation: None	Mitigation: None	Mitigation: None	Mitigation: None	Mitigation: n/a	Mitigation: one	Mitigation: None	Mitigation: None
IMPACT 4.3-4 Would the Project expose sensitive receptors to substantial pollutant concentrations?	LTS	NI	LTS	NI	NI	LTS	NI	NI	NI
	Mitigation: None	Mitigation: n/a	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: na
IMPACT 4.3-5 Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	LTS	NI	LTS	LTS	NI	LTSM	NI	NI	NI
	Mitigation: None	Mitigation: n/a	Mitigation: None	Mitigation: None	Mitigation: n/a	Mitigation Measure: AQ-4	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
4.4 BIOLOGICAL RESOURCES									
IMPACT 4.4-1 Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? • Effects of Vessel Collisions (Ship Strikes)	NI	NI	NI	NI	LTSM	LTSM	NI	NI	NI
	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation Measures: BIO-1a, BIO-1b	Mitigation Measures: BIO-1a, BIO-1b	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.4-2 Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? • Effects of Vessel Noise	NI	NI	NI	NI	LTS	LTS	NI	NI	NI
	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: None	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.4-3 Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? • Effects of Sediment Resuspension and Deposition	NI	NI	NI	NI	LTS	LTS	NI	NI	NI
	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: None	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.4-4 Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? • Effects of Vessel Cargo Loading/Offloading Accidental Oil Spills	NI	NI	NI	NI	SU	SU	NI	NI	NI
	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation Measure: BIO-2, BIO-3	Mitigation Measure: BIO-2, BIO-3	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a
IMPACT 4.4-5 Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? • Effects of Introductions of Nonindigenous Invasive Species	NI	NI	NI	NI	SU	SU	NI	NI	NI
	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a	Mitigation Measure: BIO-4a, BIO-4b	Mitigation Measure: BIO-4a, BIO-4b	Mitigation: n/a	Mitigation: n/a	Mitigation: n/a

NI = No impact — LTS = Less than significant impact — LTSM = Less than significant impact with mitigation — SU = Significant and unavoidable impact — n/a = not applicable

Environmental Impacts	Construction and Demolition				Transitional	Operation and Maintenance			
	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites	Rodeo Refinery	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites
IMPACT 4.4-6 Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.4-7 Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • Effects of Vessel or Cargo Offloading Accidental Oil Spills • Effects of Introductions of Non-Indigenous Invasive Species	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	SU Mitigation Measure: BIO-5	SU Mitigation Measure: BIO-5	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.4-8 Would the Project Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? • Effects of Vessel Collisions (Ship Strikes) • Effects of Vessel Noise • Effects of Vessel Sediment Resuspension and Deposition	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	LTSM Mitigation Measure: BIO-1a, BIO-1b	LTSM Mitigation Measure: BIO-1a, BIO-1b	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.4-9 Would the Project Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? • Effects of Vessel or Cargo Offloading Accidental Oil Spills	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	SU Mitigation Measure: BIO-6	SU Mitigation Measure: BIO-6	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.4-10 Would the Project Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? • Effects of Introductions of Non-Indigenous Invasive Species	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	SU Mitigation Measure: BIO-7	SU Mitigation Measure: BIO-7	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.4-11 Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	LTSM Mitigation Measure: BIO-8	LTSM Mitigation Measure: BIO-8	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.5 CULTURAL RESOURCES									
IMPACT 4.5-1 Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.5-2 Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	LTSM Mitigation Measure CUL-1	NI Mitigation: n/a	LTSM Mitigation Measure: CUL-1	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.5-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	LTSM Mitigation Measure: CUL-2	NI Mitigation: n/a	LTSM Mitigation Measure: CUL-2	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.6 ENERGY CONSERVATION									
IMPACT 4.6-1 Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None
IMPACT 4.6-2 Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?.	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None
4.7 GEOLOGY / SOILS									
IMPACT 4.7-1 Would the proposed project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: ii. Strong seismic ground shaking.	LTSM Mitigation Measure: GEO-1	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a

NI = No impact — LTS = Less than significant impact — LTSM = Less than significant impact with mitigation — SU = Significant and unavoidable impact — n/a = not applicable

Environmental Impacts	Construction and Demolition				Transitional	Operation and Maintenance			
	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites	Rodeo Refinery	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites
IMPACT 4.7-2 Would the project result in substantial soil erosion or the loss of topsoil?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.7-3 Would the proposed project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: iii. Seismic-related ground failure, including liquefaction Would the proposed project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.7-4 Would the proposed project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (International Conference of Building Officials 1994), creating substantial risks to life or property.	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.8 GREENHOUSE GAS EMISSIONS									
IMPACT 4.8-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.8-2 Project operations would decrease emissions of GHGs that could contribute to global climate change.	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.8-3 Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None
4.9 HAZARDS / HAZARDOUS MATERIALS									
IMPACT 4.9-1 Would the Project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.9-2 Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	LTS Mitigation: none	NI Mitigation: n/a	LTS Mitigation: none	LTS Mitigation: None	SU Marine Vessel Spill Mitigation Measures: HAZ -1, HAZ-2	SU Marine Vessel Spill Mitigation Measures: HAZ -1, HAZ-2	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None
IMPACT 4.9-3 Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public or the environment?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.9-4 Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.9-5 Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfire?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.10 HYDROLOGY / WATER QUALITY									
IMPACT 4.10-1 Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	SU Marine Vessel Spill Mitigation Measures: HAZ -1, HAZ-2	SU Marine Vessel Spill Mitigation Measures: HAZ -1, HAZ-2	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.10-2 Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a

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Environmental Impacts	Construction and Demolition				Transitional	Operation and Maintenance			
	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites	Rodeo Refinery	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites
4.11 LAND USE / PLANNING									
IMPACT 4.11-1 Would the Proposed Project conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a
4.12 NOISE / VIBRATION									
IMPACT 4.12-1 Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTS Mitigation: None	LTS Mitigation: None	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.12-2 Operation of the Project would not result in exposure of persons to noise levels in excess of standards established by Contra Costa County.	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.12-3 Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	LTS Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.13 TRANSPORTATION AND TRAFFIC									
IMPACT 4.13-1 Project construction/demolition would temporarily increase peak-hour traffic volumes, and could result in inadequate emergency vehicle access.	LTSM Mitigation Measure TRA -1	NI Mitigation: n/a	LTSM Mitigation Measure TRA -1	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.13-2 Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.13-3 Would the Project result in a Conflict with a plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.13-4 Cause substantial damage or wear of public roadways by increased movement of heavy vehicles?	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.14 TRIBAL CULTURAL RESOURCES									
IMPACT 4.14-1 Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)? b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	LTSM Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4	NI Mitigation: n/a	LTSM Mitigation Measures TCR-1, TCR-2, TCR-3, TCR-4	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
4.15 WILDFIRE									
IMPACT 4.15-1 A project located in or near state responsibility areas or lands classified as very high fire hazard severity zones would cause adverse impacts related to wildfires if it would: a. Substantially impair an adopted emergency response plan or emergency evacuation plan.	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a
IMPACT 4.15-2 A project located in or near state responsibility areas or lands classified as very high fire hazard severity zones would cause adverse impacts related to wildfires if it would: c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	LTS Mitigation: None	NI Mitigation: n/a	LTS Mitigation: None	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a	NI Mitigation: n/a

NI = No impact — LTS = Less than significant impact — LTSM = Less than significant impact with mitigation — SU = Significant and unavoidable impact — n/a = not applicable

Environmental Impacts	Construction and Demolition				Transitional	Operation and Maintenance			
	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites	Rodeo Refinery	Rodeo Site	Carbon Plant Site	Santa Maria Site	Pipeline Sites
4.16 SOLID WASTE									
IMPACT 4.16-2	LTS	NI	LTS	NI	NI	LTS	NI	LTS	NI
a. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Mitigation: None	Mitigation: n/a	Mitigation: None	Mitigation: n/a	Mitigation: n/a	Mitigation: None	Mitigation: n/a	Mitigation: None	Mitigation: n/a
b. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?									

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Mitigation Measures

Mitigation Measure AQ-1: Implement BAAQMD Basic Control Measures

Construction contractors shall implement the following applicable BAAQMD basic control measures as best management practices (BMPs):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least 2 times per day, not less than 4 hours apart, on San Pablo Avenue, between the refinery and Interstate 80, and on the access roads between the Carbon Plant and Highway 4. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes as recommended by the BAAQMD, and not to exceed 5 minutes as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AQ-2: Implement a NOx Mitigation Plan

Phillips 66 shall prepare a NOx Mitigation Plan (NM Plan) prior to the issuance of construction-related permits for site preparation. The purpose of the NM Plan is to document expected construction and transitional phase NOx emissions in detail; and, if necessary, to identify feasible and practicable contemporaneous measures to reduce aggregated construction and transition NOx emissions to below the BAAQMD's 54 pounds per day threshold of significance.

The NOx emissions estimate for the Project shall include consideration of readily available NOx construction and transition emission reduction measures, and/or other emission reduction actions, that shall be implemented during construction and transitional phase of the Project. The NM Plan shall describe the approximate amount of NOx emissions reductions that will be associated with each action and reduction measure on a best estimate basis.

The NM Plan shall be submitted to the Contra Costa County Department of Conservation and Development and the BAAQMD for review and approval, or conditional approval based on a determination of whether the NM Plan meets the conditions described below. The NM Plan shall

include those recommended measures listed below needed to reduce the Project's construction and transition NOx emissions to less than the BAAQMD's threshold of significance.

The NM Plan shall include a detailed description of the NOx emissions for all construction and transition activities based on BMPs and use data at the time of Project approval and current estimation protocols and methods. The plan shall, at a minimum, include the following elements:

- 1. Project Construction and Transition NOx Emissions** – The Project's construction and transition NOx emission estimates presented in the NM Plan will be based on the emission factors for off-road and on-road mobile sources used during construction and transition, over and above baseline, along with the incorporation of vehicle fleet emission standards. Project construction and transition NOx emission estimates will be based upon the final Project design, Project-specific traffic generation estimates, equipment to be used onsite and during transition, and other emission factors appropriate for the Project prior to construction. The methodology will generally follow the approach used in this Draft EIR and in Appendix B.
- 2. NOx Emission Reduction Measures** – The NM Plan shall include feasible and practicable NOx emission reduction measures that reduce or contemporaneously offset the Project's incremental NOx emissions below the threshold of significance. Planned emission reduction measures shall be verifiable and quantifiable during Project construction and transitional phase. The NM Plan shall be consistent with current applicable regulatory requirements. Measures shall be implemented as needed to achieve the significance threshold and considered in the following order: (a) onsite measures, and (b) offsite measures within the San Francisco Bay Area Air Basin. Feasible³ onsite and offsite measures must be implemented before banked emissions offsets (emission reduction credits) are considered in the NM Plan.

a. Recommended Onsite Emission Reduction Measures:

- i. Onsite equipment and vehicle idling and/or daily operating hour curtailments;
- ii. Construction "clean fleet" using Tier 4 construction equipment to the maximum extent practicable;
- iii. Reductions in Vessel and/or Rail Traffic;
- iv. Other onsite NOx reduction measures (e.g., add-on NOx emission controls); or
- v. Avoid the use of Suezmax vessels to the maximum extent practicable.

Additional measures and technology to reduce NOx emissions may become available during the Project construction and operation period. Such measures may include new energy systems (such as battery storage) to replace natural gas use, new transportation systems (such as electric vehicles or equipment) to reduce fossil-fueled vehicles, or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available at the project-level. As provided in the NM Plan, should such measures and technology become available and be necessary to further reduce emissions to below significance thresholds, Phillips 66 shall demonstrate to the Contra Costa County Department of Conservation and Development and BAAQMD satisfaction that such measures are as, or more, effective as the existing measures described above.

³ For the purposes of this mitigation measure, "feasible" shall mean as defined under CEQA "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

b. Recommended Offsite Emission Reduction Measures:

Phillips 66, with the oversight of the Contra Costa County Department of Conservation and Development and BAAQMD, shall reduce emissions of NOx by directly funding or implementing a NOx control project (program) within the San Francisco Bay Area Air Basin to achieve an annual reduction equivalent to the total estimated construction NOx emission reductions needed to lower the Project's NOx impact below the 54 pound per day significance threshold. The offsite measures will be based on the NOx reductions necessary after consideration of onsite measures.

To qualify under this mitigation measure, the NOx control project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements or other program participation. Phillips 66 shall notify Contra Costa County within six months of completion of the NOx control project for verification.

- 3. Annual Verification Reports** – Phillips 66 shall prepare an Annual NM Verification Report in the first quarter of each year following construction or transitional phase activities, while Project construction activities at the site are ongoing. The reporting period will extend through the last year of construction. The purpose of the Report is to verify and document that the total Project construction and transitional phase NOx emissions for the previous year, based on appropriate emissions factors for that year and the effectiveness of emission reduction measures, were implemented.

The Report shall also show whether additional onsite and offsite emission reduction measures, or additional NOx controls, would be needed to bring the Project below the threshold of significance for the current year. The Report shall be prepared by Phillips 66 and submitted to the Contra Costa County Department of Conservation and Development and the BAAQMD for review and verification. NOx offsets for the previous year, if required, shall be in place by the end of the subsequent reporting year. If Contra Costa County and the BAAQMD determine the report is reasonably accurate, they can approve the report; otherwise, Contra Costa County and/or the BAAQMD shall identify deficiencies and direct Phillips 66 to correct and re-submit the report for approval.

Mitigation Measure AQ-3: Mitigation Pre-empted by Federal Law

Mitigation Measure AQ-4: Implement Odor Management Plan

During the 2-year construction phase of the Project, an Odor Management Plan (OMP) shall be developed and implemented upon commencement of the renewable fuels processes, which will become an integrated part of daily operations at the Rodeo Refinery. The purpose of the OMP is to prevent any offsite odors and effect diligent identification and remediation of any potential odors generated by the Project. The OMP shall outline equipment that is in place and procedures that facility personnel shall use to address odor issues, facility wide. The OMP would include evaluation of the overall system performance, identifying any trends to provide an opportunity for improvements to the plan, and updating the odor management and control strategies, as necessary. This plan would be retained at the facility for County or other government agency inspection upon request.

Mitigation Measure BIO-1a: Update Pre-Arrival Documents

Phillips 66 shall update pre-arrival document materials and instructions sent to tank vessels agents/operators scheduled to arrive at the Marine Terminal with the following information and requests:

- Available outreach materials regarding the Blue Whales and Blue Skies incentive program;
- Whale strike outreach materials and collision reporting from NMFS;
- Request extra vigilance by ship crews upon entering the Traffic Separation Scheme shipping lanes approaching San Francisco Bay and departing San Francisco Bay to aid in detection and avoidance of ship strike collisions with whales;
- Request compliance to the maximum extent feasible (based on vessel safety) with the 10 knot voluntary speed reduction zone.
- Encourage participation in the Blue Whales and Blue Skies incentive program.

Mitigation Measure BIO-1b: California Department of Fish and Wildlife (CDFW) and Research Sturgeon Support

Phillips 66 will conduct and support the following activities to further the understanding of vessel strike vulnerability of sturgeon in San Francisco and San Pablo Bay.

Coordinate with CDFW and Research Sturgeon to ensure appropriate messaging on information flyers suitable for display at bait and tackle shops, boat rentals, fuel docks, fishing piers, ferry stations, dockside businesses, etc. to briefly introduce interesting facts about the sturgeon and research being conducted to learn more about its requirements and how the public's observations can inform strategies being developed to improve fisheries habitat within the estuary.

Mitigation Measure BIO-2: Implement Mitigation Measures HAZ-1 and HAZ-2.

Mitigation Measure BIO-3: Update and Review Facility Response Plan and Spill Prevention, Control, and Countermeasure Plan with OSPR

- The Facility Response Plan and Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be updated to address the change in proposed feedstocks. Phillips 66 will consult with OSPR during update of the SPCC Plan, especially adequacy of booms at the Marine Terminal to quickly contain a spill of renewable feedstocks.
- In accordance with CCR Title 14, Chapter 3, Subchapter 3, several types of drills are required at specified intervals. Due to the potential for rapid dispersion of biofuels and oils under high energy conditions, Phillips 66 shall increase the frequency of the following drills to increase preparedness for quick response and site-specific deployment of equipment under different environmental conditions.
 - Semi-annual equipment deployment drills to test the deployment of facility-owned equipment, which shall include immediate containment strategies, are required on a semiannual pass/fail basis – if there is fail during first six months, then another drill is required. Phillips 66 will require that both semi-annual drills are conducted and schedule them under different tide conditions.
 - An OSRO field equipment deployment drill for on-water recovery is required at least once every three years. Phillips will increase the frequency of this drill to annual.
 - CDFW-OSPR shall be provided an opportunity to help design, attend and evaluate all equipment deployment drills and tabletop exercises. To ensure this, Phillips 66

shall schedule annual drills during the first quarter of each year to ensure a spot on OSPR's calendar.

Mitigation Measure BIO-4a: Prohibit Ballast Water Exchange

- Phillips 66 shall prohibit vessels from ballast water exchange at the Marine Terminal.

Mitigation Measure BIO-4b: Update Pre-Arrival Documentation

- Phillips 66 shall update pre-arrival document materials and instructions sent to tank vessels agents/operators to ensure they are advised prior to vessel departure of California's Marine Invasive Species Act and implementing regulations pertinent to (1) ballast water management, and (2) biofouling management. Additionally, Phillips 66 will request that vessel operations provide documentation of compliance with regulatory requirements (e.g., copy of ballast water management forms and logs of hull husbandry cleaning/inspections).

Mitigation Measure BIO-5: Implement Mitigation Measures BIO-4

Mitigation Measure BIO-6: Implement Mitigation Measures BIO-2 (HAZ-1 and HAZ-2) and BIO-3

Mitigation Measure BIO-7: Implement Mitigation Measures BIO-2 (HAZ-1 and HAZ-2) and BIO-3

Mitigation Measure BIO-8: Implement Mitigation Measures BIO-1 to BIO-4.

Mitigation Measure CUL-1: Inadvertent Discovery of Archaeological Resources

- Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. In the event that any cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find pursuant to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.
- Avoidance is always the preferred course of action for archaeological sites. In considering any suggestion proposed by the consulting archaeologist to reduce impacts to archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, interpretation of finds in a public venue) would be instituted. Work may proceed on other parts of the Project site while mitigation for archaeological resources is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards.

Mitigation Measure CUL-2: Inadvertent Discovery of Human Remains

- The treatment of human remains and associated or unassociated funerary objects discovered during any ground-disturbing activity shall comply with applicable state law. Project personnel shall be alerted to the possibility of encountering human remains during Project implementation, and apprised of the proper procedures to follow in the event they are found. State law requires immediate notification of the County coroner, in the event of the coroner's determination that the human remains are Native American,

notification of the California Native American Heritage Commission (NAHC), which would appoint a Most Likely Descendent (MLD) (PRC Section 5097.98). The MLD would make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]).

- The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the treatment and disposition of the remains and funerary objects, Phillips 66 shall follow PRC Section 5097.98(b), which states that “the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”

Mitigation Measure GEO-1: Comply with Geotechnical Report

Phillips 66 shall comply with and implement all of the following measures designed to reduce potential substantial adverse effects resulting from strong seismic ground shaking:

- A California licensed geotechnical engineer or engineering geologist shall perform a comprehensive geotechnical investigation of all Project facilities based on adequate subsurface exploration, laboratory testing of selected samples, and engineering/geologic analysis of the data gathered. The information shall be compiled and presented as a geotechnical report that provides an evaluation of potential seismic and geologic hazards, including secondary seismic ground failures, and other geologic hazards, such as landslides, expansive and corrosive soils, and provides current California Building Code seismic design parameters, along with providing specific standards and criteria for site grading, drainage, berm, and foundation design.
- For construction requiring excavations, such as foundations, appropriate support and protection measures shall be implemented to maintain the stability of excavations and to protect construction worker safety. Where excavations are adjacent to existing structures, utilities, or other features that may be adversely affected by potential ground movements, bracing, underpinning, or other methods of support for the affected facilities shall be implemented.
- Recommendations in the approved geotechnical report shall be incorporated into the design and construction specifications and shall be implemented during build-out of the Project.
- The Project geotechnical engineer shall provide observation and testing services during grading and foundation-related work, and shall submit a grading completion report to the County prior to requesting the final inspection. This report shall provide full documentation of the geotechnical monitoring services provided during construction, including the testing results of the American Society for Testing and Materials. The Final Grading Report shall also certify compliance of the as-built Project with the recommendations in the approved geotechnical report.

Mitigation Measure HAZ-1: Implement Release, Monitoring and Avoidance Systems

The following actions shall be completed by Phillips 66 prior to Project operations, including the transitional phase, and shall include routine inspection, testing and maintenance of all equipment and systems conducted in accordance with manufacturers' requirements. Of note, the Marine Terminal has a remote release system that can be activated from a single control panel or at each quick-release mooring hook set. The central control system can be switched on in case of an emergency necessitating a single release of all mooring lines.

Remote Release Systems

- Provide and maintain mooring line quick release devices that shall be able to be activated within 60 seconds.
- These devices shall be capable of being engaged by electric/push button release mechanism and by integrated remotely-operated release system.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity are required to ensure safety and reliability.

This measure would allow a vessel to leave the Marine Terminal as quickly as possible in the event of an emergency (fire, explosion, accident, or tsunami that could lead to a spill). In the event of a fire, tsunami, explosion, or other emergency, quick release of the mooring lines within 60 seconds would allow the vessel to quickly leave the Marine Terminal, which could help prevent damage to the Marine Terminal and vessel and avoid and/or minimize spills. This may also help isolate an emergency situation, such as a fire or explosion, from spreading between the Marine Terminal and vessel, thereby reducing spill potential. The above would only be performed in a situation where transfer connections were already removed and immediate release would not further endanger terminal, vessel and personnel.

Tension Monitoring Systems

- Provide and maintain Tension Monitoring Systems to effectively monitor all mooring line and environmental loads, and avoid excessive tension or slack line conditions that could result in damage to the Marine Terminal structure and/or equipment and/or vessel mooring line failures.
- Line tensions and environmental data shall be integrated into systems that record and relay all critical data in real time to the control room, Marine Terminal operator(s) and vessel operator(s).
- System shall include, but not be limited to, quick release hooks only (with load cells), site-specific current meter(s), site-specific anemometer(s), and visual and audible alarms that can support effective preset limits and shall be able to record and store monitoring data.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).

- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity are required to ensure safety and reliability.
- Install alternate technology that provides an equivalent level of protection.

The Marine Terminal is located in a high-velocity current area and currently has only limited devices to monitor mooring line strain and integrated environmental conditions. Updated MOTEMS Terminal Operating Limits (TOLs), including breasting and mooring, provide mooring requirements and operability limits that account for the conditions at the terminal. The upgrade to devices with monitoring capabilities can warn operators of the development of dangerous mooring situations, allowing time to take corrective action and minimize the potential for the parting of mooring lines, which can quickly escalate to the breaking of hose connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a petroleum product spill. Backed up by an alarm system, real-time data monitoring and control room information would provide the Terminal Person-In-Charge with immediate knowledge of whether safe operating limits of the moorings are being exceeded. Mooring adjustments can be then made to reduce the risk of damage and accidental conditions.

Allision Avoidance Systems

- Provide and maintain Allision Avoidance Systems (AASs) at the Marine Terminal to prevent damage to the pier/wharf and/or vessel during docking and berthing operations. Integrate AASs with Tension Monitoring Systems such that all data collected are available in the Control Room and to Marine Terminal operator(s) at all times and vessel operator(s) during berthing operations. The AASs shall also be able to record and store monitoring data.
- Document procedures and training for systems use and communications between Marine Terminal and vessel operator(s).
- Routine inspection, testing and maintenance of all equipment and systems in accordance with manufacturers' recommendations and necessity are required to ensure safety and reliability.

The Marine Terminal has a continuously manned marine interface operation monitoring all aspects of the marine interface. The Automatic Identification System is monitored through TerminalSmart and provides a record of vessel movements. The Marine Terminal has a compliant AAS which is not required for MOTEMS compliance so long as MOTEMS TOLs are followed.

Monitoring these factors would ensure that all vessels can safely berth at the Marine Terminal and comply with the minimum standards required in the MOTEMS. Excessive surge or sway of vessels (motion parallel or perpendicular to the wharf, respectively) and/or passing vessel forces may result in sudden shifts/redistribution of mooring forces through the mooring lines, which can quickly escalate to the failure of mooring lines, breaking of loading arm connections, the breakaway of a vessel, and/or other unsafe mooring conditions that could ultimately lead to a spill.

Mitigation Measure HAZ-2: USCG Ports and Waterways Safety Assessment (PAWSA) Workshops, Spill Response and Pilotage Requirements

- Phillips 66 shall participate in the USCG's PAWSA workshops for the San Francisco Bay Area (Bay Area) to support overall safety improvements to the existing Vessel Traffic Service in the Bay Area or approaches to the bay if such workshops are conducted by the USCG during the life of the lease.

- Spill Response to Vessel Spills. Phillips 66 shall respond to any spill near the Marine Terminal from a vessel traveling to or from the Marine Terminal or moored at the Marine Terminal as if it were its own, without assuming liability, until such time as the vessel's response organization can take over management of the response actions in a coordinated manner.
- For all tankers and barges, Phillips 66 shall require that pilotage is utilized while transiting the Bay Vessels 300 GRT or larger and will cooperate in meeting USCG/NOAA VSR program to keep speed limited to 10 knots in the Bay and lower upon approach to the Marine Terminal due to tug escort speed limitations.

Vessel owners/operators are responsible for spills from their tankers. Tanker and barge owners/operators are required by federal and state regulations to demonstrate that they have, or have under contract, sufficient response assets to respond to worst-case releases. Tankers and barges operating in United States and California waters must certify that they have the required capability under contract. All terminals are under contract with one or more OSRO to respond to spills with all the necessary equipment and manpower to meet the response requirements dictated by regulations. This mitigation would further reduce the risk of spills in the San Francisco Bay or near approaches to the bay by requiring participation in USCG Ports and Waterways Safety Assessment workshops for the Bay Area to improve transit issues and response capabilities in general, and to support overall safety improvements to the existing VTS in the future.

While vessel owners/operators are responsible for their spills, if a spill were to occur near the Marine Terminal, Phillips 66 and its contractors may be in a better position to provide immediate response to a spill using their own equipment and resources, rather than waiting for mobilization and arrival of the vessel's response organization. The Phillips 66 staff is fully trained to take immediate action in response to spills. Such action could result in a quicker response and more effective control and recovery of spilled product. This mitigation would also require Phillips 66 to respond to any spill from a vessel traveling in the San Francisco Bay to or from the Marine Terminal or moored at its wharf, without assuming liability, until the vessel's response organization can take over management of the response actions in a coordinated manner. This requirement would further limit the potential for impacts from spills in the San Francisco Bay from vessels calling at the Marine Terminal.

In addition, Phillips indicates that it is their policy to utilize pilots for all tankers and barges while within the bay, even if the tanker or barge is under the required size requirements, and to limit vessels speeds below the required maximum. This mitigation ensures that all tankers and barges utilize pilots and speed limits in order to reduce the probability of groundings, collisions or allisions.

Mitigation Measure TRA-1: Implement a Traffic Management Plan.

Prior to issuance of grading and building permits, Phillips 66 shall submit a Traffic Management Plan for review and approval by the Contra Costa County Public Works Department. At a minimum the following shall be included:

- The Traffic Management Plan shall be prepared in accordance with the most current California Manual on Uniform Traffic Control Devices, and will be subject to periodic review by the Contra Costa County Public Works Department throughout the life of all construction and demolition phases.
- Truck drivers shall be notified of and required to use the most direct route between the site and the freeway;
- All site ingress and egress shall occur only at the main driveways to the Project site;
- Construction vehicles shall be monitored and controlled by flaggers;

- If during periodic review the Contra Costa County Public Works Department, or the Department of Conservation and Development, determines the Traffic Management Plan requires modification, Phillips 66 shall revise the Traffic Management Plan to meet the specifications of Contra Costa County to address any identified issues. This may include such actions as traffic signal modifications, staggered work hours, or other measures deemed appropriate by the Public Works Department.
- If required, Phillips 66 shall obtain the appropriate permits from Caltrans for the movement of oversized or excessive load vehicles on state-administered highways

Mitigation Measure TCR-1: Awareness Training

- A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed by Phillips 66 in coordination with interested Native American Tribes (i.e. Wilton Rancheria). The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the Project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the Project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Mitigation Measure TCR -2: Monitoring

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, Phillips 66 and its construction contractor(s) will implement the following measures:

- Paid Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.
- Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.
- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until an archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the California Department of Transportation, the State Historic Preservation Office, and other appropriate

agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, they shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050(c)). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Mitigation Measure TCR -3: Inadvertent Discoveries

- Phillips 66 shall develop a standard operating procedure, or ensure any existing procedure, to include points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.
- If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.
- If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Mitigation Measure TCR -4: Avoidance and Preservation

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and shall be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics,

feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.” Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation’s Native American Traditional Cultural Landscapes Action Plan for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes.